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**SCH-EVAL 10
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NOTE

from : the French delegation
to : the Working Party on Schengen Evaluation
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I. Control and surveillance of external borders

1. **Which are the authorities charged with protecting/controlling borders in your country? Which Ministry do they come under and how are the authorities structured? How is the coordination taking place between the different bodies?**

The authorities charged with controlling persons at the borders are the Border Police and Customs. Together with the national gendarmerie, these authorities are involved in general borders surveillance. In addition, approaches by air and sea are the responsibility of the airforce, the French navy and the maritime gendarmerie.

The **Border Police** is one of the active services of the National Police Force, which is under the authority of the Ministry of the Interior. It is structured around a central authority and territorial services. The central body basically comprises headquarters (with an around-the-clock intelligence and command centre as well as a national escort, support and intervention unit) and four subdivisions (resources, legal and international affairs, fight against illegal immigration and employment, management of decentralised services and forward planning), each with several offices. For the European territory of the Republic, the territorial services comprise six interregional divisions, two interdepartment divisions, 40 department divisions and services as well as two Border Police divisions at Paris-Charles de Gaulle and Paris-Orly airports.

The **Directorate-General for Customs and Indirect Duties** is a division of the Ministry for Economic Affairs, Finance and Industry. Its organisation has two main characteristics: the distinction between central and decentralised services, and the existence of two branches of activity (general administration, control of commercial transactions and surveillance).

The Directorate-General has six subdivisions (staff and budget; organisation; surveillance and resources; information technology; statistics and economic studies; legal affairs, disputes and the fight against fraud; customs union and international cooperation; indirect duties).

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The decentralised services comprise 40 regional divisions (including the DOM: Martinique, Guadeloupe, Réunion and Guyana), which are grouped into 10 interregional divisions.

The surveillance teams (basic surveillance units) are charged with checks on travellers and their luggage as well as controls on goods in circulation and means of transport, and are also responsible for cross-border controls at the authorised crossing-points manned by Customs.

The **national gendarmerie** is a police force of 100 000 persons, falling under the authority of the Ministry of Defence. It is organised around central bodies, territorial units and specialised teams. Deployed over the whole of national territory, its tasks involve ensuring public security, maintaining law and order and enforcing laws, and, of course, land and sea border surveillance. With regard to land borders, the national gendarmerie essentially carries out its surveillance work between fixed posts by means of its territorial units and 23 operational centres, or "operational Schengen contact points", as they have now become. As far as sea borders are concerned, the departmental gendarmerie's nautical units (11 speedboats, 10 to 14 metres in length) are involved in the surveillance of minor coastal traffic (fishing and pleasure vessels); the maritime gendarmerie vessels (7 patrol boats and 23 speedboats) contribute to State action at sea in territorial waters and the exclusive economic zone, under the authority of the maritime prefects.

The interministerial circular of 6 November 1995, organising the **complementarity** of the police and customs services **for checks on persons** at the external borders, divides the responsibility for cross-border controls between the two administrations. In the second half of 2000 and the first half of 2001, another 38 authorised crossing-points were transferred to Customs, which now operates 184 of the 225 authorised crossing-points.

This transfer of duties only affects the first phase of immigration controls, or "cross-border controls" (checking the situation of persons and possible decision to refuse entry); procedure administration (placement in waiting zone, administration of readmission agreements, etc.) remains within the competence of the Border Police, as do peace-keeping and public security duties.

All border controls are carried out by the Border Police and Customs in a complementary manner. Customs has overall competence for customs-related controls, and for controls on persons at the authorised crossing-points under its responsibility. The Border Police carries out controls on persons at those authorised crossing-points it is responsible for.

In addition to meetings of the central bodies on subjects of general and common interest, cooperation basically takes place at department level, by means of departmental protocols on complementarity at the external borders, which are drawn up under the aegis of the prefect and signed by the local representatives of the administrations concerned: the Border Police and Customs. In order to avoid complicating the procedure for signing the protocols, the national gendarmerie was not involved in their signing. These protocols set out the competences of each service and provide details of permanent contact points, for use when required. They also provide for regular exchanges of information and statistics, and for occasional meetings to evaluate their implementation.

2. What strategy is followed with regard to the handling of information concerning illegal immigration, cross-border crime and organised crime?

Do the authorities in charge of the control and surveillance of borders have such information about suspicious vessels, vehicles and persons, and if so, what procedure or mechanism allows them to obtain and use this information?

The Border Police is developing a strategy for this area, based on the role assigned to one of its units, the Central Office for the Suppression of Illegal Immigration and the Employment of Non-Registered Aliens (OCRIEST), which was set up in 1996.

This service is responsible for gathering all information relating to organised illegal immigration and the criminal structures which benefit from it; it is therefore a privileged partner for the other police and gendarmerie services, and for foreign countries too, via Europol and Interpol. It thus forms part of the framework defined by the Schengen Convention.

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It gathers information, analyses it and structures it in order to forward to its correspondents data which are reliable and can be used by the operational units. Within this service, the Information Processing and External Relations Unit plays the triple role of gathering, analysing and redistributing information. To that end it uses a single register containing all the data it has gathered, the Specialised Team Register. Thanks to this register, OCRIEST maintains a direct link to the other central offices attached to the law enforcement agencies, which use the same register.

Customs and the national gendarmerie do not have access to the Specialised Team Register, but can find out from their liaison officers at the central offices whether one of their tasks is being taken in hand by another service.

3. **What is the number of staff present at border crossing-points? At green borders, blue borders and air borders? What is the number of total staff posted at the green borders and blue borders?**

It should be made clear that customs teams carrying out cross-border controls do so in addition to their traditional customs duties. Thus, the staff described below are not assigned to this work only.

Land borders:

- **the Border Police** has 1 584 officials in continental France (6 in the Policy and Planning Unit, 118 in the Management and Command Unit, 1 202 in the Control and Application Unit, 77 in the Administrative Unit and 171 security staff),
- the Customs Surveillance Teams in charge of the authorised crossing-points comprise 602 officers,
- **the national gendarmerie** is responsible for public security in 95% of national territory and therefore for most border zones. As part of its administrative police duties, it assists in surveillance between fixed posts by means of its territorial units and 23 operational centres of the departments or "operational Schengen contact points", as they have now become.

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Sea borders:

- **the Border Police has 307 officials nationwide** (2 in the Policy and Planning Unit, 29 from the Management and Command Unit, 179 in the Control and Application Unit, 17 in the Administrative Unit and 80 security staff),
- the Customs Surveillance Teams in charge of the authorised crossing-points comprise 835 officers,
- **the 312 teams of the departmental gendarmerie** stationed on France's continental coast comprise 3 500 staff, the 11 nautical teams of the departmental gendarmerie have 100 military staff and the 27 seaborne units of the maritime gendarmerie 278.

Air borders:

- **the Border Police** has 2 593 officials in continental France, including 1 709 at Paris-Charles de Gaulle (13 in the Policy and Planning Unit, 165 in the Management and Command Unit, 2 021 in the Control and Application Unit, 69 in the Administrative Unit and 325 security staff),
- **the Customs Surveillance Teams** in charge of the authorised crossing-points comprise 983 officers.
- **the air transport gendarmerie** (1 065 military staff), stationed at all international airports, is in charge of security in the reserved zone (airport infrastructure not open to the public).

How many border crossing-points are there? Distribute these statistics over land borders, sea borders and airports?

France has 225 authorised crossing-points at its external borders (106 at airports, 79 at ports and 40 at land borders). The Border Police is responsible for 41 of them, Customs for the other 184.

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In the sense of combating illegal entry and exit, what is the principle of controlling the green border? Statistics on all known cases of illegal border crossing?

What is the estimated level of detecting and apprehending a person crossing the border illegally? How is this estimate justified?

The land borders, except for those with Switzerland, Monaco, Andorra and the United Kingdom, are shared with countries in the Schengen area, which means there is free movement of persons. Furthermore, the vast majority of land crossing-points are the responsibility of Customs, as this comes under cross-border controls.

In the fight against illegal entry, the Border Police mainly operates within the twenty-kilometre zone within the internal borders and in the areas of bus stations, railway stations, sea ports and airports with international traffic that are open to international traffic.

As regards statistics, the indicators provided by readmissions and expulsions enable us to some extent to estimate the number of persons crossing the land border illegally. It is not possible to make a reliable estimate of the number of apprehensions in relation to the total number of persons crossing the border.

See Annexes 1 and 2

4. What training and continuing training measures have been undertaken to maintain the level of control required by Schengen?

All staff assigned to the **Border Police** receive training at their place of employment on the cross-border regulations, and in particular, on the implementation of the Schengen agreements. In these police academies, officers are briefed on the principles of international cooperation in terms of both border controls as such and law enforcement (rights of surveillance and pursuit).

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As for continuing training, officials can attend on-the-spot, one-week courses ranging from basic level to "person-resource" level.

In the framework of customs-police complementarity, the Central Border Police Directorate training centre has trained 777 customs officers from 2000 to 2001.

With respect to **Customs**, a training scheme has been put in place, for both initial and continuing training. A training module on cross-border controls has been built into all courses for officers in the surveillance branch.

As for initial training, a theoretical presentation is supplemented by practical exercises during the practical training which all officers undergo for a period of 6 to 8 months at their place of posting. This scheme allows for specific additional training, where required, at local level.

With regard to further training, a cycle of courses on the subject of Schengen controls lasting 5 days has been set up at national level. Five courses are scheduled every year, with 20 participants each. This scheme is supplemented, where required, by training sessions organised in the context of the annual regional training plans.

5. Have the new officials responsible for border controls been briefed on the Common Manual and prepared for applying it?

New **Border Police** officials responsible for border controls receive training on controls as they follow from compliance with the Common Manual.

Following the takeover by **Customs** of a number of authorised crossing-points in recent months, a large-scale training cycle was set up for officials affected by the transfers. The training, which lasted one week and was jointly run by Border Police and Customs training officers, dealt with immigration controls and the applicable regulations, and the linkage of these controls with customs controls and document control techniques. The training was based mainly on the information and regulations set out in the Schengen Manual, and also included a briefing on the data contained in the Manual and on its methods of use.

6. New intervention concepts introduced or planned, such as:

- **Organisational units with competence at regional level, operating in different zones (border crossing points and blue/green borders) and equipped with mobile units capable of rapid deployment in the context of organised interventions;**

The **Border Police** has territorial investigation units throughout the whole of continental France, as well as in the departments and overseas territories: these are known as Mobile Search Squads. The entry into force of the provisions of the Schengen Convention and the attenuation, in France's case, of the concept of land borders in Europe have changed the powers and tasks of the squads stationed in mainland France.

These units, which use well-established methods, are familiar with their area of investigation. Their brief is to work within a pre-determined geographical area, not across the whole of national territory. However, the rules of the Code of Criminal Procedure occasionally allow them to extend their field of investigation.

They also exercise a liaison function vis-à-vis OCRIEST (see reply to question 2), whose investigators have legal powers allowing them to operate throughout France and to tackle matters of national importance. The structures of this service provide the necessary resources and flexibility for rapid intervention in a crisis. In this process, the easy flow of information between the Office and its local units plays a vital role. In this regard, OCRIEST and the Mobile Search Squads operate as a network.

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- **What is the operational activity of the organisational units at local level and of the special investigation groups?**

The Border Police's decentralised investigation services (Mobile Search Squads) and the central office of OCRIEST work on the same area, namely illegal immigration in all forms. They are in charge of dismantling networks and undeclared labour structures employing undocumented aliens. The operational activity of the local services differs from that of OCRIEST in terms of territorial competence (national for OCRIEST), and the importance of the cases; OCRIEST deals with the most sensitive.

- **Formation of special investigation groups with a view to combating international organised crime;**

The **Border Police** endeavours to adjust its reaction level to events and sets up special investigation groups as required. For example, after the "East Sea" ran aground on the Var coast on 17 February 2001, OCRIEST set up a special ad hoc group to lead the enquiry and to react via legal channels should another ship run aground, as large-scale investigations had to be made and the implications of the matter were considerable.

An alert protocol to facilitate the management of this kind of crisis has since been defined. In addition to describing a system for alerting all the services concerned (police, judiciary, French navy, etc.), as well as the inventory and preparation of special equipment, the protocol lists contact persons and partners with the aim of coordinating their activities efficiently and sets out a specific intervention procedure to limit the loss of vital evidence right from the start of the investigation. All data concerning stowaways are forwarded to the special ad hoc team and to the Information Processing and External Relations Unit.

This case highlighted the importance of cooperating with our European partners, in particular with Italy, which regularly has to deal with stowaways arriving by sea.

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- **Surveillance of blue/green borders at the border line itself and in border regions with the participation of general police services.**

Border Police: not applicable

Border surveillance between fixed posts in mountain areas requires special aptitudes: this task is assigned to the national gendarmerie's mountain units. In the context of mountain reconnaissance, units have to monitor the borders and thus contribute to the fight against illegal immigration. They have special units and equipment for carrying out this work (sniffer dog teams, mountain guides, helicopters, snow scooters, inter alia).

7. What technical equipment is available at the border crossing-points?

At present the **Border Police** has the following equipment:

- 1 065 terminals for consulting SIS (830 with CHEOPS architecture and 235 Bull DKU clusters). These are standard computer terminals for "multi-file" consultation.
- 771 Schengen exit stamps and 777 entry stamps (including 6 London entry stamps)
- 76 SINDBAD posts

Equipment for checking documents:

- ▶ Docutest
- ▶ UV lamps
- ▶ Retro-check
- ▶ Docubox
- ▶ Retroviewers
- ▶ Collections of genuine and forged documents

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Customs has:

- 167 terminals for consulting SIS. Additionally, each surveillance unit has the possibility of contacting its upstream command and transmissions post in order to consult data,
- 517 sets of Schengen stamps (1 entry and 1 exit),
- UV lamps and devices for detecting forged documents.

8. What technical equipment has been made available to the forces responsible for controlling green and blue borders?

The **Border Police** has the following equipment:

- ▶ night vision binoculars
- ▶ monoculars with infrared light magnifier
- ▶ kits for detecting document fraud
- ▶ devices for detecting human presence by CO₂
- ▶ metal detectors.

At the land borders, the **customs services** have computer, telephone and radio links. The officers have cars.

At the sea borders, **Customs** has:

- 30 coastguard craft
- 30 close surveillance craft
- 6 helicopters for maritime surveillance
- 12 aeroplanes for sea and land surveillance.

Some aircraft have anti-pollution detection devices.

9. What is the number, broken down by type, of the monitoring facilities at sea and land borders?

The **Border Police**: the external land borders are mainly monitored by mobile patrols using vehicles equipped with radios. Identity controls are also carried out at international railway stations and on international trains. The officers carrying out these controls are equipped with portable transmitter-receivers and mobile 'phones. Air police units hire light aircraft from approved flying clubs and, if the conditions are right (weather, day flight), carry out border control duties or assist operational units on the ground.

Customs officers have vehicles equipped with radios. At international railway stations and on international trains, officers are equipped with portable transmitter-receivers and mobile phones, which enable them to contact their colleagues in charge of file consultation.

National gendarmerie: for the blue borders, there are 312 territorial units of the departmental gendarmerie deployed along the French continental coastline. Their naval equipment comprises 14 boats (11 or 14 metres in length), 86 rigid dinghies (7 metres) and 100 semi-rigid or inflatable dinghies (5 metres). These units are competent within the jurisdiction, or a part thereof, of a Court of First Instance (R 15-25 of the Code of Criminal Procedure), and operate mainly within 300 metres of the coast. Equipped with 11 coastal surveillance craft of 11 or 14 metres in length, the 11 nautical units of the departmental gendarmerie are competent within the jurisdiction of one or several appeal courts or parts thereof (R 15-23 of the CCP), and operate in territorial waters

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within an action zone defined in an agreement between the administrative, judicial and military authorities. Equipped with 27 mobile units, the maritime gendarmerie has variable territorial powers defined in the Code of Criminal Procedure (Articles R 15-22 and R 15-26). They have 7 patrol boats (32 to 37 metres) and 23 boats (10 to 24 metres). The patrol boats are shortly to have night vision equipment fitted. The other units are equipped on a piecemeal basis.

For the green borders, the **national gendarmerie** has various types of vehicle (light, light four-wheel drives and motorbikes inter alia), helicopters and special teams (sniffer dog teams, mountain teams, etc.).

10. What are the means of communication between the operational units assigned to monitor sea borders and their operational centre?

The **Border Police** has the following equipment:

- ☐ portable and mobile radio terminals using "ACROPOL" analogue or numerical architecture
- ☐ computer terminals for e-mail and use of RESCOM (hierarchical messaging system)
- ☐ traditional telephone lines
- ☐ mobile 'phones.

BLU-VHF radio links between **Customs** vessels and aeroplanes and linkage with the Customs operational centre. This centre is the interface with the maritime prefect and the command posts of the other administrations involved in such controls.

As for the **national gendarmerie**, all of its units, whether road, air or sea, have communication systems enabling them to make contact with the operational centres and to consult national and Schengen databases.

11. In the sense of combating illegal entry and exit, what is the principle of controlling vessel movements outside the official border crossing-points?

The **Border Police** has no control over vessels at sea or outside the authorised crossing-points.

This is the task of **Customs and the maritime gendarmerie**.

In the context of the State plan for action at sea, coordinated at national level by the General Secretariat for the Sea and the maritime prefect on each sea-coast, **Customs** participates in controls of the sea borders, alongside the other French administrations concerned with the sea (navy, gendarmerie, Maritime Affairs). This involves patrols and exchanges of information on surface conditions to enable targeted interventions on suspect vessels. In this way, vessels can be inspected at sea.

In this area, the Customs Code gives officers in the Customs coastguard services specific power to control vessels at sea, by allowing them to board the vessel (whatever its tonnage) in order to carry out document and physical controls.

It is not possible to establish immigration offences at sea as an offence is committed only upon landing. At this stage it is only possible to gather information.

Approximately, how many hours a day are external sea borders monitored by resources available (broken down by the different areas?)

Customs deploy an air or maritime resource every day in the various maritime sectors.

Annual activity of the **national gendarmerie's** coastal surveillance units: general and maritime surveillance in terms of hour/officer = 17 868.

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| Zones | Number of seaborne units (maritime gendarmerie) | Average number of hours per year |
|-----------------------|--|-------------------------------------|
| Atlantic | 10 | 10 928 |
| Channel and North Sea | 5 | 4 890 |
| Mediterranean | 9 | 8 121 |

Number of physical controls conducted on board vessels that approach the coast in other locations than official BCPs? Results of these controls? How are decisions on such controls made?

Number of physical controls carried out by **Customs** on board vessels in 2000: 7 058. Results of the controls: presumed offences are notified to the maritime prefect for action. Vessels for controlling are selected on the basis of an analysis of the customs risks they present or upon notification by an authority involved in controls of migratory flows by sea.

As for the **national gendarmerie**, replies are not taken into account in drawing up statistics. Whenever a control results in the establishment of an offence, a statement is prepared, which is forwarded to the public prosecutor. Depending on the context, controls are carried out on the gendarmerie's initiative or at the request of a magistrate.

12. Are further reinforcements planned in terms of technical equipment or staff? When?

With regard to the **Border Police**, technical reinforcement is planned for 2002, notably:

- ▶ additional portable radio terminals,
- ▶ replacement of portable radio terminals by more modern equipment,
- ▶ modernisation of the computer terminal stock through replacement of old terminals.

Customs has planned to acquire additional mobile 'phones and PMR systems (short-distance communication)

The navy has launched an ambitious programme aiming to entirely renew the nautical equipment of the **maritime gendarmerie** by 2010: 22 18-metre launches have been ordered and will be delivered as from 2003.

13. Do customs services also take part in border controls? What is their role? What is the availability of staff? How does the cooperation and the coordination of actions with border control authorities work?

The role of the customs services is in particular to help combat cross-border smuggling within their field of competence at and between fixed posts. In the field of immigration, they act in complementarity with the Border Police services.

Customs' legal powers for combating illegal immigration are based on Decree No 82-442 of 27 May 1982 implementing the Order of 2 November 1945 on the conditions for the entry and residence of foreign nationals in France. Article 11 of that Decree entitles customs officers with the rank of inspector or above, formally to refuse entry to persons who do not meet the conditions of entry.

The units assigned to the authorised crossing-points have 2 420 staff in total. These staff carry out cross-border controls in addition to their traditional customs duties, and are therefore not assigned to this work only.

The interministerial circular of 6 November 1995 organises the complementarity of the police and customs services for controls of persons at the external borders. This involves:

- a geographical aspect, whereby the two services divide up their activities at the authorised crossing-points and coordinate the deployment of their mobile units between fixed posts in order to provide optimum cover of the border zone in terms of both space and time; the present division of crossing-points gives Customs the responsibility for immigration controls at 184 of the 225 authorised crossing-points listed;

- an operational aspect characterised by a delegation of powers authorising Customs to extend its control activities to issuing visas, laissez-passers and safe-conducts, refusing the exit of minors and notifying final exits of aliens without prejudice to refusals of entry, for which it is already empowered.

The operational implementation of this complementarity has led to the preparation of departmental protocols between the regional customs authorities and the directors of the Border Police at departmental level (see reply to question 1).

14. How many refusal-of-entry decisions have been taken? (total number, breakdown by main nationalities concerned, breakdown by border posts and by distance between border posts).

For the **Border Police** from January to July 2001: *see Annex 3.*

In 2000, the **customs services** refused entry to national territory to 1 792 persons. The decisions were taken at the border between France and Switzerland: the nationalities of persons refused entry may be broken down as follows: Serbia (185); Albania (178); Yugoslavia (169); Turkey (131), Morocco (80), Congo (65); Tunisia (57); Algeria (56); Iran (54); Macedonia (58); Bosnia (42); Angola (35); Cameroon, China, Sri Lanka (27); Vietnam (26); Philippines (23); Romania (22); Afghanistan (21); Ethiopia, Colombia (20); Iraq, Lebanon, Cape Verde (17); Mauritius (16); Russia, Brazil (15); India, Senegal (14); Saudi Arabia (12); Egypt, Somalia, Peru (11); Côte d'Ivoire (10); Bulgaria, Libya, Guinea (9); DRC (8); Emirates, United States, Thailand, Pakistan (7); Kuwait, Yemen, Burundi, Guiana, Cuba, Dominica (6), Dominican Republic, Indonesia, Togo, Rwanda, Uganda, Kenya, Armenia, Jordan, Ukraine (5); Jamaica, Cambodia, Sudan, Sierra Leone, South Africa (4); Croatia, Poland, Zambia, Niger, Israel, Syria, Costa Rica, Nepal (3); Benin, Bhutan, Hungary, Bolivia, Chile, Ecuador, Moldova, Australia, Laos (2); Argentina, Burma, Bangladesh, Bahrain, Central African Republic, North Korea, South Korea, Cyprus, Egypt, Gambia, Guatemala, Georgia, Haiti, Honduras, Hong Kong, Japan, Jamaica, Maldives, Madagascar, Mali, Mexico, Mongolia, Nigeria, Nicaragua, Oman, Uzbekistan, Palestine, Paraguay, Papua New Guinea, Panama, El Salvador, Slovakia, Taiwan (1); non-specified (60).

15. How is France dealing with exceptional situations like in: Monaco, the Alps, the border with Switzerland, the airport of Bâle-Mulhouse, the airport of Genève-Cointrin, etc?

Free movement between France and **Monaco** existed before the entry into force of the Schengen Convention. The Treaty on neighbourly relations between France and Monaco of 18 May 1963 was amended on 15 December 1997 with the effect that the French authorities may, in accordance with the Schengen requirements, in particular carry out controls on persons entering the Schengen area or leaving it by Monaco's sea and air borders (see implementing procedures in reply to question 26).

France's only external border in the **Alps** is the **border between France and Switzerland**. Apart from the Alps, this border runs mostly through the Jura mountain range. In some places it is on very steep terrain, and therefore requires reduced surveillance only. At the same time, it crosses some heavily built-up areas, i.e. the suburbs of two large Swiss towns, Geneva and Basle. The need to avoid bringing traffic in these areas to a standstill means that controls cannot always be carried out with the stringency required by the Convention. This, in addition to the fact that the Swiss Confederation is not an immigration source country, that its territory is completely enclosed within the Schengen area and that the vast majority of persons using these authorised urban crossing-points are Community or Swiss nationals or the beneficiaries of the agreements on minor border traffic concluded between France and Switzerland (see reply to question 25), has led to a relaxation of controls at peak times. Information gathered on the routes taken by illegal immigrants to enter France does not suggest that this situation at the border between France and Switzerland is causing any loss of grip in terms of controls of migratory flows.

The **airports of Bâle-Mulhouse and Genève-Cointrin** are binational airports: the former is in French territory (department of Haut-Rhin) and the latter in Swiss territory (Republic and canton of Geneva). Those areas of the hub airports open to the public are divided into two parts, one French and the other Swiss. The French part of Genève-Cointrin airport is linked to French territory by a

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"customs" road which crosses though Swiss territory, but from which it is completely separated.

Likewise, the Swiss part of Bâle-Mulhouse airport is linked to Swiss territory by a similar type of road crossing through French territory.

At Genève-Cointrin, the French 'planes provide connections to French airports only. On arrival, passengers who did not undergo a Schengen exit control prior to departure may choose to remain in the French part of the airport and from there gain French territory via the "customs" road, all without cross-border controls, or to head towards the Swiss part, which they may enter following a Schengen exit control and a Swiss entry control. Passengers on a French aeroplane leaving Genève-Cointrin may only board from the French part of the airport, which they enter without controls via the "customs road", or by means of a Schengen entry control in the Swiss part.

At Bâle-Mulhouse controls are organised along the same lines as at Genève-Cointrin, with the exception of certain Air France flights from or to Paris-Charles de Gaulle. These arrive and leave from the non-Schengen parts of the airport; passengers therefore undergo a Schengen exit control before boarding and a Schengen entry control after landing. In addition, there is an authorised pedestrian crossing-point between the Swiss and French sectors of the airport.

16. Are cargo boats controlled by the authorities when they enter territorial waters? Under which conditions and procedures does the control take place?

As stated in the reply to question 11, customs controls are carried out on board vessels at sea in territorial waters. Such controls may also be carried out in the contiguous zone in specific legal circumstances (preventive controls).

The controls may be carried out at the initiative of the customs services in the context of the pursuit of customs fraud or at the request of the maritime prefect, in the more specific context of controls of migratory flows.

See also replies to questions 8 and 9.

17. What is the procedure concerning the control of pleasure craft when they are in port or within territorial waters?

Inspections on board vessels (of all types) in ports is carried out under the general power of control of means of transport conferred by the **Customs** Code on customs officers. The procedure concerning the control of pleasure craft at sea is as described in the reply to question 11.

The **national gendarmerie** checks the administrative documents of the vessel and the persons on board and consults the national and Schengen databases where required.

A. AIRPORTS

18. What measures have been taken in terms of infrastructure to separate passengers on Schengen flights from those on extra-Schengen flights (physically, administratively, equipment?)

At all French airports open to commercial traffic and where border controls are carried out by the **Border Police**, passengers on Schengen flights are separated from those on other flights, both on departure and on arrival.

At Paris-Charles de Gaulle, terminals have been specifically assigned to Schengen flights.

At Paris-Orly and the other major hub airports, partitions have been installed – usually glass – as well as one-way doors, to prevent the flows from mingling.

At smaller airports, passengers are separated by mobile equipment (movable barriers) or by using security officers to channel passengers. The two measures may be combined, if necessary, to improve effectiveness.

Among the authorised air crossing-points administered by **Customs**, there are some small airports with virtually no extra-Schengen connections. At the medium-sized airports, passenger flows are separated in practice in that the traffic is regulated in such a way (different times for extra-Schengen and national flights) that passengers of different status cannot land simultaneously.

In any event, at the authorised air crossing-points which are administered by Customs and have extra-Schengen traffic, it is for the Chambers of Commerce and Industry, as concessionaires of the airport facilities, to take charge of all necessary equipment for separating passenger flows.

Some authorised air crossing-points have consequently been equipped in such a way that passenger flows may be separated: modular partitions in departure halls, signposts, ground staff to escort passengers.

19. Are passengers on extra-Schengen flights channelled in such a way as to ensure the separation between persons covered by Community law and those from third countries? On how many airports has the separation been operated by physical means?

At the French airports where the Border Police is deployed, there are control booths specifically for passengers covered by Community law. There is no physical separation between queues of non-Community passengers and others.

At those airports where cross-border controls are carried out by Customs and which have extra Schengen traffic, it is not always possible to separate passengers covered by Community law from third-country nationals, on account of the airport layout. This lack of physical separation is offset by the obligation under the Schengen Convention to check, even briefly, the identity of all passengers. If the documents submitted in the summary check certify that the person is an alien, a thorough control is performed. Where possible, however, two specialised control booths ensure the separation of Schengen nationals from other passengers.

20. How do you deal with particular flights of origin, like from the DOM? And the TOM?

Flights to or from the overseas departments and other territories are treated as non-Schengen flights. Consequently, passengers on aircraft operating on overseas routes arrive in the non-Schengen zone or depart from it. As a result, passengers on journeys involving more than a straightforward transit in the non-Schengen zone undergo an exit control on leaving French mainland territory and an entry control on arrival there. Clearly, only those passengers who meet all requirements for entry into the Schengen area may be admitted to mainland territory.

21. Do airports have separate areas for asylum applicants and inadmissible passengers?

The authorised crossing-points at French airports, which are administered by the Border Police, have separate reception areas for passengers not admitted to the territory and asylum seekers. These "waiting zones" extend from the departure or arrival point to the area where checks on persons are carried out. They may include accommodation areas providing hotel-type services, either in the airport precincts or close by. They are delimited by a prefectural decree. Only the waiting zones of airports with major traffic operate throughout the year. The maximum period of placement in a waiting area is twenty days.

To date, no areas separating asylum-seekers from non-admitted passengers have been set up at those points currently under Customs control.

B. SEAPORTS

22. What measures have been taken in terms of infrastructure to guarantee the separation between passengers on ferries on Schengen crossings and passengers on ferries on non-Schengen crossings (physically, administratively, equipment)?

At ports where controls are carried out by the Border Police and at the major ports of Calais and Marseilles, Schengen passengers are separated from the others both on departure and on arrival. Partitions – usually glass – have been installed, as well as one-way doors, to prevent the flows from mingling. At smaller ports, passengers are separated by mobile equipment (movable barriers) or by using security officers to channel passengers. These two measures may be combined, if necessary, to improve effectiveness.

At the authorised maritime crossing-points administered by Customs, the flows of passengers from ferries on Schengen routes and those from ferries on extra-Schengen routes are separated in practice (dedicated quays for certain routes). Additionally, in view of the nature of the traffic (crossings are spaced out at intervals), passengers cannot disembark simultaneously.

In any event, at the authorised crossing-points which are administered by Customs and have extra-Schengen ferry traffic, it is for the Chambers of Commerce and Industry, as concessionaires of the port facilities, to take charge of all necessary equipment for separating passenger flows.

23. Are passengers on extra-Schengen crossings channelled in such a way as to ensure the separation between persons covered by Community law and those from third countries?

Although some ports, where controls are carried out by the Border Police, have specific control booths for European Union nationals – Calais, for instance – passengers are more often channelled according to their means of transport: on foot or in their vehicles.

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At ports where cross-border controls have been assigned to Customs and which have Schengen traffic, it is not always possible to separate persons covered by Community law from third-country nationals, on account of the layout of port stations. This lack of physical separation is offset by the obligation under the Schengen Convention to check, even briefly, the identity of all passengers. If the documents submitted in the summary check certify that the person is an alien, a thorough control is performed.

24. Statistics should be provided as regards the number and types of vessels calling at ports from EU and third-country ports.

First of all, it should be pointed out that the objective of the statistical survey was to differentiate between arrivals and departures from or to intra-Schengen and extra-Schengen countries, not intra-EU and extra-EU countries.

The statistical table below includes the results communicated by the harbourmaster's offices of:

- | | |
|---------------------------------------|---------------------------|
| – Boulogne | – Calais |
| – Dunkirk | – Le Touquet Etaples |
| – Le Havre | – Saint-Malo |
| – Cherbourg | – Port-Camargue |
| – Sète | – Cap d'Agde |
| – Saint-Cyprien | – Port-Vendre |
| – Port-la-Nouvelle | – Leucate |
| – Gruissan | – Bastia |
| – Saint-Florent | – Ajaccio |
| – Marseilles | – Bayonne-Anglet-Biarritz |
| – Saint Jean de Luz, Ciboure, Hendaye | – La Rochelle |
| – Royan | |

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| YEAR | FROM SCHENGEN | | | FROM OUTSIDE SCHENGEN | | |
|------------------------|--------------------------|--------------------------|---------------------------|--------------------------|--------------------------|---------------------------|
| | Number of pleasure craft | Number of merchant ships | Number of passenger ships | Number of pleasure craft | Number of merchant ships | Number of passenger ships |
| 1999 | 37 773 | 8 900 | 3 340 | 985 | 8 693 | 31 698 |
| 2000 | 37 155 | 9 395 | 3 341 | 5 472 | 18 636 | 29 745 |
| first 9 months of 2001 | 56 498 | 7 035 | 3 222 | 4 629 | 13 350 | 23 793 |

All the data in the table should be taken into account as an indication only, insofar as, firstly, they only concern a certain number of ports (as per list) and, secondly, the harbourmaster's offices were not always in a position to provide data for each heading.

In the sense of combating illegal entry and exit, what is the principle of controlling vessels during their stay in ports?

Amounts of physical control made on board these vessels (can be substituted with permanent monitoring)? Results of the controls? How are decisions of such controls made?

With regard to the authorised maritime crossing-points where cross-border controls are carried out by the Border Police, random controls are performed on certain vessels by the Mobile Search Squads or Port Police Units according to the information gathered and staff availability. The controls are carried out in particular whenever crews change. There are no statistics on this subject.

With regard to the authorised crossing-points controlled by Customs, the control procedure is as described in the reply to question 17. Vessels for controlling are selected on the basis of an analysis of the customs risks. A control to combat immigration is therefore incidental.

25. How are the controls applied on entry to France with regard to the Channel Tunnel trains? And the ferries?

I. Control of Channel Tunnel trains

I.1. Eurostar links

A. Legal framework

In the context of the implementation of the Schengen Convention, travellers using the Eurostar link from the United Kingdom are controlled on entering French territory. All of these controls are laid down in Article 4 of the Treaty of Canterbury, which was signed on 12 February 1986. The Sangatte Protocol between France and the United Kingdom, signed on 25 November 1991, and the Additional Protocol thereto, signed in Brussels on 29 May 2000, both relating to the cross-Channel fixed link, specify the conditions of these controls. The Additional Protocol provided for the establishment of control bureaux at London-Waterloo, Ashford and the Gare du Nord in Paris for the officials of the United Kingdom Immigration Service (UKIS).

B. Control procedures

This task is assigned to the International Trains Control Unit (UCTI), which is part of the Central Border Police Directorate's Railways Unit, and to officials of the Interregional Border Police (Northern Zone). The controls may be broken down as follows:

- Controls on board: carried out by two UCTI officials. On average, on-board controls are carried out on two trains per day;

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- Controls at London Waterloo: seven UCTI officials go to London Waterloo and carry out a systematic control of travellers boarding the Eurostar bound for Paris-Nord or Brussels, via Lille. In place since 8 June 2001, this task is performed one day per week (excluding Saturday and Sunday). The Railways Unit is currently setting up a system which would allow controls at London-Waterloo to be carried out continuously, six days out of seven;
- Controls on the platform: at Paris-Nord, two UCTI staff may carry out occasional or random controls on the platforms of Paris-Nord on arrival of the Eurostar; this non-permanent system is dictated by the specific layout of the Gard du Nord, where it is not possible to set up permanent booths; files are accessed by telephone. At Calais-Fr  thun, Eurostar controls are carried out on over 60% of travellers entering France (61,7% for the year 2000) by officials from the Coquelles Border Police Unit; files are accessed by radio link, by telephone or via the CHEOPS terminal. At Lille-Europe station, less than 10% of Eurostar travellers entering the Schengen area are controlled, 100% of those departing for London; Border Police document checks, carried out by the Lille-Europe Unit, are carried out prior to controls by the United Kingdom and the security controls carried out by French Customs.

C. Difficulties

Problems mainly arise in the course of controls at Calais and Lille.

At Calais, it is very difficult to achieve strict compliance with the Schengen requirements for entry via this authorised crossing-point, as the station was not designed to allow for controls on entering France:

- lack of areas and infrastructures specifically for entry controls,
- no separation of regional and international flows (the international platform for Paris can be easily accessed by travellers using regional trains),
- occasional impossibility for Border Police officials to differentiate between non-Schengen and national travellers.

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At Lille, the Lille-Europe Border Police Unit cannot control travellers arriving from London since:

- the existing resources are designed for exit controls,
- the SNCF, despite our repeated requests to do otherwise, allows the Eurostar to arrive on the tracks for national traffic, instead of at secure platforms,
- the platforms are not designed for carrying out border controls (too long and narrow, with multiple exits),
- the stopping times of trains, limited to 3 minutes, rule out controls on board.

I.2. Shuttles

A. Legal framework

The Treaty of Canterbury of 12 February 1986, signed between France and the United Kingdom, adopted the principle of creating a cross-Channel fixed link between Fréthun in the Pas-de-Calais department and Cheriton in Kent, with terminals for controlling access to and exit from the tunnels. Tourist and freight traffic via Eurotunnel shuttle are thus subject to controls on entering the Schengen area, which are carried out at Cheriton by officials from the Cheriton Border Police Unit. The adjacent national control offices allow border controls to be carried out at the terminal in the country of departure.

B. Control procedures

The Cheriton Border Police Unit has three booths for controlling tourist traffic (two for light vehicles and one for coaches) and two booths for coach traffic. The booths have terminals with SIS and CHEOPS access, basic equipment for the detection of forged documents, as well as the national regulations, the Common Manual and its Annexes. Two terminals with SINDBAD access are also available.

C. Difficulties

Officials at Cheriton control 100% of tourist traffic. However, given the density of tourist traffic and a shortage of staff, the freight booths cannot be manned permanently, and the level of freight control does not exceed 30%.

II. Control of ferries

II.1. Links with the United Kingdom

On the Pas-de-Calais coast, only the port of Calais has ferry links with the United Kingdom. The other authorised maritime crossing-points in the Nord-Pas de Calais region have no, or no longer have any, cross-Channel links, with the exception of Dunkirk. Calais is the No 1 passenger port in continental Europe (approximately 15 million passengers per year, of which 90% are British). 68 round trips are operated daily by three shipping companies.

At Dunkirk, two companies operate essentially freight lines, to the ports of Dover and Dartford.

A. Control procedure

The Channel port installations in Calais are equipped to Schengen standards, and will be further improved by major works currently under way. FF forty million has been invested in security measures at the port of Calais, and there is an annual operating budget of FF 17 million. Separation of passengers is assured. Both externally and internally, arrivals and departures and freight and tourism are clearly physically divided by fencing and separate lanes. Pedestrians enter and leave national territory through specific access points and are carried on shuttle buses owned by the shipping companies. The reserved area is enclosed and secure (with digicodes for unsupervised

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access points). The border police has ten control posts covering arrivals and ten for departures from the territory, with 13 booths. All the booths are equipped with telephones, terminals with Cheops and docutest access. The force has the SINDBAD computer application on the description of travel documents and the detection of forgeries.

At the authorised maritime crossing point in Dunkirk, border controls have come under Customs since 3 July 2000. Regarding equipment and infrastructure, one of the companies is located in the former cross-Channel terminal. The control force therefore has the use, at the embarkation and disembarkation posts, of a booth, a room for dealing with procedures and formalities, and a waiting room and toilets for those awaiting examination of their situation, those who have not been admitted, and those who are waiting to be taken into custody by the border police. The second company has no specific embarkation and disembarkation facilities on its premises.

B. Problems

A study of border police activities at the port of Calais, intended to establish how much time was spent processing new illegal immigration cases at the exits to national territory, established that the quantity of work carried out by the various units of the force broke down as follows: 56% on departures from France, 39% on arrivals to France and 5% on various other tasks. In fact, given the non-continuous nature of disembarkations, activity on arrivals should be considered as at least 10% less. Thus less than 30% of the time for which officials were present was connected with arrivals to France.

The current design of the cross Channel premises at the port of Dunkirk-Loon-Plage in no way meets the conditions required by the Convention implementing the Schengen Agreement. The main shortcomings are as follows:

- security at the site is very poor (multiple access points which are all too often not restricted, inadequate fencing and supervision);
- the routes which vehicles follow when parking or heading for embarkation points are poorly laid out or inexistent;
- night-time surveillance of car parks and port premises is low.

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II.2. Connections with the Maghreb

In 2000, 505 486 passengers from the Maghreb went through border police controls at the port of Marseilles. These checks took place at two harbour stations, "J1" which is reserved for pedestrians, and "J2" which handles vehicles and pedestrians. At "J1" there are 12 booths, but none has a terminal from which files may be consulted. Requests are transmitted by radio or telephone to a central office. At "J2" there are 6 booths for checks on pedestrians and 4 for checks on vehicles. They are all equipped with terminals making it possible to consult files.

On average each shift covering border checks at the port of Marseilles consists of 6 to 8 officials from the border police (one officer, 2 policemen responsible for pedestrians, 3 policemen responsible for vehicles and 2 security staff).

Arrangements for checks on ferry passengers are as follows:

- on arrival of vessels: passengers' travel documents are examined, as are documents relating to vehicles (registration certificate, insurance certificate, compliance with French law); each individual completes a landing card, and as far as possible everyone is checked against wanted persons files;
- on departure of vessels: passports and visas are checked (to see whether the permitted length of stay has been respected) and as far as possible a search in wanted persons files is made; for vehicles, registration and insurance certificates are checked; a check is made of the stolen vehicles file, with a technical check on engine and chassis numbers.

C. LANDBORDERS

26. Are passengers on international crossings channelled in such a way as to ensure the separation between persons covered by Community law and those from third countries?

There are no arrangements to make it possible to separate passengers covered by Community law from others at any of the authorised land border crossings controlled by the border police.

Given the nature of the traffic recorded at the French-Swiss border (see question 15) there are generally no distinct lanes to ensure separation between persons covered by Community law and those coming from third countries. In practice, a distinction is made for the "tourism", "bus", "commercial" and "frontier worker" lanes.

27. Are minor border traffic (petit traffic frontalier) rules applied with Switzerland? How are these rules applied?

The traffic recorded at the French-Swiss border essentially consists of frontier workers, Community residents travelling through Switzerland in transit, Swiss residents going shopping in France and foreigners posted in Switzerland, mainly at international organisations or embassies.

France and Switzerland have concluded two agreements on minor border traffic, one on 11 August 1946 on cross border traffic and one on 15 April 1958 on frontier workers, easing procedures for inhabitants of the frontier area. Now both agreements appear to be obsolete given developments benefiting residents of both countries which, once bilateral agreements have entered into force in 2003, will culminate in freedom of establishment for Swiss residents in France and the free movement of workers.

The significant number of French frontier workers who go to Switzerland every day (32 000 in the Geneva region) and urban density in the Basle-Saint-Louis and Geneva regions do not allow systematic checks to be made on travellers at the external border. Based on the agreements on minor border traffic, some flexibility in the checks for Swiss nationals and frontier workers has been put in place so as to avoid traffic seizing up during the rush hour.

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For this reason, when Schengen came into force, selective controls were imposed in the Basle-Saint-Louis region with the aim of extracting from the flow of traffic those vehicles or travellers which were foreign to the region; other more subjective criteria are also used, such as the possession of luggage. The concept of minor border traffic thus survives, but without some conditions laid down in the 1946 and 1958 agreements: there are no more border cards, and the notion of a border zone 10km wide has been replaced by the use of registration in the Haut-Rhin department for a French vehicle, and in the cantons of Basle-Town or Basle-Country for a Swiss vehicle, without the abovementioned texts being amended.

In the Geneva region, application of the Schengen Convention at the French-Swiss border has in part made use of the minor border traffic agreements to provide flexibility. These measures aim both to enable workers to cross the border more quickly, and to organise selective checks by separating international and commuter traffic. Currently the special arrangements concern French, Swiss, Community or EEA nationals, living in the departments of Ain or Haute-Savoie and working in Switzerland. The border may be crossed using dedicated lanes from Switzerland to France during a limited period (16.30 to 19.30) at the principal authorised crossing points (St-Julien motorway/St Julien main road/Moellesulaz/Thonex-Vallard/Prévessin/Ferney). The vehicles display a green card with a sticker issued by the French customs service, on presentation of an identity document, driving licence, confirmation of vehicle type, registration and insurance, with a stamp from the border police marking their approval following checks in various databases, and showing that a commitment has been made to respect border regulations concerning persons, goods and money.

Responsibility for checks at nearly all the authorised road crossing points on the Swiss border has been devolved to the customs service since 25 June 2001: this change does not seem to have affected procedures there.

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28. How are the provisions with non-Schengen neighbouring countries like Monaco and Andorra applied?

In **Monaco**, the controls laid down by the amended 1963 Convention (see reply to question 15) are carried out jointly by the Monegasque and French authorities. How these controls should be conducted at the two authorised crossing points (Monaco-Heliport and Monaco-Port de la Condamine) was determined by an administrative arrangement which came into force on 1 July 2000. The border police at Menton (Alpes-Maritimes department) is responsible for carrying out these controls for France, in accordance with Schengen rules. French officials do not provide full cover, but are advised as soon as possible by the Monegasque authorities of any planned arrival or departure of a helicopter on a non-Schengen flight, or of a vessel of which the passengers and crew need to be checked (any vessel other than a cruise ship coming from or going to a non-French port, or a cruise ship coming from or going to a non-Schengen port; Monaco has no ferry traffic). The officials then use premises which are reserved for them at the authorised crossing points, where the checks are carried out. The necessary documentation and computer terminals are available to them there. To be admitted, travellers must satisfy the requirements of both Monaco and Schengen (which are in practice the same). Failure to satisfy any of those requirements leads to non-admission, which is enforced by the Monegasque authorities.

There are no special provisions applicable at the border with **Andorra**, although the situation is rather special: the country is totally surrounded by the Schengen area, and access by helicopter without a stop-over in the Schengen area would appear to be very difficult or at any rate very unlikely, which means that in practice nationals of third countries cannot enter Andorra except through the Schengen area.

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29. **With reference to Article 2(2) of the Schengen Convention, are border controls still carried out at the land borders with Belgium and Luxembourg? If so, how does France justify temporary reintroduction of border controls under Article 2(2) of the Schengen Convention, which is designed for exceptional situations lasting for a limited period of time?**
- Yes, border controls are still carried out at the land borders with Belgium and Luxembourg on the basis of Article 2(2) of the Schengen Convention.
 - Recourse to the safeguard clause is the responsibility of each of the Member States signatory to the Schengen Agreement and to the Convention implementing that Agreement, when they believe that law and order or national security so require.

II. Schengen Information System

30. **Describe the structure, hierarchy and organisation of the N.SIS.**

N-SIS France consists of an applications division, a project division and an operations centre.

The applications division is responsible for planning and determines the functional requirements for users of the SIS.

The project division studies the technical implementation of those technical requirements. It establishes the procedures for implementation and carries out the necessary tests to validate them.

The operations centre is responsible for the operational implementation of the procedures established by the project divisions and validated by the applications division.

These departments come under different directorates of the Ministry of the Interior. Thus N-SIS does not constitute an administrative structure as such, but rather a functional association. This structure uses the same procedures and operating methods as are used for the administration of the national applications.

The gendarmerie and the Customs service each have a copy of the SIS database, incorporated into their own environment.

31. How many terminals are made available for input and consultation of data by:

- (a) the police forces;**
- (b) the border control authorities;**
- (c) diplomatic missions and consular posts;**
- (d) the authorities responsible for aliens and asylum;**
- (e) customs authorities?**

The authorities under (a), (b) and (d) come under the Ministry of the Interior: 17 700 terminals can search the SIS in accordance with the access profiles defined in 5002/2/00 SIS 2 COMIX 2.

The National Gendarmerie has 15 000 terminals (7 000 fixed and 8 000 mobile).

The Customs has 167 terminals to consult the SIS.

32. Training and information for end users. In particular:

- Are newly-recruited police men give training in the use of SIS? If so, how many hours?**
- Does continuing training take place in the form of courses, seminars, conferences etc? If so, how many hours?**
- If continuing training is provided, i.e. courses, seminars, conferences, how many hours.**

For the National Police Force, as for the National Gendarmerie and the Customs, modules are incorporated into initial training at each level. There are also specific modules in the framework of continuing training.

For diplomatic representations, courses organised by the subdirectorate for movement of foreigners in France include a presentation of the SIS. These courses either take place in France or in diplomatic and consular representations.

33. What measures are being taken to ensure the level of competence of new users?

This criterion is part of the overall assessment of professional performance of staff, drawn up each year by managers.

- 34. From the point of view of your SIRENE, how well informed do you think end-users are about the SIS and the SIRENE Bureaux: good/adequate/poor?**

Consultation of data in the SIS is coupled with consultation of national applications. For French police forces, consultation of SIS data is thus as automatic as that of national applications.

Information available to end users therefore appears to us to be good.

- 35. How are police officials on the ground informed about the SIS and the SIRENE Bureaux (by specific training, in the course of ordinary police training, multiplier effect from trainers, articles published in police journals, through specific brochures, through general public relations work)? Are they kept regularly informed, just given the information once, or not at all? Are there differences between national police forces?**

During their initial training, French policemen receive a detailed presentation of the tools of international police cooperation. The role of the SIS and of the SIRENE office is sufficiently covered there. The same presentation is delivered in the framework of continuing training. Each body carrying out police tasks has its own training structures, and uses its own means of communication.

For diplomatic representations, courses are organised by the subdirectorate for movement of foreigners.

36. Alert procedures for the prosecuting authorities and procedures following a hit

- (a) **How are judges and public prosecutors informed about the SIS (awareness of the SIRENE Bureaux, the role of the SIRENE Bureaux, differences between SIS and Interpol searches)? (by specific training, in the course of ordinary training, multiplier effect from trainers, publications, through specific brochures, through general public relations work)? Are they informed regularly, just once or not at all? Are there regional differences?**

When the Schengen Convention came into force, the Ministry of Justice distributed a number of circulars to the French judicial authorities presenting the mechanisms for judicial and police cooperation created by that treaty.

Every year, in the framework of initial and continuing training for magistrates, the office for international mutual assistance runs sessions presenting these mechanisms and their special features in relation to other tools for international cooperation in criminal matters. Since the beginning of 2000, decentralised training activities have taken place regularly at the appeal courts. The French National Magistrates College, in partnership with academics, is constantly developing training modules on mutual judicial assistance and particularly on cooperation in the framework of the Schengen Convention. The Intranet site of the Directorate for criminal matters and pardons, under the heading "*entraide pénale*" (mutual assistance on criminal matters) provides all the necessary documentation to make use of the resources offered by the Schengen Convention.

- (b) **Do the SIRENE Bureaux have any influence (by information and training measures)?**

The various components of the French SIRENE bureau each carry out training and awareness activities for the administration from which they come.

37. What is the number of alerts loaded per category (Articles 95 to 100), per ultimo 1999 and 2000?

The French N-SIS does not keep automatic statistics on this question.

38. General presentation of the organisation of the services responsible for police functions in relation to the SIS.

The **National Police** is divided into several central directorates, each with specific tasks as part of the overall mission of safeguarding internal security. Officials from the National Police who need access to police data in national files which feed into the SIS also have access to the corresponding SIS data.

The same applies to the **gendarmerie** within its own organisation.

See the charts in Annex 4 (organograms for the French Police and gendarmerie)

39. Presentation of the computer architecture of national police systems which are connected to the SIS.

See charts in Annex 5 (SIS architecture for the French gendarmerie, Police and Customs)

40. Description of data flows between national systems and the N.SIS.

In France there is a superfluity of police and gendarmerie files for persons, vehicles and objects. It was decided that the Ministry of the Interior's files would be the SIS interface. The files of both ministries are kept identical by a continuous exchange system. Thus, the national missing persons files (FPR), stolen vehicles files (FVV), and criminal information processing system (STIC or JUDEX) feed directly and continuously into N-SIS.

Each force consults its copy of the SIS database according to the principle of dual consultation.

41. Entering SIS alerts

(a) Do the competent authorities enter the alerts centrally or locally?

All French alerts are entered into the SIS through the national applications (see preceding question).
SIS technical data are therefore entered centrally.

(b) If data entry is decentralised, do uniform criteria apply?

Not applicable.

(c) If there are uniform criteria, are checks carried out at national level to ensure proper application and do the criteria apply to all categories of alert?

Not applicable.

(d) Are their national criteria governing the number of alerts entered per category with, for example, account being taken of category-related offences?

Alerts are entered depending on the needs of judicial inquiries or police investigations; there is no plan to establish a quota system as described in this question.

(e) If entry is decentralised (regional), is the number of alerts entered at regional level monitored to facilitate evaluation in the light of national criteria?

Not applicable.

(f) Are the data in the national systems synchronised with those entered in the N.SIS?

Yes.

(g) If so, are data synchronised locally or centrally?

Centrally.

42. Description of the computer processing of an N.SIS database consultation from the remote workstation of an end user.

The workstation sends a consultation request to the central databases via the specific communication networks used by each force. The relevant national database and N-SIS database are consulted at the same time. The response is returned by the same means to the workstation making the request, with the results being joined to those from the national applications.

43. How do police officials on the ground have access to end-user terminals (by radio, only by telephone, via mobile terminals fitted in vehicles, only in person, only in writing)? Are there differences between the various national police?

The following are used: direct access using fixed terminals, access by radio or telephone, or mobile terminals, depending what technical possibilities are available to the service involved. Since SIS data is accessible to end users through the national applications used by each administration, access differs depending on the body authorised to access SIS data. The procedure used depends directly on the tasks of the service in question.

44. Procedure followed by a user in the field to consult the national system and the SIS database.

Since the procedure is that of dual consultation, the user does not have to carry out any particular action in order to consult SIS data. The request for consultation of the national application provides the equivalent reply on SIS data (see replies to questions 40 and 42).

Police present on the ground are considered as end users; access to SIS is possible by the use of mobile terminals or by a request addressed to the department to which they are attached. This consultation may use any means of communication.

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- 45. How many terminals are used how often (statistics on take-up rates), how often is the SIS consulted?**

The Ministry of the Interior does not keep statistics on this subject. The SIS is consulted as often as national applications, i.e. 30 000 000 consultations per year (see replies to questions 40, 42 and 44).

- 46. Are there any plans to introduce methods for collating statistics on take-up rates? If not, why not?**

No, no need for this has been felt.

- 47. Are the SIS and the national system consulted at one and the same time, or do both systems have to be consulted separately?**

See replies to questions 40 and 44.

- 48. Accessibility of the database for end users: location and number of access points, current response times measured on national systems and response time for N.SIS consultations.**

An average time of 3 to 5 seconds seems to be generally accepted, but may be exceeded depending on how busy systems and networks might be.

- 49. Volume of data to be transmitted to the SIS database and transfer procedures.**

This question is not clear, and seems to overlap with questions 37 and 42.

- 50. Description of measures to check that data conform to the requirements of the Schengen Convention.**

These measures correspond to the controls applied to alerts coming from national applications, namely:

- Detection of the risk of duplication
- Detection of anomalies, in terms of invalid information
- Filtering of alerts entered on the basis of Article 95
- Filtering of alerts entered on the basis of Article 99(3)

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51. List of services with access to SIS data. Is this list in accordance with Article 101 of the Schengen Convention and with the latest published version of the users list?

The services listed in 5002/2/00 REV 2 SIS 2 COMIX 2 have access to SIS data as indicated.

52. Legislative and regulatory provisions adopted to set up the N.SIS.

A great many texts have been adopted to ensure French implementation of the Schengen Convention. Four directly concern the N-SIS:

- an order of 6 August 1993 authorising the creation of a database intended for the installation of the SIS;
- Decree No 93-315 of 23 March 1995 on the creation and tasks of the national bureau responsible for the operational management of the national part of the SIS, known as SIRENE;
- Decree No 95-577 of 6 May 1995 on the national computer system known as N-SIS;
- Circular of 12 May 1995 on the consultation of SIRENE-France for application of the Schengen Convention (case of foreigners entered in SIS for the purpose of non-admission).

53. Geographical location of the N.SIS.

The French N-SIS is located in the premises of the Ministry of the Interior:

Centre d'Exploitation Informatique National

Place Beauveau

75008 PARIS

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54. Geographical location of the SIRENE Bureau. *

This question was answered in connection with the evaluation of the SIRENE bureau.

55. Security measures at the N.SIS's and the SIRENE Bureaux pursuant to Article 118 of the Schengen Convention. *

Controls on:

- (a) entry;**
- (b) data carriers;**
- (c) users;**
- (d) access;**
- (e) transmission;**
- (f) input.**

This question was answered in connection with the evaluation of the SIRENE bureau.

56. Control of physical access to the premises of the SIRENE Bureau and N.SIS, where applicable including paper archives storage rooms. *

This question was answered in connection with the evaluation of the SIRENE bureau.

57. Administrative organisation of the SIRENE Bureau and practical organisation of the work of the SIRENE Bureau (staff, administrations represented, day and night teams, specialisation of operators ...).*

This question was answered in connection with the evaluation of the SIRENE bureau.

58. The limits of the respective spheres of competence of operators and end users. *

This question was answered in connection with the evaluation of the SIRENE bureau.

59. Description of the specific training given to operators and to those responsible for the SIRENE Bureau.*

This question was answered in connection with the evaluation of the SIRENE bureau.

* The replies to questions on the SIRENE bureaux were forwarded in connection with the Schengen evaluation which took place in 2001.

- 60. Legislative and regulatory provisions adopted to set up the SIRENE Bureau, including subsequent legislative measures. ***

This question was answered in connection with the evaluation of the SIRENE bureau.

- 61. Technical arrangements made to enable the SIRENE Bureau to operate without interruption in exceptional situations such as natural disasters, power cuts, disturbance or interruption of traditional telecommunications systems, etc. ***

This question was answered in connection with the evaluation of the SIRENE bureau.

- 62. What practical steps have been taken to carry out checks within the meaning of Article 95(2) of the Convention? Do agreements exist with the judicial authorities, particularly with a view to ensuring that SIS alerts take priority over Interpol alerts?**

One of the tasks of the justice task force at SIRENE France is to examine every new alert introduced into the SIS under Article 95 of the Convention implementing the Schengen Agreement, so as to determine what action might be taken on it on French territory. The justice task force is competent to decide whether a permanent or temporary flag should be added to it. It therefore guarantees the existence of the factors laid down in Article 95 in support of a request for a search with a view to extradition.

In a circular dated 27 September 1993 and addressed to all French judicial authorities, the Ministry of Justice stressed that alerts circulated via SIS had priority over Interpol alerts.

- 63. What measures does the Ministry of Justice take to increase the number of SIS alerts issued pursuant to Article 95 of the Convention (statistics on national/international arrest warrants, directives)?**

As a supplement to the circular of 27 September 1993, the Directorate for Criminal Affairs and Pardons distributed to the judicial authorities a technical information sheet listing the tasks of the justice task force at SIRENE France.

* The replies to questions on the SIRENE bureaux were forwarded in connection with the Schengen evaluation which took place in 2001.

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The justice task force at SIRENE France and the office for international mutual assistance in criminal matters which is responsible for it run many training and information activities for the entire judiciary, so that the greatest possible number of enforcement orders which might usefully be distributed under Article 95 of the Convention implementing the Schengen Agreement are entered in SIS.

The circular of 27 September 1993 will shortly be updated and recast, to present judicial authorities with the results of the first years of implementation of the Convention implementing the Schengen Agreement, and to remind them of the procedure to be used for international searches.

64. How are the activities related to Article 96 (non-admission) and Articles 5 and 25 of the Convention performed?

(a) Which authorities in your country issue the alerts referred to in Article 96 for purposes of refusing entry?

The judicial authorities, when refusal of entry to the territory is a main or an ancillary sentence handed down at the same time as a conviction.

The administrative authorities, when expulsion is on public order grounds and is the subject of a prefectoral order.

(b) Which authority performs the role of the national SIRENE Bureau with regard to the alerts referred to in Article 96? Are clearly defined channels of communication in place between the national authorities involved? *

This question was answered in connection with the evaluation of the SIRENE bureau.

(c) What measures have been taken to give the SIRENE Bureau access to background information (for example, a decision on expulsion/ban on entry) which is not recorded in the SIS? *

This question was answered in connection with the evaluation of the SIRENE bureau.

* The replies to questions on the SIRENE bureaux were forwarded in connection with the Schengen evaluation which took place in 2001.

- (d) **Which national authority liaises with the Schengen partners for purposes of sending and receiving of requests for consultation under Article 25 of the Convention?**

The SIRENE bureau

- 65. Level of authorisation of SIRENE staff, and all staff with access to SIS data. ***

This question was answered in connection with the evaluation of the SIRENE bureau.

- 66. Level of protection and protection measures applied to computerised police applications. ***

This question was answered in connection with the evaluation of the SIRENE bureau.

- 67. Control of computerised access to SIS data and to SIRENE files. ***

This question was answered in connection with the evaluation of the SIRENE bureau.

- 68. Measures put in place to ensure that each user has access only to the categories of data for which he or she is authorised, in accordance with Article 101. ***

This question was answered in connection with the evaluation of the SIRENE bureau.

- 69. Measures taken to ensure that SIRENE files are destroyed after withdrawal of the alerts to which they relate. Who is responsible for controlling implementation? ***

This question was answered in connection with the evaluation of the SIRENE bureau.

* The replies to questions on the SIRENE bureaux were forwarded in connection with the Schengen evaluation which took place in 2001.

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70. Who is in your country the national supervisory authority within the meaning of Article 114 of the Convention?

The National Data-processing and Liberties Commission (see SN 1969/2/00 REV 2 of 15 November 2000).

71. How do the consular posts of France access the SIS?

By means of a copy sent to the Ministry of Foreign Affairs by the data-processing service of the Ministry of the Interior.

72. What practical arrangements have been made for updates of data to the consular posts?

A copy of the database is installed on the computer system of those French diplomatic and consular representations which issue visas.

The updates of alerts transmitted daily by the Ministry of the Interior are immediately available to French representations abroad.

73. How frequently will data be updated? By online and offline links

This database is updated daily using the Ministry of Foreign Affairs' lines of communication.

Updates are carried out either continuously (delay of a maximum of 30 minutes) for those posts equipped with the RMV 2 system, or by a periodic database transfer (once or twice a day) for posts equipped with the RMV1 software.

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- 74. The Sirene Bureaux' position and margin for manoeuvre at national level ***
- (a) Can the Sirene Bureau directly consult and enter data in the national police system when running SIS searches, or initiate procedures for this to be done, (such as on indications concerning an abductor in an alert on a missing minor)? If not, are steps being taken to this end?**
 - (b) Is the Sirene Bureau able to access and enter data into other databases (vehicle registration databases, aliens' registers, population register), is there coordinated and effective cooperation with the corresponding departments?**
 - (c) Is the Sirene Bureau well-known to and accepted by the national police? Does information mostly come through quickly and effectively? Can the Sirene Bureau give instructions or does it have any other ways of influencing cooperation? Does police training cover the Sirene Bureau?**
 - (d) Are the Sirene Bureaux empowered to conduct investigations or act as coordinators? (such as in Articles 39 and 41).**

This question was answered in connection with the evaluation of the SIRENE bureau.

- 75. Working relations between the Sirene Bureaux, basic and further training ***
- (a) Is the time taken to respond in the course of processing a hit on the whole found to be good/acceptable/inadequate variable depending on the alert category concerned/unacceptable for certain alert categories (state which categories)?**
 - (b) Is the substance of the responses given when processing hits on the whole found to be good/acceptable/inadequate variable depending on the alert category concerned/unacceptable for certain alert categories (state which categories)?**

* The replies to questions on the SIRENE bureaux were forwarded in connection with the Schengen evaluation which took place in 2001.

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- (c) Are the duties of the staff working in the Sirene Bureau well-defined and appear clearly structured to an outsider? Is the level of staff training on the whole good/acceptable/poor (regarding knowledge of police affairs, legal affairs, language skills, acquaintance with the SIS and the Schengen Convention)? Are there any basic training/specialised training/exchange programmes?
- (d) Is the staff informed of recent developments/changes in cooperation ensuing from decisions taken at higher levels, notices etc.?
- (e) Is such joint training desirable?

This question was answered in connection with the evaluation of the SIRENE bureau.

76. Areas where the Sirene Bureaux cooperates with Interpol and where not *

- (a) Problem areas in cooperation as a result of the fact that the bodies connected to Interpol and to the Sirene Bureaux are not the same (other Ministries, other police services) in the exchange of information, clashes in areas of competence and responsibility).
- (b) Information exchange between the national Sirene Bureau and Interpol is found to be good/acceptable/unsatisfactory.

This question was answered in connection with the evaluation of the SIRENE bureau.

77. Management of SIS alerts

- (a) Are lists kept of alerts entered per region or per authority?

No.

- (b) How are these lists broken down (e.g. alert category, date of entry)?

Not applicable.

- (c) Are the lists drawn up by computer or manually, centrally or locally, regularly or occasionally?

Not applicable.

- (d) Are these lists compiled centrally or locally?

Not applicable.

* The replies to questions on the SIRENE bureaux were forwarded in connection with the Schengen evaluation which took place in 2001.

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(e) How is deletion of the data guaranteed if action has been taken in response to an alert?

When the SIRENE bureau is told of the discovery of an alert by one of its partners, it advises the police force which entered the alert, which will ask the department responsible for entering alerts to delete the alert in question. The deletion of the alert in the national application causes the deletion of the corresponding alert in the SIS database.

(f) What kind of checks are carried out?

An automatic procedure checks this deletion, without manual intervention. The SIRENE bureau regularly receives a list of alerts to be revalidated. Comparison of this list with the list of hits makes it possible to check that the alerts concerned have in fact been deleted.

**(g) At what stage of implementation is an alert deleted?
(e.g. immediately after notification of an arrest, after notification of a person's whereabouts, after the reported discovery of an object, or after all measures have been taken, e.g. actual extradition, dispatch of documents to the place of residence, retrieval of the object)**

An alert in the SIS is deleted once the national application has been updated, i.e. when a request for deletion is made by the authority which asked for the alert to be entered, or by the detaining agency (depending on the type of file).

(h) How does the authority responsible for central or local management carry out its duty of preventing the data files from becoming clogged with data (non-deletion of alerts after a hit)?

By means of the revalidation procedure described above, and by internal procedures concerning the duration of the validity of alerts, which lead to the deletion of data on a cut-off date.

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(i) What measures are taken to cope with such a situation if it is detected?

This question was answered in connection with the evaluation of the SIRENE bureau.

78. Follow-up action

(a) Are hits following alerts recorded manually or by computer?

Hits following a French alert discovered abroad are recorded by computer.

(b) If they are recorded by computer, how is this done?

The hits are recorded manually on a computer system.

**(c) Are the consequences of a hit, e.g. the results of an investigation, recorded? If so, is this done centrally or locally?
How long are the results of an investigation recorded?**

They are kept at SIRENE until the alert is deleted. The results of a judicial enquiry will be kept by the local judicial authorities and also in the archives of the agency in charge.

(d) Is the number of SIS searches at central or local level logged?

No figures are kept for SIS searches. The figures available are those concerning searches of the corresponding national applications. Thanks to the dual search mechanism, the number of searches of the SIS database can be deduced.

(e) Are the results analysed and used as a basis for policy evaluation?

Not applicable

- (f) **Is it possible to indicate, in the context of external border control, the number of SIS searches as a percentage of the total number of persons subject to checks under Article 6 of the Schengen Convention?**

Not applicable.

- 79. How do the judicial authorities react in the event of a hit regarding Article 95 alerts? (Interpol alert requirements, awareness of role of accompanying papers, request for additional information, translation of national arrest warrants)**

If a person who is sought in France and has an alert in SIS is discovered abroad, the judicial task force at SIRENE France informs the international mutual assistance office responsible for following up extradition cases, and the French court or courts likely to request the extradition of the person in question.

If persons entered in SIS at the request of our partners are discovered in France, the addition of a permanent flag may have been requested by the justice task force at SIRENE France. In this case the alternative procedure is initiated and the address of the person concerned is communicated to the country requesting his extradition.

In the absence of a permanent flag, the person is automatically detained pending extradition, unless a reason rendering extradition impossible is discovered following the arrest (for example, discovery that the person concerned has French nationality).

- 80. How are the contacts with Monaco managed?**

Operational police contacts with the Principality of Monaco take place exclusively in an Interpol cooperation framework. Since the Monaco police are an independent force they do not have access to SIS data recorded in the French N-SIS.

III. Vision network

81. How are other States consulted? What technical means are implemented?

The French national application is linked to nearly all the French representations abroad which are able to issue visas.

When consultation of a Schengen partner is requested, the visa application file is automatically transmitted to the French central authority using the private communications network of the Ministry of Foreign Affairs.

The central computer of the visa application management system is linked to the SISNET consultation network, which ensures the secure transmission of electronic consultation forms between the Schengen partners. Search requests are sent to the central authorities of the Schengen partners as they arrive.

82. What is the estimated response time for consultation?

Central administrations generally wait the 7-day period laid down in the rules before taking a decision.

Only the Austrian and Belgian central authorities have a shorter response time.

83. Under which circumstances do the consuls of France consult their authorities?

In the cases described in Annex 5 of the Common Consular Instructions.

84. Under which circumstances do other States consult them? (What is the number of national and international consultations).

In the cases described in Annex 5 of the Common Consular Instructions.

Number of national consultations in 2000: 395 000.

Number of international consultations by France in 2000: 277 500.

Number of consultations received from Schengen partners in 2000: 308 000.

85. What provisions have been made to ensure that only permanent consular posts issue Schengen visas?

Honorary consuls authorised to issue visas may not under any circumstances issue Schengen visas; they are only able to issue national visas, valid only for overseas departments and territories.

86. Is there any technical equipment for detecting false documents (travel documents, supporting documents, etc.)?

Posts have equipment to detect false documents ("retrocheck").

87. Is any specialised training given in the detection of false documents?

Specialised training is given in France and abroad.

88. Are there any manuals of specimen documents to check that the documents presented are genuine?

Post may build up such manuals to facilitate checks on the authenticity of documents presented to them. Currently posts do not have a database of foreign travel documents.

IV. Judicial cooperation

89. Has your country received and made requests for mutual assistance on issues relating to the areas covered in Articles 49 and 50 of the Schengen Convention?

Since the rule in Article 53(1) of the Convention implementing the Schengen Agreement is that requests are transmitted directly between judicial authorities, the majority of requests to or from States which are party to the Convention are no longer sent via the Ministry of Justice.

It is therefore difficult for the Ministry to give either a qualitative or quantitative assessment of a phenomenon the main characteristic of which is that it no longer comes under its jurisdiction.

However, the department of the Directorate for Criminal Affairs and Pardons responsible for mutual assistance in criminal matters, namely the office for international mutual assistance in criminal matters, continues to be approached regarding the transmission of certain requests or the return of some items related to enforcement (particularly valuable articles to be produced in evidence) or for advice on cases which are under way or being prepared.

The Ministry has therefore been able to observe that the extension of the scope of mutual assistance provided for by Articles 49 and 50 has probably not yet produced all its expected effects. Indeed, the use of the possibilities offered by international mutual assistance for the matters listed in Article 49 apparently remains exceptional. The extension provided for by Article 50 on tax matters, which only concerns direct taxes, seems not to be used.

90. What is the current situation regarding application of the rules on compliance with requests and the granting of authorisations in accordance with Article 50(3) of the Convention?

As far as the Ministry of Justice is aware, this procedure does not raise any particular difficulties.

91. Has application of Article 52(2) of the Convention caused problems of any kind?

Yes, very much so:

France makes little active use of the provisions of Article 52, principally because sending registered letters with acknowledgement of receipt abroad is very costly for the criminal justice authorities. France prefers to use the Article 53 channel, namely notification via the foreign courts. However, this procedure does involve delays because means of returning documents are not made very clear by the Convention implementing the Schengen Agreement, and some States return documents via the central administrations, particularly in Belgium and Spain. Furthermore, our experience shows that translation is almost always necessary.

States send many documents to France without translation both via the central administration and directly, and not to persons as stipulated in Article 52(1). Some States' habit of sending documents directly to individuals without translation, particularly regarding minor offences, leads to widespread protests from individuals who do not understand the mail addressed to them, or indeed cannot even read it (use of the Greek alphabet).

92. As regards application of Article 53 of the Convention, are there any guidelines or directives defining the channels to be used for sending requests for mutual assistance, or is this simply left to the discretion of the judicial authorities?

France has designated the Principal Public Prosecutor as the authority responsible for sending and receiving requests for assistance in the framework of Article 53 of the Convention implementing the Schengen Agreement.

This position is explained in the Ministry of Justice circular dated 21 March 1995.

It was incorporated in Article 695 of the Code of Criminal Procedure by an act dated 23 June 1999.

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Within each Public Prosecutor's office, one magistrate specialises in international cooperation in criminal matters. This magistrate is the correspondent of the office for international mutual assistance in criminal matters of the Ministry of Justice and is the contact point for the European judicial network.

93. Have the judicial authorities received the Directory of the cities of the other Member States so they can use the possibility of forwarding directly requests for mutual assistance as provided for in the Convention?

On receipt by the French authorities, the Directory was distributed to the correspondents of the office for international mutual assistance in criminal matters in the public prosecutors' offices, who are also the contact points for the European judicial network.

94. Have any extradition requests been authorised under Article 66 of the Schengen Convention? How many have been authorised to date?

The procedure laid down by Article 66 of the Convention implementing the Schengen Agreement is not currently applied by France.

95. How are the forms for requesting the transmission of extracts from judicial records (SCH/III (97) 41 rev 4) distributed and used?

Document SCH/III (97) 41, rev 4, was distributed to all French judicial authorities by means of a circular from the Ministry of Justice dated 13 October 1998.

The forms are accessible to the authorities at any time under the heading "Mutual Assistance in Criminal Matters" of the Intranet site of the Directorate for Criminal Affairs and Pardons. Users can edit the request form on their computer.

96. Are the possibilities for mutual judicial assistance in criminal matters and extradition provided for by the Convention implementing the Schengen Agreement used satisfactorily?

Yes.

V. Legislation on firearms

- 97. Have the contents of the EU Directive (91/477) on firearms been transposed into national legislation? If so, what stage is the legal process at? Have the model common forms been adopted for the control of firearm purchases?**

Yes.

- 98. What measures have been taken in terms of organisation and personnel in order to ensure the application by the competent authorities of the contents of the EU Directive on arms or the corresponding national legislation?**

None (as far as the Ministry of the Interior is concerned).

Customs have retained the organisation and personnel necessary for carrying out checks on movements and on dealers with a view to ensuring application of the provisions of Chapter III of the Directive concerning transfers, which requires operators to obtain "licences," "prior consent" and "approval for transferring firearms," issued, after interministerial consultation, by the Minister in charge of customs.

- 99. How is information on firearms purchases exchanged between your country's authorities and their counterparts in other EU Member States? What is the volume of such exchanges?**

The Ministry of the Interior does not send any information to other States. It receives information (not quantified) by fax from Germany, Spain, Italy, Greece, Belgium and the Netherlands. Relatively substantial quantities of information are exchanged by fax, though no statistics are available.

100. What firearms may be brought into your country without prior permission but solely using the European pass?

Hunters from other EU countries may come to France to hunt with just the European pass, as long as they have a hunting permit in France and a written invitation to take part in a hunt, and as long as they have no more than 3 hunting weapons classified in France in categories C or D, and one hundred rounds per weapon. Marksmen must be able to produce a registration for an official competition mentioning the date and place of the competition, and hold no more than 6 centre-fire percussion firearms classified in France in category B.

101. Which firearms do not require consent within the meaning of Article 11(4) of Directive 91/477/EEC by your competent national authorities in order to be brought into your country?

This question mainly concerns customs. Subject to confirmation therefore, prior consent is not necessary for arms classified in France in the 7th category (categories C and D of the Directive), i.e. certain shoulder-held firearms with rimfire percussion, non-automatic airguns, certain weapons firing non-metallic projectiles, and alarms and starter pistols.

VI. Issuing of visas / consular cooperation

102. To what extent are diplomatic missions and consular posts equipped and able to issue Schengen visas in terms of

- (a) availability of Schengen visa stickers,**
- (b) access to SIS (consultation terminals, CD-ROMs...)?**

What equipment is there to detect forged documents?

All posts authorised to deliver Schengen visas have Schengen visa stickers. Eighty-five percent of posts now have software for processing visa applications (RMV). By mid-2003, the remaining posts will also be equipped with the software, which enables users to query SIS directly and to consult the central administration and partners via the Schengen Consultation Network (Vision). Posts are equipped with a Retro-Check to detect false documents. A guide on combating fraud has also been distributed.

103. What security measures have been taken with regard to Schengen visa stickers?

Visa stickers are sent by accompanied diplomatic bag and stored in a safe within a secure room at the post.

104. How are the diplomatic posts and consular missions of your country briefed on the Common Consular Instructions on Visas and prepared to apply them?

Before departing for the posts, agents receive specific training. Training is also provided abroad in the form of regional sessions. All posts authorised to issue visas are in possession of the General Instruction on Visas (GIV) and Common Consular Instructions (ICC) and their annexes.

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105. How is the data transmission from your country's diplomatic and consular missions to the respective central authorities processed (with special reference to consultation)?

The software for processing visa applications (RMV) incorporates the transmission of data to the competent central authorities and the consultation of partners via the Schengen Consultation Network (Vision).

106. How would you characterise the consular cooperation between your country's diplomatic and consular missions and those of other Schengen States?

Variable depending on the States. During the French Presidency, a reinforcement of local consular cooperation had been requested, with the possibility of involving European Union candidate countries on a case-by-case basis.

107. How is France participating in the automatic consultation process set out under Article 17(2) of the Convention (VISION network)? What are the procedures to be followed?

Any visa application entered on the computer system of a French diplomatic or consular representation is automatically sent to the central administration for an opinion whenever the nationality of the visa applicant is listed in Annex 5B. As part of the process, the national software for examining visa applications automatically sends a consultation form to the central authorities of the partners who registered that nationality in Annex 5B.

The central administration departments wait for the required 7-day period, which may be extended at the request of one of the authorities consulted, before issuing a decision. The French diplomatic or consular representation which entered the application waits for the central administration's reply.

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108. What is the total volume of visa applications received by France in the last three years? (by continent and/or by main regions of the world). What are the most significant developments?

Secondly, how many consultations did France request from its Schengen partners? In how many cases was France consulted by its Schengen partners?

| Visa applications registered by France | |
|--|-----------|
| 1998 | 2 501 194 |
| 1999 | 2 436 734 |
| 2000 | 2 643 523 |
| 2001 (January to October) | 2 043 297 |

| Visa applications registered by France, by geographical area | | |
|--|---------|---------|
| | in 1999 | in 2000 |
| Maghreb | 610 180 | 659 251 |
| French-speaking Africa | 218 102 | 264 756 |
| Non-French-speaking Africa | 168 490 | 172 960 |
| Western Europe | 213 095 | 210 433 |

| | | |
|---------------------------------|---------|---------|
| Eastern Europe | 413 511 | 508 607 |
| Middle East | 243 648 | 258 063 |
| North America | 86 959 | 89 066 |
| Latin America and the Caribbean | 83 431 | 87 063 |
| Asia | 401 842 | 393 324 |

| Number of cases in which France has been consulted by its Schengen partners | |
|---|--|
|---|--|

| | in 2000 |
|---------------------------------|---------|
| Maghreb | 56 900 |
| French-speaking Africa | 800 |
| Non-French-speaking Africa | 2 500 |
| Western Europe | 6 500 |
| Eastern Europe | 15 000 |
| Middle East | 221 000 |
| North America | 2 500 |
| Latin America and the Caribbean | 300 |
| Asia | 2 500 |

In exceptional cases, the authorities of French overseas departments and territories may issue visas at the border for entry into those departments or territories only.

109. Have the bodies responsible for the exceptional issue of visas at the border, pursuant to Article 17(3)(c) of the Schengen Convention and Part II, Section 5, and Annex 14 of the Common Manual, been briefed on the relevant Schengen arrangements and prepared to apply them? Which authorities will be responsible for this?

It should be pointed out first of all that the Schengen rules for the issue of visas at the border are very similar to the national rules that applied before the entry into force of the Convention implementing the Schengen Agreement. At first, it was simply necessary to point out the few differences to the border police staff who had already been trained in the national rules.

See also the replies to questions 4 and 5.

The issuing of visas at the border is dealt with during the initial and further training of customs officers responsible for carrying out the checks. Furthermore, a number of notes clarify how these rules are to be applied. Those instructions, as well as Annex 14 of the Common Manual, have been sent to the relevant departments by post and are available on the customs intranet document database.

110. Do the authorities of the DOMs or the TOMs have the possibility to issue visas at the border?

The authorities responsible for border checks in the overseas departments and territories can only issue visas allowing entry into those areas, and not into the Schengen area.

Furthermore, the representative of the State in each overseas department or territory (prefect, high commissioner, higher administrator, etc.) may need to issue a Schengen visa to an alien who is subject to the requirement of a short-stay visa for entry into the Schengen area and who is in that department or territory as a temporary visitor, or, in the case of an overseas territory other than a department or Saint-Pierre-et-Miquelon, a resident whose main destination for that journey is France.

VII. Readmission

111. What readmission agreements exist with

(a) other Schengen States?

Germany, Austria, Spain, Italy, Sweden; Portugal, Belgium, the Netherlands, Luxembourg, Greece.

(b) third countries?

Switzerland, Slovakia, Romania, Croatia, Argentina, Chile, Brazil, Bulgaria, Hungary, Czech Republic, Paraguay, Mexico, Latvia, Uruguay, Costa-Rica, Salvador, Macedonia, Ecuador, Guatemala, Honduras, Lithuania, Estonia, Venezuela, Panama, Bolivia.

112 and 113:

- How many persons have been sent back every year since 1996 under these agreements?
- What is the percentage of foreigners readmitted (figures per State)
 - (a) to other Schengen States?
 - (b) to neighbouring States?
 - (c) to the countries of origin of the persons concerned?How many cases were studied in total? What were the countries of origin involved?

As the statistics also include readmissions under the Dublin Convention, France cannot give answers for bilateral readmission agreements alone.

114. What legal and practical measures have been taken to ensure the expulsion of illegally resident aliens? Are these measures effective?

Under current legislation, illegally resident aliens can be deported:

- following a court decision, i.e. a temporary or definitive deportation order;
- following an administrative decision which may take the form
 - ♦ of a prefectural order that they be escorted to the border, or
 - ♦ a decision to return them to another country in application of a readmission agreement, or
 - ♦ a ministerial or prefectural deportation order, when public order issues are also involved.

The European Directive recently adopted at France's initiative on the mutual recognition of decisions on the expulsion of third country nationals should shortly give each Member State an additional instrument once it has been transposed into their national legislation (no later than December 2002).

The effectiveness of such measures is real, but there is of course scope for improvement, in particular through better cooperation by foreign consulates in identifying their nationals.

115. What are the residence arrangements for foreigners who, for various reasons, cannot be expelled?

When foreigners cannot be expelled, they may be

- ♦ ordered to stay in a designated place (with or without a work permit depending on the circumstances), or
- ♦ invited to comply with the expulsion measure against them, on pain of prosecution.

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116. Is instant refoulement a legal possibility in the case of foreigners detected upon entering the country illegally or immediately after crossing the borders?

Any foreigner who cannot provide evidence of having entered French territory legally and who is not in possession of a valid residence permit can immediately be subject to a prefectural order that he be escorted to the border.

117. Is there some central body responsible for issuing travel documents for repatriation? What experience does it have in this field?

There is no central body responsible for issuing travel documents for repatriation. They are requested directly by the prefectures from consulates.

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VIII. Entry

118. What administrative and criminal-law penalties have been introduced under your national legislation for

(a) persons entering the national territory illegally?

Any alien who enters France illegally and who does not meet the eligibility conditions for a residence permit may have an order that he be escorted to the border issued against him by the prefect of the department where he is staying.

Any alien who enters or stays in France illegally may be sentenced to one year's imprisonment and a fine of FF 25 000 (about EUR 3 800). The Court may also ban the person concerned, for a period not exceeding three years, from entering or residing in French territory. Such a ban automatically entails the alien being escorted to the border, at the end of the prison sentence if any.

(b) persons involved in assisting illegal immigration?

Any person who, while in France or in another State within the Schengen area, directly or indirectly facilitates or attempts to facilitate the illegal entry, movement or residence of an alien in France, may be sentenced to 5 years' imprisonment and a fine of FF 200 000 (about EUR 30 500).

When such acts are committed by an organised gang, the sentences may be increased to 10 years' imprisonment and a fine of FF 5 000 000 (about EUR 760 000). The court may also rule that the person concerned shall not be allowed to reside and may suspend the person's driving licence, for a period not exceeding three years. That period may be doubled should the offence be repeated.

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The court may also ban such person from carrying out directly or through an intermediary the professional activity during which the offence was committed, for a period not exceeding five years. It may also order the confiscation of any proceeds belonging to the convicted person and arising directly or indirectly from the offence.

The court may also ban the alien from entering French territory for a period not exceeding ten years.

(c) persons using labour made up of illegally resident aliens?

Any employer holding a residence permit who illegally employs a foreign worker may have his residence permit withdrawn.

Employing an alien who is not in possession of a work permit is an offence punishable by three years' imprisonment and a FF 30 000 fine (i.e. about EUR 4 600). The fine is applied as many times as there are aliens concerned.

Anybody employing an alien who is not in possession of a work permit must also pay a special contribution to the International Organisation for Migration. The amount of that contribution must be at least 500 times the hourly rate of the guaranteed minimum wage.

119. What measures are applied for the application of Article 27 of the Convention against those who assist an alien to enter the territory of one of the other Schengen States illegally?

Any person who, while in France or in a country signatory to the Schengen Convention, facilitates or attempts to facilitate the illegal entry, movement or residence of an alien in the territory of a Schengen State shall be subject to the same penalties as those mentioned in point (b) of the reply to question 118.

Prosecutions may only be carried out following an official complaint or a statement from the competent authorities of the State concerned. Nevertheless, no prosecution may be carried out against a person who can provide evidence that he has already been the subject of a final judgment abroad for the same offences, and, if found guilty, that the sentence has been served or is time-barred.

120. Are criminal-law penalties envisaged against those who assist a person to leave a country allowing them to enter another one illegally?

See answer to question 119.

121. In accordance with the provisions of Article 26 of the Convention, does the law oblige sea or air carriers or operators of international coach services to take all the necessary measures to ensure that an alien is in possession at the point of departure of the travel documents required for entry into the territories of the Contracting Parties?

Sea, air and road carriers are legally obliged to carry out cross-border document checks before taking passengers aboard.

122. Have criminal-law or coercive measures been introduced in the case of non-compliance with this duty?

Article 20a of the Order of 2 November 1945 imposes administrative fines on sea air and road carriers who allow aliens to disembark if they are not in possession of the documents required for entry into France. The number of fines imposed must correspond to the number of passengers concerned. The maximum sum is FF 10 000, about EUR 1 500. Fines are not imposed when the alien in question who has asked for asylum at the border has been admitted to the territory and the illegality of the document is not obvious.

123. Are carriers legally obliged to return aliens who are not in possession of the required documents?

By virtue of Article 35c of the Order of 2 November 1945, sea, air and railway carriers and operators of international coach services providing regular, occasional or shuttle services, excluding border traffic, are legally obliged to return aliens they have carried who are not in possession of the documents required for entry into France.

124. Are there figures on how many penalties were imposed and how many were effectively applied?

The numbers of penalties imposed on carriers are as follows:

| | |
|-------|-------|
| 1998: | 1 603 |
| 1999: | 1 416 |
| 2000: | 2 091 |

The recovery rate is 98%.

125. Is a person crossing a border outside the authorised border crossing-points liable to criminal-law or administrative penalties?

The crossing of borders outside authorised border crossings is not liable to penalties.

126. Which are the forces involved in combating illegal immigration inside the territory, and what are their exact powers and the legal and practical means at their disposal to carry out their tasks?

As most offences linked to illegal immigration are of a criminal nature, all police and gendarmerie services authorised to carry out investigations in French territory are competent to deal with them.

However, as this area is particularly complex and requires experience and technical means which are not necessarily available to services not specialising in the matter, it is mainly units of the **border police** that investigate such offences.

Their powers are defined in the Penal Code and in the Order of 2 February 1945, listing the offences, and in the Code of Criminal Procedure, which lays down the rules to be respected in identifying the perpetrators. They may act under their own initiative, if they catch offenders in the act, at the request of the Public Prosecutor's Office, or upon letters rogatory.

The investigation techniques used are the usual police techniques: information and analysis, covert physical and technical surveillance, to accumulate evidence, followed by the arrest of the perpetrators and bringing them before the courts.

The practical means available to such units are similar to those of other specialised national police services: covert surveillance vehicles, technical systems for covert surveillance (video, tracking), technical systems for intercepting communications, etc.

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Customs agents with the grade of controller or higher may, pursuant to Article 67c of the customs code, check that aliens fulfil the requirements to hold, carry and present entry and residence permits in France. In that context, they may record that an offence of illegal entry and residence in the national territory has been committed.

This power may only be exercised in an area between the land border between France and Schengen States and a line 20 kilometres inland, as well as in publicly accessible areas of ports, airports and railway and coach stations open to international traffic and designated by order. The current order is dated 23 March 1995.

In accordance with the decisions of the Court of Appeal, this type of check can only be carried out on persons who have previously been identified as aliens by means of *objective elements deduced from circumstances external to the person concerned ... of such a nature that they identify him or her as an alien.*

Criteria for establishing that a person is an alien which have so far been accepted by the courts include the following:

- affixing of posters or distribution of tracts written in a foreign language or in French if, in the latter case, they are in support of a foreign cause;
- carrying of banners or wearing items of clothing intended to support a foreign sports club during a match;
- presence on a ship flying a foreign flag, or in a car or an aircraft with foreign registration;
- leaving an embassy, consulate or a French office where documents are issued or instruction is provided for foreigners;
- playing typically foreign folk music or singing in a foreign language on the street.

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In the case of checks carried out in the territory, and not at the border, the procedure will typically start with a customs check. During that check, customs agents will be in a position to establish the identity of the person checked, and whether he is an alien. In such cases, the customs check may be followed by a permit check.

If an offence of illegal entry and residence in French territory is recorded, customs agents place the person in provisional detention in order to bring him before the senior law enforcement officer competent for the area. Whenever such a measure is taken, the maximum validity of which is three hours from the time the offence is recorded, the judicial authority is immediately informed, and it can terminate it at any time.

At any rate, if a senior law-enforcement officer has not acted after three hours, the alien is released.

If the alien is subsequently placed in police custody, the duration of the provisional detention counts towards the duration legally authorised for that measure.

If customs agents, outside the areas where Article 67c of the Customs Code applies, incidentally discover the presence of an illegal alien in the territory, they may only report the offence to the Public Prosecutor's Office under Article 40 of the Code of Criminal Procedure. In that context, having caught the person in the act of committing an offence within the meaning of Article 53 of the Code of Criminal procedure, they may detain him under Article 73 of that Code, in order to hand him over immediately to a senior law-enforcement officer.

127. Have photocopies of the residence documents contained in Annex 13 to the Common Manual been circulated to the Passport Control Services in order to facilitate passport controls? How often is this circulation updated?

It should first be pointed out that the Common Manual and its annexes are sent by the central department of the border police, usually in electronic form, and otherwise on paper. They are sent to the control departments directly attached to the central office, and also to the interregional offices for the European territory of the Republic, which are responsible for forwarding them to the control departments under their authority. The central customs office also receives these documents. As regards the border police, the instructions given are that at least one up-to-date paper or electronic copy of the documents must be available for consultation by any officer concerned at each post.

The latest version of Annex 13 officially distributed by the European Union was dated 16 July 1999. It was sent electronically, and, for technical reasons to do with the size of the document, the images were in black-and-white.

The latest version of that Annex unofficially distributed by the European Union (SN 1312/01) includes many colour images, making it too large for conventional electronic distribution. It was therefore sent, together with the latest versions of the Common Manual, its other annexes, and the handbook of documents to which a visa may be affixed, to the above-mentioned recipients, with the instruction, for border police departments, to pass it down the line from section to section. At least one copy of these documents must be available for consultation at the posts, in paper form in the case of posts not equipped for electronic consultation. The above documents will soon be distributed on CD-ROM. The documents which cannot be forwarded to the final recipients by conventional electronic means will have to be sent on CD-ROM and loaded on hard drives at suitably equipped posts. At least one paper copy of the colour images must be available for consultation at posts which do not have the necessary equipment for electronic consultation.

Annex 13 of the Common Manual was sent, like the Common Manual and all its annexes, to the Directorate-General for Customs in both paper and electronic form. Paper copies of all these documents, as well as their updates, are sent to the heads of customs districts, who are responsible for distributing one copy to each department in charge of border check. The documents are also available on the customs intranet document base.

Updates are distributed as quickly as possible by the Central Directorate of the Border Police whenever they are issued by the European Union. In future, when the documents become too big to be distributed by conventional electronic means, they will be sent on CD-ROM.

128. What method is used for keeping uniform entry/exit stamps?

For the **Border Police**, no specific instructions have been issued regarding security rules for storing entry and exit stamp machines. Such equipment, just as any other sensitive equipment, is kept under the responsibility of the head of unit, in secure premises. Since the entry into force of the Schengen Convention, only one set of stamps has gone missing, under conditions which have been clearly identified. The Schengen partners were immediately informed.

For **Customs**, instructions laying down the precautions to be taken for storing the stamps have been sent to all departments. The precautions consist of:

- allowing only authorised agents to handle the stamps,
- keeping the stamps out of the reach of users,
- refusing the public access to the private areas,
- moving the stamps to a safe place (safes, security boxes) at the end of each shift,
- never leaving them unattended while on duty, and being careful and vigilant during shift changes.

129. What are the methods and times for changing the numerical security codes for uniform entry/exit stamps?

The security code changes every two months (1 January, 1 March, 1 May, 1 July, 1 September and 1 November). Every six months (December and June), the border Central Border Police (DCPAF) sends out to all departments involved in border controls three numbers chosen at random between 01 and 99, each of which will in turn be the security code for two months.

Every six months the DCPAF informs the Directorate-General for Customs of the three numbers which will each be the security code for two months. The codes are passed on to the heads of customs districts, with instructions that they are to let the departments concerned have the code number for the following two months one week before expiry of the period of validity of the previous code, for reasons of confidentiality.

130. Is there a memorandum governing cooperation between the competent authorities involved in combating illegal immigration within the country?

The decree setting up the National Police Force lays down the responsibilities of the various police directorates. Under this, the DCPAF has the particular task of combating illegal immigration.

A protocol of agreement on dealing with procedures concerning illegal aliens in urban areas was signed between the central directorates for public security and for the border police in 1999. The protocol provides for complementary working within the national police force between the "generalist" forces (public security) and the "specialist" forces (border police), which in particular involves programmes of training and technical cooperation on the ground and, in certain cases, systematically handing over illegal aliens to the border police.

In addition, Interministerial Decree No 96-691 of 6 August 1996 establishing the Central Office for the Suppression of Illegal Immigration and the Employment of Non-Registered Aliens (Office central pour la répression de l'immigration irrégulière et l'emploi d'étrangers sans titre – OCRIEST) specifically lays down that this unit has the task of "leading and coordinating at operational and national level the fight against those committing or abetting the Commission of offences (...) relating to assisting the entry, movement and unlawful residence of aliens in France, to the employment of aliens without work permits, and to forgeries and the use of forged documents intended to aid in committing the aforementioned offences". This decree also states that "the National Police Force, of the Directorate-General for Customs and Indirect Duties, of the Labour Inspectorate, of the Directorate-General for Taxation and of the other administrative and public services concerned shall communicate as soon as possible to the Office all information relating to the (aforementioned) matters and offences and to those committing them or abetting their commission".

Working within OCRIEST are two permanent liaison officers, one seconded from the Central Directorate for Public Security and the other from the National Gendarmerie. It is the interministerial character of the decree establishing OCRIEST that makes it the necessary interlocutor for organised illegal immigration. The decree authorises the Office to set up direct contacts with other administrative bodies or with foreign agencies dealing with this type of offence.

131. How many illegal immigrants have been detected and what were their countries of origin?

Regarding illegal immigrants stopped by the **border police**, see *Annex 6*.

In the course of 2000 the **customs** authorities intercepted 5 738 illegal immigrants attempting to enter or already present on French territory. Those individuals represented over 100 verified or presumed nationalities.

The table below shows the trends with regard to the largest groups since 1998.

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NUMBER OF PERSONS STOPPED BY CUSTOMS BY VERIFIED OR PRESUMED

NATIONALITY

| NUMBER OF PERSONS | 1998 | 1999 | 2000 | 6 months of 2001 |
|-------------------|---|--|--|---|
| >20 and ≤ 50 | Angola Bulgaria Cape Verde China Colombia Congo Croatia Egypt Ecuador Lebanon Mauritius Pakistan Peru Russia DRC (Zaire) Somalia Surinam Thailand Vietnam | Angola Brazil Cameroon Colombia Egypt Ghana Mauritius Moldova Peru Philippines Russia Senegal Somalia Tunisia Ukraine Vietnam | Croatia Kurds Lithuania Pakistan Russia Ukraine Vietnam | Angola Bangladesh China Congo Côte d'Ivoire Haiti Iran Macedonia Moldova Pakistan Sri Lanka Surinam Tunisia |
| >50 and ≤ 100 | Brazil India Sri Lanka Tunisia | Algeria Bosnia Congo India Iran Iraq Macedonia Tunisia | China Bangladesh Bosnia Macedonia Moldova Suriname Tunisia | Algeria Bosnia Brazil Iraq Kurds Morocco Russia Serbia |
| >100 and ≤ 150 | | Afghanistan China Morocco | Algeria Brazil India Iran Sri Lanka | India Yugoslavia |
| >150 and ≤ 200 | Albania Algeria Bosnia Macedonia Morocco Yugoslavia | Albania Sri Lanka | Serbia | Albania Turkey |
| >200 and ≤ 250 | Romania | Turkey | Morocco Yugoslavia | Kosovo Romania |
| >250 and ≤ 300 | Iraq Serbia | | Albania Iraq | |
| >300 and ≤ 350 | Turkey | Serbia | | |
| >350 and ≤ 400 | Kosovo | Yugoslavia | Romania | |
| >400 | | Kosovo Romania | Afghanistan Kosovo Turkey | Afghanistan |

See Annex 6

132. How many aliens have sought political asylum?

| | |
|---------------------------------|--------|
| In 1999: | 30 907 |
| In 2000: | 38 747 |
| In the first 10 months of 2001: | 38 636 |

IX. Police cooperation

133. With which countries have agreements been concluded or are agreements being prepared in matters of police cooperation?

| | | |
|--------------------|---|---|
| <i>Germany</i> | – | <i>Arrangement of 1.2.1991 on linguistic exchange schemes</i> |
| <i>Belgium</i> | – | <i>Protocol of agreement on combating serious crime, narcotics and terrorism, 14.6.1991</i> |
| | – | <i>Exchange of letters having the force of an agreement on the improvement of facilities for information, training and coordination of cooperation, 16.3.1995</i> |
| <i>Spain</i> | – | <i>Cooperation agreement on combating terrorism, narcotics and organised crime, 29.5.1987</i> |
| <i>Italy</i> | – | <i>Cooperation agreement on combating terrorism, narcotics and organised crime, 3.10.1997</i> |
| <i>Netherlands</i> | – | <i>Cooperation agreement in the area of policing and security, 20.4.1998</i> |

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- Portugal* – *Arrangement in the area of combating terrorism and organised crime, 15.2.1995*
- United Kingdom* – *Bilateral administrative arrangement on combating terrorism, narcotics and organised crime, May 1989*
- *Agreement on police cooperation, 25.11.1991 (addition to the Sangatte protocol)*
- Sweden* – *Agreement on police cooperation to combat narcotics, 15.12.1989*

As regards the gendarmerie, the following agreements have been concluded with Germany:

- administrative arrangement of 23.11.1999 concerning a linguistic partnership
- technical arrangement of 12.10.2001 on the exchange and training of personnel

An administrative arrangement on the exchange of information and experience and on police cooperation (FIEP) was signed on 20 October 1999 between the French Gendarmerie, the Spanish Civil Guard, the Italian Carabinieri, the Portuguese National Guard and the Royal Netherlands Military Constabulary.

134. With which Schengen States have agreements been concluded, or are these agreements in preparation or under study in matters of police cooperation in border zones under the provisions of Article 39(4) of the Convention (see Executive Committee Decision SCH/Com-ex (98) 51 Rev. 3 of 16.12.1998)? Describe the cooperation.

Agreements have been signed with our five border partners (see attached sheets).

The Mondorf Agreement signed in 1997 between France and Germany is currently the most complete in this context. It can be taken as the model for the agreements signed with Italy (Chambéry, 3 October 1997), Spain (Blois, 7 July 1998), Belgium (Tournai, 5 March 2001) and Luxembourg (Luxembourg, 15 October 2001).

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- **Germany: Agreement on cross-border cooperation in police and customs matters, signed in Mondorf on 9 October 1997**

Area of application:

- *In the case of France, the agreement applies to the branches of*
 - *the National Police*
 - *the National Gendarmerie*
 - *and the Customs Authority**operating in the border departments of Haut-Rhin, Bas-Rhin and Moselle;*
- *In the case of Germany, it applies to the police authorities of the Länder of Baden-Württemberg, Rhineland Palatinate and the Sarre, the BGS (Federal Border Guard) and the customs administration with local responsibility in these Länder the criminal investigation departments of these Länder, and the customs criminal investigation unit.*

Objectives (in police matters):

- *"... to prevent threats to public security and public order and to promote the prevention and investigation of offences..." (Article 2)*
- *"... to participate in the coordination of operations in cases where the responsibilities of a number of authorities in different sectors are involved." (Article 4-2)*
- *"... officials ... shall systematically communicate to each other the information collected according to a common standard ..." (Article 5)*

"... to exchange the personal data necessary for the investigation of offences, the cooperation provided for in Article 46(1) of the Schengen Convention and the readmission of third-country nationals. They shall analyse the information and make a joint evaluation of the situation" (Article 5)

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Organisation of cooperation:

- establishment of a centre for police and customs cooperation (Offenburg – open since April 1999)
- possibility of temporary secondment of liaison officers (Articles 47 and 125 of the Schengen Convention)
- Article 14 (Title III) gives a non-exhaustive list of the duties of the Police and Customs Cooperation Centre (PCCC) under Article 39 of the Schengen Convention with regard to **the exchange of information on:**
 - identification of vehicles and drivers
 - holders of driving licences
 - verification of addresses
 - identification of telephones
 - identity of individuals
 - police records
 - information on narcotics
 - information in the event of urgent cross-border surveillance operations and cross-border pursuits
 - preparation and launching of investigation operations at short notice
 - arms and vehicle sales networks
 - checks for the presence of material evidence
- Title II of the Agreement deals with **direct cooperation**. Article 9 states that:

"The authorities referred to in Article 1 (National Police Force, National Gendarmerie and Customs), their subordinate units and the corresponding operational units shall maintain close direct cooperation within the framework of their powers."

Article 11 sets out a non-exhaustive list of circumstances which warrant direct cooperation.

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- *Title III lays down the general rules for cooperation and in particular the practical arrangements for the rights of pursuit and surveillance referred to in Articles 40 and 41 of the Schengen Convention*

The agreement also provides for:

- *joint training courses*
- *joint cross-border exercises*
- *the establishment of a joint working party with the task of making a periodical assessment of the implementation of the agreement.*

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Belgium: *Agreement on cross-border cooperation in police and customs matters, signed in Tournai, on 5 March 2001*

Area of application:

- *In the case of France, the agreement applies to the branches of:*
 - *the National Police*
 - *the National Gendarmerie*
 - *the Customs Authority*

operating in the border departments of Aisne, Ardennes, Meurthe et Moselle, Meuse and Nord.

- *In the case of Belgium it applies to:*
 - *the local police*
 - *the federal police*
 - *customs and excise*

for the provinces of West Flanders, Hainault, Namur and Luxembourg.

Objectives (in police matters): *prevention, and to facilitate action against offences in frontier areas within the framework of the police cooperation provisions of the Schengen Convention.*

Organisation of cooperation:

- *establishment of police and customs cooperation centres near the common border (the first to be set up at Tournai, due to open by the end of 2001) in order to implement Articles 23, 33 and 34 of the Schengen Convention, assistance in preparation and support for cross-border surveillance and pursuit (Articles 40 and 41), coordination of joint surveillance measures in the border area.*

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- *possibility of arranging direct cooperation complementary to that set up in the police and customs cooperation centres*
- *possibility of temporary secondment of liaison officers (Articles 47 and 125 of the Schengen Convention)*
- *exchange of information*
- *possibility of participation in joint patrols and in surveillance of public demonstrations of joint interest*
- *joint border exercises*
- *establishment of a working party with the task of making a periodical assessment of the implementation of the agreement*
- *communication of organisation charts and telephone directories*
- *exchange of professional publications*
- *language training courses*
- *exchange visits between corresponding units*
- *possibility of participation in joint training courses*

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Spain: Treaty on cross-border cooperation in police and customs matters, signed in Blois on 7 July 1998

Area of application:

- *In the case of France the Treaty applies to:*
 - *the National Police*
 - *the National Gendarmerie*
 - *the Customs Authority*
- *In the case of Spain it applies to:*
 - *the National Police*
 - *the Civil Guard*
 - *any other police force or authority designated beforehand by the Ministry of the Interior*

Objectives: *cross-border cooperation in police and customs matters*

Organisation of cooperation:

- *projected establishment of police and customs cooperation centres near the common border, to replace the joint police stations referred to in the administrative arrangement of 3 June 1996, namely:*
 - *LE PERTHUS – LA JUNQUERA*
 - *MELLES – PONT DU ROY*
 - *BIRIATOU-IRUN*
 - *CANFRANC-URDOS*

(No police and customs cooperation centre has yet been opened; the Spanish authorities are tending to give preference to SOMPORT)

- *possibility of direct cooperation between operational units (joint action in the border area), gathering and exchange of information)*
- *possibility of exchange of liaison officers (Article 47 of the Schengen Convention)*

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- *communication of organisation charts and telephone directories*
- *exchange of professional publications*
- *exchange visits*
- *joint training courses; language courses*
- *assessment of cooperation at least twice a year*

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Italy: **Agreement on cross-border cooperation in police and customs matters**
signed in Chambéry on 3 October 1997

Area of application:

- *In the case of France, the agreement applies to branches of:*
 - *the National Police Force*
 - *the National Gendarmerie*
 - *and the Customs Authority*

operating in the departments of Alpes Maritimes, Alpes de Haute Provence, Hautes Alpes Savoie and Haute Savoie.

- *In the case of Italy, it applies to the branches of:*
 - *the National Police Force*
 - *the Carabinieri*
 - *the Guardia di Finanza*
 - *and the Customs Authority*

operating in the Provinces of Aosta, Cuneo, Imperia and Turin.

Objectives (with regard to police matters): *cross-border cooperation*

Organisation of cooperation:

- *the joint police stations in Ventimiglia and Modane (the joint police station in Ventimiglia was opened in 1989, while the joint police station in Modane was opened in August 1997) have become DE JURE PCCCs even though they do not operate as such*
- *direct cooperation: coordination of joint measures, possibility of joint patrols; gathering and exchange of information*

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- *secondment of liaison officers (Article 47 of the Schengen Convention)*
- *possible provision of one or more offices for a period of less than 48 hours if required in a particular case*
- *joint border exercises*
- *communication of organisation charts and telephone directories*
- *exchange of professional publications*
- *language courses; joint training courses*
- *exchange visits invited*
- *assessment of cooperation at least twice a year.*

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Luxembourg: Agreement on cross-border cooperation in police and customs matters signed on 15 October 2001

Area of application:

- *In the case of France, the agreement applies to the branches of:*
 - *the National Police Force*
 - *the National Gendarmerie*
 - *and the Customs Authority**operating in the departments of Moselle and Meurthe et Moselle.*

- *In the case of Luxembourg it applies to:*
 - *the Grand-Duchy Police Force*
 - *the Customs Authority.*

Objectives (with regard to police matters): *cross-border cooperation*

Organisation of cooperation:

- *projected establishment of a police and customs cooperation centre in Luxembourg*
- *direct cooperation: secondment of liaison officers on a temporary basis; exchange of information on combating crime; information in the event of cross-border surveillance and pursuit; intensification of cooperation with regard to the prevention and investigation of offences*
- *assessment of cooperation by a joint working party.*

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135. With which other Schengen States has the exchange of liaison officers been agreed (Articles 7 and 47 of the Convention)?

Apart from the exchanges of liaison officers referred to below, France has sent police attachés to the following Schengen States:

- Germany
- Spain
- Greece
- Italy
- Netherlands
- United Kingdom (also responsible for Ireland)

- *Immigration liaison officers:*

| Schengen States | French ILOs posted to the Schengen State | ILOs of the Schengen State posted to France |
|-----------------------|---|---|
| Germany | – 2 ILOs – competence extended to Austria | – 2 ILOs |
| Spain | – 1 ILO – competence extended to Portugal | – 1 ILO |
| Italy | – 1 ILO – competence extended to Malta | – 1 ILO |
| Netherlands | – 1 ILO – competence extended to Belgium and Luxembourg | – ILO |
| United Kingdom | – 1 ILO – competence extended to Ireland | – 1 ILO (ad hoc relations) |

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– *Liaison officers exchanged pursuant to Article 47 of the Schengen Convention:*

| Schengen States | French LOs posted to the Schengen State | LOs of the Schengen State posted to France |
|--------------------------------------|--|---|
| Germany | – 2 LOs with responsibility for terrorism and organised crime | – 1 LO with responsibility for organised crime and narcotics – 1 LO with responsibility for terrorism (ad hoc relations) |
| Belgium | – 1 LO with responsibility for terrorism and organised crime | – 1 LO with responsibility for organised crime (ad hoc relations) |
| Spain | – 3 LOs with responsibility for terrorism and organised crime – 2 LOs with responsibility for narcotics | – 2 LOs with responsibility for terrorism and organised crime (ad hoc relations) |
| Italy | – 2 LOs with responsibility for terrorism and organised crime | – 1 LO with responsibility for terrorism – 1 LO with responsibility for organised crime |
| Netherlands | – 2 LOs with responsibility for narcotics | 2 LOs with responsibility for narcotics |
| United Kingdom | – 2 LOs with responsibility for terrorism and organised crime | – 1 LO with responsibility for terrorism and organised crime – 1 LO with responsibility for narcotics |
| Countries of the Nordic Union | | – 1 LO with responsibility for police and customs (ad hoc relations) |

In the case of the gendarmerie, other LOs are or will be involved in exchanges on the basis of the agreements referred to in question 134 (Article 39(5) of the Schengen Convention).

136. How have police officers been trained, or how are they being trained in the application of the provisions of the Convention? Have instructions, administrative provisions, etc. been prepared with a view to the entry into force of the Convention?

Apart from their initial and in-service training, the requirements of police, customs and Gendarmerie officers in terms of international cooperation are met by the establishment of an administrative cooperation structure which brings together all the institutional channels of international cooperation, including the Schengen cooperation instruments. That structure constitutes a one-stop shop where the police officer's request will be analysed and directed towards the most appropriate channel of cooperation.

**137. Have your country's police officers been briefed on the Handbook on Cross-Border Police Cooperation and prepared to implement it?
Is the Handbook available and in use in all police units?**

During their initial training, French police officers are given an introduction to the Handbook on Police Cooperation and taught how to use it. They can also contact the structure described above for advice on how to proceed.

The Handbook is available in police units, and more particularly in investigation departments.

A ministerial implementing circular of 20 July 1998 concerning cross-border police cooperation in the Schengen area, accessible to all **gendarmerie** officers, explains the procedures to be followed when applying the various provisions of the Schengen Convention (SIS, cross-border pursuit, cross-border surveillance, etc.).

138. Within the framework of cross-border cooperation pursuant to Article 39(1-3) of the Schengen Convention, does national law empower your police services to authorise and execute, without the involvement of the judicial authorities, the measures listed in the document adopted by the Executive Committee of Schengen on 28 April 1999 (SCH/Com-ex (99) 18; SCH/I (98) 75 rev. 5) on principles for police cooperation in the prevention and detection of offences? If not, what measures are the police not authorised to take?

Pursuant to Article 39 of the Schengen Convention, the French police are empowered to authorise and execute the measures laid down in SCH/Com-ex (99) and SCH/I (98) 75 rev. 5, subject to the reservations relating to the role of the judicial authorities as specified in those documents, which were approved by the SCHENGEN Executive Committee on 28 April 1999.

139. What additional measures, if any, are the police authorities in your country authorised to take, without the involvement of the judicial authorities, which are not mentioned in this Executive Committee Decision?

Not applicable.

- 140. Where the police authorities do not have the power to deal with requests, do they forward them pursuant to Article 39(1), sentence 2 to the competent judicial authorities? Do the judicial authorities accept requests to the police for legal assistance forwarded in this way?**

Not applicable.

- 141. Do the judicial authorities accept requests for authorisation according to Article 39(2) of the Schengen Convention by fax or e-mail, as provided for in the Executive Committee's decision (SCH/Com-ex (99) 18)?**
May – according to national provisions on judicial assistance and/or data protection – information forwarded to non-Schengen countries through police channels be passed on to judicial authorities there and used as evidence in legal proceedings or does this require the explicit consent of the French judicial authorities, similar to Article 39(2) of the Schengen Convention?

Requests for authorisation pursuant to Article 39(2) of the Schengen Convention may be sent by fax or through the secure inter-Sirene messaging system.

Information is not normally forwarded to non-Schengen countries directly through police channels.

- 142. Which clauses restricting the purposes for which data may be used are employed by your police authorities in international dealings in relation to Schengen/non-Schengen States?**

With regard to Schengen States, the police ensure that requests for information meet the purposes defined in Article 102 of the Schengen Convention.

With regard to non-Schengen States, the police cannot communicate information. The question is therefore irrelevant.

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143. Is there an obligation to inform the national central body, if in an urgent case the direct channel pursuant to Article 39(3), sentence 2, of the Schengen Convention is used?

Yes.

144. How many cross-border surveillance operations pursuant to Article 40 of the Schengen Convention have the competent authorities in your country carried out over the last three years (broken down by year, by Schengen State, by normal case/urgent case and by offence giving rise to the observation)?

see table in Annex 7

145. Which measures has your country taken/which provisions must be observed regarding the use of technical means in cross-border surveillance?

Discussions currently in progress within the Police Cooperation Working Party.

146. Under national law is an attempted offence sufficient for measures to be taken pursuant to Article 40(1) and (2)/Article 41(1) and (2) of the Schengen Convention?

Yes.

147. Except in cases of hot pursuit pursuant to Article 40(2) of the Schengen Convention, where it is obviously not possible to seek the prior authorisation of the corresponding central authority designated in Article 40(5), are the officials of the Schengen States authorised to conduct cross-border surveillance also allowed to carry their service weapons in your country for standard surveillance operations pursuant to Article 40(1) as provided for under Article 40(3)(d) of the Schengen Convention?

Yes, until the issue of the written agreement confirming or refusing such authorisation.

148. Is information on the type and number of service weapons required, and if so, what? Does France place restrictions in this connection on observation teams from other Schengen States, and if so, what are they?

Yes, application of the provisions of the Schengen Handbook.

149. How many cross-border hot pursuits pursuant to Article 41 of the Schengen Convention have the competent authorities in your country carried out over the last three years (broken down by year, by neighbouring Schengen State(s) and by offence giving rise to the pursuit)?

No statistics are kept concerning the number of cross-border hot pursuits because of their highly localised nature. However, a measure implemented recently by the Ministries of the Interior and Defence aims to reiterate the requirement to keep the central authority informed.

150. Following France's definitive decision to equip its security authorities with Tetrapol digital radio systems, are there any plans of an organisational or technical nature to meet the agreement on objectives of Article 44(2) of the Schengen Convention by establishing interworking with the systems of neighbouring States which work on the TETRA European standard?

The wording of this question ignores the European realities, and does not take account of the outcome of the negotiations to implement Article 44(2)(d) of the Schengen Convention. It should first be stated that:

- TETRAPOL is proposed by an association of industrialists meeting within the TETRAPOL Forum. Its technical specifications and interfaces have been published in accordance with the ETSI rules (Publicly Available Specifications) so that any industrialist can use them to develop his equipment. Consequently, TETRAPOL is not a proprietary technology.
- The negotiations to implement Article 44(2)(d) of the Schengen Convention continued after the entry into force of the Treaty of Amsterdam, on the basis of the Executive Committee Decision of 28 April 1999. At its meeting on 15 December 1999, the CATS endorsed the free choice of TETRA or TETRAPOL to equip the networks of the EU Member States' security and emergency forces. It is therefore misleading to present France as benefiting from an exception.
- The outcome of the negotiations to implement Article 44(2)(d) was endorsed by the CATS on 15 December 1999. France will comply with that outcome.

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151. If so, which solutions are under consideration and which tactical and operational requirements from the common catalogues of requirements of the Schengen States, set out in the Executive Committee Decision of 28 April 1999 (SCH/Com-ex (99) 6), could be met?

Pursuant to the aforementioned CATS Decision of 15 December 1999, border interoperability will be ensured by bilateral agreements (cf. 11626/2/99 ENFOPOL 64 REV 2). The national police force will negotiate such agreements as and when the ACROPOL network is deployed at borders. In connection with the creation of the Tournai PCCC, a working party was set up as long ago as March 2000 to implement each of the technical aspects provided for by the agreement, including radiocommunications. Proceedings in that regard have not yet been completed. Finally, a Franco-Italian pilot TETRAPOL network has been installed in the area of MENTON-VENTIMIGLIA (RIVIERA network). Existing PCCCs and those currently being established will also benefit from the RUBIS telecommunications infrastructure (TETRAPOL standard) of the gendarmerie, deployed throughout French territory.

X. Drugs

152. What specific organisational measures have been adopted at the external borders (land, air and sea) to combat drug trafficking?

- (a) New structures**
- (b) Staffing measures**
- (c) Creation of new customs services specialised in surveillance**
- (d) at the sea borders**

The departmental gendarmerie (3 500 employees and 14 launches, 86 rigid dinghies and 100 semi-rigid or inflatable dinghies), the nautical units of the departmental gendarmerie (11 launches ranging in size from 10 to 14 m) and the maritime gendarmerie (7 patrol boats and 23 launches) are involved in the State's maritime activities in territorial waters and in the exclusive economic zone, and thus play a part in anti-narcotics missions. From 2003 onwards, the maritime gendarmerie will modernise its nautical resources in order to meet the growing need for coastal surveillance and the protection of sea approaches. The secondment of 31 military staff from the gendarmerie to the Maritime Affairs Administration, one of whose tasks is to monitor maritime transport activities, enables any narcotics-related matter to be detected and dealt with thanks to the presence of a Criminal Police officer. The helicopters of the departmental gendarmerie can also be used to detect any suspect vessel.

(e) at the air borders

The air transport gendarmerie (1 065 military staff), established at all international airports, is responsible for security in the restricted area (the airport infrastructure not open to the public). In that area, it helps combat drug trafficking as part of its Criminal Police tasks.

(f) at the land borders

A cross-border judicial, police and customs cooperation agreement was signed with Switzerland (France's only external land border) on 11 May 1998 in Berne (entering into force on 1 September 2000). It provides for a strengthening of cooperation through the creation of a police and customs cooperation centre (due to open in Geneva in early 2002), the exchange of information, the secondment of liaison officers (the national gendarmerie has seconded a liaison officer to Basel) and the implementation of measures of direct cooperation between cross-border units (3 215 military staff of the departmental gendarmerie). Illegal trafficking in drugs and psychotropic substances is also covered by the right of surveillance and hot pursuit provided for in Articles 7 and 8 of the agreement.

(g) Do the customs authorities have any vessels or aircraft (launches, planes, helicopters) for detecting illegal shipments?

All surveillance units and customs authority resources work together to combat drug trafficking throughout the national territory. There are no surveillance units or air/sea resources devoted specifically to that task.

The provisions described below therefore do not apply exclusively to external borders.

153. Technical aspects

(a) What specific measures and tactical methods have been adopted at the external borders to combat drug trafficking?

In order to reconcile freedom of movement with the fight against illicit trafficking at external borders too, the Customs Authority reorganised its anti-fraud system in 1997, *inter alia* by strengthening and streamlining services specialising in intelligence gathering and processing, risk analysis and targeting.

Under this new system, combating drug trafficking is one of the priorities defined through two control orientation levels:

- the investigative framework, which defines twelve key sectors to which the service's attention must be given as a matter of priority;
- the successive annual control plans. For 2001, the service's attention must be given to combating narcotics carried in commercial freight, and to synthetic drugs.

The initial and continuing training given to employees of the Gendarmerie, which encompasses the tackling of this type of crime as well as the participation of anti-drug relay trainers for the benefit of their peers, ensures that employees can adopt a targeted approach to this phenomenon and can lead the fight against this type of crime as part of their normal everyday Criminal Police activities.

(b) What special measures have been taken to guarantee that controls are effectively targeted (targeted controls)?

The growing internationalisation and intensification of trade, the worldwide development of means of communications and the gradual construction of the European Union have all made it necessary to adapt working methods.

To offset the reduced feasibility of physical controls of persons and goods, an intelligence policy has been developed comprising two aspects:

- The gathering and processing of intelligence:

All customs officers help gather information useful for combating fraud. A form known as the "CERES data sheet" is intended to facilitate the gathering and dissemination of information. In addition, local, regional and national specialist services carry out more organised activities relating to intelligence gathering and processing.

- The implementation of risk analysis and targeting techniques.

The need to reconcile effective controls with the unimpeded flow of lawful trade has led the Customs Authority to define new control techniques based on risk analysis and targeting. Those selective controls are based not only on the characteristics of officers' observations, but also on the drawing up of fraud profiles: likelihood of fraud in terms of the country of origin, means of transport or nature of the declared goods.

The dissemination of intelligence to services in order to enable them to target their controls constitutes another important aspect of fraud prevention. The French Customs Authority has several means of forwarding any information acquired, *inter alia*:

* the brochure entitled "Suggestions and Guidelines for Enquiries and Controls" (SDEC), drawn up by the Intelligence and Documentation Directorate, is distributed to all customs services each month. It contains intelligence on fraud, both general and specific (drugs: special hiding-places, fraud mechanisms). The services take account of such intelligence when targeting their controls:

- at local level, in order to determine local selection criteria (CRILOC) for choosing which customs declarations to check or to select susceptible products which require increased entry controls;
- at the level of deferred and *a posteriori* controls, in order to establish samples of declarations for checking and to decide which undertakings to inspect;

* risk analyses undertaken by specialist services;

* fraud alerts and requests for investigation entered in the National Computerised Documentation File (FNID).

(c) What new methods have been introduced to obtain relevant information?

The Customs Authority has developed measures aiming to revitalise the intelligence function by refining intelligence gathering, diversifying intelligence services and improving data transmission media and channels.

The Customs Authority has various intelligence sources at its disposal:

- the customs services: all customs officers help gather information as part of their general customs control duties.
- data bases.
- mutual international administrative assistance, through which the customs administrations undertake to exchange a series of data with a view to facilitating the prevention, investigation, establishment and prosecution of customs offences. In addition, customs attachés maintain contact with the fraud prevention services in their areas of competence and can thus gather intelligence which enables them to detect trafficking between their areas of activity and France.

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- the Internet: the National Directorate for Customs Intelligence and Investigations has an Internet customs data gathering and analysis unit (CRAIDO), responsible for gathering information which may relate to unlawful activities involving prohibited goods, including drugs.
 - Coordination with other administrations, and in particular the Directorate-General for Taxation (DGI) and the police.
- (d) Have any steps been taken with a view to concluding protocols and agreements with international carriers and to obtaining information on suspect activities, in accordance with the recommendations issued by the World Customs Organisation (WCO)?**

The WCO's Customs/Business Partnership Programme recommends the conclusion of agreements between customs administrations and certain undertakings which are particularly exposed to the risk of drug trafficking.

Within the framework of that programme, more than fifty memorandums of understanding have already been signed by the French Customs Authority and undertakings at international, national and regional level.

Most of the signatories of those MOUs are federations of removal, transport and logistics firms, express freight companies, airlines, storage firms and shipping agencies.

Negotiations are currently under way with other companies and with regional representatives of federations with which agreement has been reached at national level, with a view to concluding new agreements.

In general, those agreements provide for the appointment of contacts within the undertaking and the administration, thereby facilitating the exchange of information. They also impose upon the two parties a series of reciprocal obligations.

The Customs Authority undertakes to train employees who are confronted with such a risk in methods of gathering intelligence on drugs; in return, the company undertakes to communicate any useful information to the Customs Authority at the first sign of any suspected case of smuggling. Some agreements also grant the Customs Authority access to certain information held by undertakings (e.g. itineraries followed, the recording of the movements of loads or vehicles, staff, etc.).

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In order to strengthen such partnership at international level, the French Customs Authority has undertaken to sign memorandums of understanding with Colombian divisions of the BASC (Business anti-smuggling coalition), an association bringing together parties involved in foreign trade who wish to combat the use of lawful commercial channels by criminal organisations for smuggling purposes.

(e) Have the following conventions been ratified?

- **Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol amending the 1961 Single Convention on Narcotic Drugs**

This Convention, which was signed by France on 30 March 1961, entered into force in France on 21 March 1969.

- **the 1971 Convention on Psychotropic Substances**

This Convention, which was signed by France on 21 February 1971, entered into force in France on 16 August 1976.

- **the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 20 December 1988?**

This Convention, which was signed by France on 13 February 1989, entered into force in France on 31 March 1991.

154. What technical means have been deployed at the external borders to detect drugs smuggled illegally into the country?

The Customs Authority has been allocated the following means overall:

- 200 sniffer dog teams specialising in drug detection
- 71 X-ray machines dedicated to the detection of fraudulent goods
- 1 fixed facility for checking shipping containers
- 23 densimeters for detecting smuggled goods

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- 49 endoscopes
- 118 analysers for detecting the presence of drugs in urine
- 17 detection devices for identifying drug particles.

These resources are deployed not only at the external borders, but throughout French territory.

155. What measures have been taken to obtain information within the framework of international external border cooperation?

(a) international agreements (specific bilateral agreements, MARINFO etc.)

The French Customs Authority has long pursued an active policy of negotiating administrative assistance agreements. As long ago as 1936, France signed its first bilateral agreement on mutual international administrative assistance with the USA. Around thirty bilateral administrative assistance agreements are currently in force.

Apart from that policy conducted within a bilateral framework, the Customs Authority is also bound by multilateral Community instruments. With regard to the European Union, mutual assistance is based partly on Regulation No 515/97 of 13 March 1997 covering the prevention and detection of offences in Community matters (1st pillar) and partly on the Naples Convention signed in 1967 covering the prosecution and combating of infringements of Community and national rules (3rd pillar).

By the Law of 16 June 2000, France also ratified the Convention on mutual assistance and cooperation between customs administrations known as the "Naples II" Convention, signed on 18 December 1997, which provides *inter alia* for the implementation of cross-border cooperation measures.

The French Customs Authority also participates in the MARINFO system, a cooperative system for combating trafficking in drugs, cigarettes and alcohol by sea. Much of France's external border is in fact coastline. MARINFO receives and disseminates records of goods seized and suspected cases of fraud with a view to drawing up fraud profiles, analysing the operational methods used and strengthening participants' resources for detecting fraud.

(b) participation in international working groups

The transnational nature of organised crime, and in particular illegal drug trafficking, requires ever closer cooperation between those involved in this area at both international and European level. At multilateral level, the Customs Authority is participating in the work of various international and regional organisations involved in combating illegal drug trafficking, including the UN, G8, Interpol, the Inter-Caribbean Customs Conference and the World Customs Organisation (WCO). At European level, the Customs Authority is participating in the work of various coordination and cooperation groups established within the framework of the European Union's third pillar (justice and home affairs). The Union's objective in this connection is to offer its citizens a high level of protection in an area of freedom, security and justice, by establishing joint measures between Member States in the field of police, customs and judicial cooperation.

In that connection, the Customs Authority follows the proceedings of two cooperation groups dedicated to combating drug trafficking: the Horizontal Working Party on Drugs, a cross-pillar working party responsible for coordinating and monitoring all drug-related problems, and the Working Party on Drug Trafficking.

It also follows the proceedings of groups which, although not dealing exclusively with drugs, have reason to discuss that subject on a regular basis, e.g. the Customs Cooperation Working Party and the Multidisciplinary Group (MDG).

The French Customs Authority also participates in the activities of Europol via two liaison officers, and thus contributes to certain proceedings dedicated more specifically to drugs, in particular by contributing to a data base on ecstasy and certain Europol analysis files.

The national gendarmerie has a structure (the international relations division) dedicated to following the proceedings of international bodies and negotiating and implementing international police cooperation agreements. The gendarmerie is thus widely involved in all international groups of experts whose aim is to improve police cooperation, in particular in order to combat drug trafficking (European Union institutions, G8, OSCE, UN, Interpol and other informal groups).

(c) communication and information systems

The Customs Authority has access to several international file systems and data bases.

- The Community data bases accessible via SCENT (System of Customs Enforcement NeTwork), a data transmission network developed by the Commission in close cooperation with the Member States with a view to gathering, analysing and distributing information within the Union. It also provides a tool for sending multi-purpose telex-type messages. It provides access to data bases such as COMEXT (European data base of foreign trade statistics) and the Customs Information System (CIS), a computerised anti-fraud system set up between the fifteen Member States of the European Union with a view to better orienting the activities of customs services and the targeting of controls.
- Schengen Information System (partial access)
- MARINFO, a system for exchanging intelligence on drug-related fraud by sea and by container, set up between certain signatories to the 1988 Vienna Convention. It handles operational information obtained from customs sources or information gathered during checks which may be of interest to customs services.
- YACHTINFO, a data base for combating drug trafficking using pleasure craft and similar vessels. It allows intelligence on such suspect vessels and their crews to be disseminated rapidly between the customs services of European countries responsible for maritime surveillance.
- LLOYDS seadata, provided by Lloyd's shipping information services, is a private data base containing worldwide shipping information which can be useful for locating and monitoring the movements of vessels.
- BALKAN INFO, a system for disseminating and receiving information on drug seizures and exchanging messages of suspicions concerning drug trafficking on the "Balkan route"
- CARGO INFO, a system for transmitting data on drugs carried by air (messages concerning seizures, information on the modus operandi of couriers).
- CEN (customs enforcement network): an anti-fraud customs network, a data exchange and communication system for the customs services of the WCO Member States.

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At those external borders for which it is responsible, the national gendarmerie is able to communicate rapidly and exchange information with its privileged intermediaries (with due regard for the provisions of the international agreements).

(d) criminal tactics measures

The national gendarmerie exchanges its statistical data and information with its cross-border neighbours with a view to detecting criminal phenomena which it takes into account in its activities.

(e) others

The gendarmerie has invested in this area by establishing a liaison officer at the JIATF-E in Key West (Florida, USA) in 1998, and by allowing its supervisory authorities to participate in all international conferences and seminars.

The CIFAD (Interministerial Anti-Drug Training Centre), set up in Fort-de-France by the Customs Authority, the Gendarmerie, the police and the Ministries of Justice and Health, is responsible for training French and foreign staff who have the task of combating drugs and preventing drug dependency and money-laundering in the Caribbean area or in America.

156. What results have you attained in terms of seizures between 1997 and 2000 at the land, sea and air borders?

(a) nature and volume

According to a comprehensive analysis of statistics gathered between 1997 and 2000, the largest quantities of drugs are intercepted at the sea borders of the English Channel/North Sea and the Mediterranean. However, seizures are rare and relate almost exclusively to cannabis resin, with wide variations in the volumes intercepted. In 1999, the figure was 26,54 tonnes as a result of an exceptionally large seizure of 23,3 tonnes from a ship intercepted in the English Channel on its way from Morocco to Poland.

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There has been a substantial increase in the total quantities of drugs seized at the Channel borders on land, rising from 1,5 tonnes in 1997 to 6,9 tonnes in 2000. Ecstasy seizures rocketed from 16 600 doses to 653 403 doses in 2000.

It should be noted that almost all the drugs seized at this border were destined for the United Kingdom. Less than 50 kg were destined for Ireland. Only tiny quantities of drugs are intercepted coming from that country, mainly cannabis.

At the air borders, the total volume is seized is more variable. After falling in 1999, it rose by more than 77% in 2000 compared to the previous year, with an increase in almost all products intercepted.

There has been a steady increase in seizures of heroin, varying between 20 and 26 kg over the past four years. Seizures of ecstasy and cocaine have risen steadily since 1998, from 70 500 to 254 000 doses and from 200 to 557 kg respectively.

Various types of drugs have been seized at the Swiss border. However, the quantities are insignificant compared to those intercepted at the Channel borders on land. The substantial increase in the total volume recorded in 2000 was due to two large seizures of cannabis resin found in lorries; the quantities seized thus rose from 83 kg in 1997 to 2 242 kg in 2000.

(b) country of origin

The following broad trends can be seen with regard to the origin of drugs seized at France's external borders:

1. At the air borders

- The heroin seized originates in Thailand, India, Pakistan and Malaysia.
- Herbal cannabis comes from various countries in Africa, in particular the Republic of the Congo, Cameroon and South Africa.
- Cocaine comes from several Latin American countries, in particular Colombia, Brazil and Venezuela, as well as from countries in the Caribbean area.
- Synthetic drugs come from the Netherlands.

2. At the land borders

At the Channel borders:

- Heroin comes from two known sources: the Netherlands and Hungary.
- Substantial quantities of cocaine and herbal cannabis are of unidentified origin. The known countries of origin are the Netherlands and (to a lesser extent) Belgium and Germany.
- The main countries of origin of cannabis resin are still Spain, the Netherlands, Belgium and – more recently – Germany.
- Synthetic drugs come from the Netherlands and possibly also from Germany (in the case of ecstasy).

3. At the sea borders

The cannabis resin seized comes mainly from Morocco.

4. At the Swiss border

(a) Heroin

Most of the heroin seized is of unidentified origin; known countries of origin are Switzerland, Germany and the Netherlands.

(b) Cocaine

Same comments as for heroin. Most of the cocaine seized is of unidentified origin; known countries of origin are Switzerland, Germany, the Netherlands, Belgium, Italy and Luxembourg.

(c) Herbal Cannabis

Switzerland is the main known country of origin.

(d) Cannabis resin

Spain is the main known country of origin in terms of quantities seized (e.g. 2,16 tonnes in 2000), followed by Switzerland and Belgium.

(e) Large quantities of other products are also of unidentified origin.

(c) destination

The following points may be noted with regard to the destination of drugs seized at France's external borders:

1. At the air borders

- Most of the cocaine seized is destined for the European Union, and in particular France, the Netherlands, Spain and Italy. A substantial proportion is destined for African countries, including Côte d'Ivoire, Gabon and Togo.
- Heroin is destined for countries in Africa, Europe and North America.
- Cannabis is destined primarily for France.
- Ecstasy is destined mainly for the USA, Thailand and Canada.

A. At the land borders of the English Channel

- the United Kingdom is the primary country of destination for the ecstasy, amphetamines, crack and cannabis seized at the land borders of the English Channel;

At the sea borders

- Most of the cannabis resin seized at the sea borders is destined for Poland, France and the Netherlands.

B. At the Swiss border

- Switzerland and Italy are the main countries of destination for cocaine.
- France is the main country of destination for heroin and herbal cannabis.
- Germany and Belgium, followed by France and Switzerland, are the main countries of destination for cannabis resin.

The national gendarmerie does not keep statistics on border-specific matters. However, it does keep national statistics on cases in which it is involved, and is able to carry out analyses at department (*département*) level on the basis of multiple criteria (type of offence, type of persons involved by nationality, age, sex and the products in question). In 1999 and 2000, 10% of cases were dealt with in cooperation with customs.

Cannabis (resin, herb, plants, seeds and oil) is the drug most commonly encountered in France, with more than 24 tonnes seized by the national gendarmerie during the period from 1997 to 2000 (of which 9 tonnes were seized in 2000).

Seizures of other drugs by the gendarmerie during the period from 1997 to 2000 were as follows:

- heroin and derivatives: 201 kg;
- cocaine and crack cocaine: 319 kg;
- synthetic drugs (amphetamines, ecstasy and LSD): 13 kg (of which 49 000 doses were seized in 2000).

(d) means of transport

The data set out below show the means of transport used by traffickers for each type of border area:

- at sea borders: sailing boats, fishing boats, cargo vessels, car ferries, packages thrown into the sea;
- at the Swiss border: cars, lorries, vans, camper vans, coaches, trains;
- at the channel border, destined for the United Kingdom and Ireland: same means of transport as at the Swiss border.

(e) means of concealment used by the trafficker

(a) Land

1. Heroin

This drug is usually concealed on the person or in the normal cavities of vehicles, and more rarely inside the body. Most of the quantities seized at the Channel border are concealed in freight.

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2. Cocaine

On land, this drug is often concealed on the person, in luggage or in the normal or specially-made hiding-places of vehicles. Like heroin, large quantities are sometimes found in freight.

3. Cannabis

Most is found in freight or in the adapted walls or boots of vehicles or in luggage.

4. Ecstasy and amphetamines

Large quantities are found either in freight or in the normal or adapted boots of vehicles.

Smaller quantities are concealed in luggage, under seats or in the normal hiding-places of vehicles.

(b) Air

1. Heroin

Concealed on the person, in adapted luggage or inside the body.

Also concealed inside mail.

2. Cocaine

Concealed on the person, in adapted luggage, inside the body, in beverages, in vehicle pistons, in personal hygiene products, in handicraft products, in impregnated clothes, in furniture, in door handles.

3. Cannabis

In luggage and in parcels sent by freight.

4. Ecstasy

Concealed in luggage (normal or adapted), on the person or in express freight.

(c) Sea

Concealed in freight (frozen fish), in cabins and in the boots and normal hiding-places of vehicles disembarking from ferries.

XI. Data protection

157. Has the French supervisory authority used its right of access to the national part of the SIS? Is access occasional or frequent?

There is right of mixed access to the national section of the Schengen Information System (N-SIS) in France.

There is direct access when the persons recorded in the SIS are:

- persons to be traced in the family interest (Article 97 of the Convention),
- minors prohibited from leaving the territory (Article 97),
- absconding minors (Article 97),
- persons mentioned or identifiable when an alert is issued on a stolen, misappropriated or lost vehicle (Article 100).

In other instances right of access is exercised through the National Data-processing and Liberties Commission (CNIL). The Commission then designates one of its members, a magistrate or former magistrate, a current or former member of the Council of State, the Court of Appeal or the Court of Auditors, to conduct the appropriate investigations and have the necessary amendments made.

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As of 31 December 2001 the CNIL had received around 1 200 requests for right of access since 1995, the date when the Schengen Convention entered into force. It is the Schengen data file which, of all police data files, generates the largest number of requests for right of access and correction in France (33% of requests for right of indirect access). There were 260 alerts deleted as a result of these requests for verification, which represents 40% of the alerts recorded in the SIS ¹.

158. Is this right of access used in situ? Has any supervision been organised in parallel (one person in the French SIRENE Bureau and the other with the final user)?

Members of the CNIL responsible for exercising the right of indirect access to the SIS proceed to the Bureau of Criminal Investigation of the Ministry of the Interior – 101 rue des trois Fontanot, 92 Nanterre, i.e. the French SIRENE Bureau.

Checks are carried out by members of the CNIL who consult the N-SIS directly and, if it is a French alert, the data file of the persons to be traced. For each request, the data on the screen is printed out.

159. When there is access on the basis of Article 109 of the Schengen Convention, does the CNIL (National Data-processing and Liberties Commission) also play a supervisory role or does it simply act as the authorised representative of the applicant? What exactly does CNIL supervision over an alert relate to: the legality of the procedure or also the validity of the grounds for the alert?

Under Article 109 of the Convention, the right of access to information recorded in the SIS is exercised in accordance with the law of the State to which the request is made.

In France, when the CNIL receives a request for right of indirect access, the checks made relate to the existence of the alert, its legal basis and the country behind the alert.

¹ This percentage corresponds to the number of alerts deleted (260) compared with the number of alerts recorded in the SIS (660).

If the alert was issued by the French authorities, the members of the CNIL responsible for exercising the right of indirect access check **the validity** of the alert, which usually means that **checks are extended to information recorded in national data files**, such as the file on persons to be traced (in order to check, for example, the validity of a measure expelling a person from the territory), the files of the Bureau of Criminal Investigation at the Ministry of the Interior and at the Ministry of Defence, the files kept by the general intelligence services or by counter-intelligence.

Magistrates from the CNIL may order that the information recorded be deleted, in particular where data are updated because of the cancellation of an expulsion order or of a problem of identity fraud.

If the alert was issued by a State other than France, the procedure for cooperation with the supervisory authority of the country behind the alert, provided for in Article 114(2) of the Convention, is initiated.

It should be stated that if the applicant has been refused a visa but the refusal is not the subject of an alert in the SIS, the CNIL asks the French Ministry of Foreign Affairs whether the refusal is due to that person's being entered in a "rejection" or "warning" index kept centrally by the Ministry or locally by consulates or embassy consular sections. If that is the case, the CNIL extends its investigations to those national files and checks the date and the reasons why the applicant is entered in the index.

160. How is cooperation between data protection commissions settled if it transpires that a person has been recorded by a country other than France and the French SIRENE Bureau does not have the complete file?

If an alert on a person has been issued by a Schengen country other than France, the CNIL contacts its foreign counterpart in accordance with the principle of cooperation between national data protection authorities. All the information which is useful for carrying out checks, obtained following consultation of the N-SIS and the printing of the data on the screen corresponding to the alert on the applicant, is communicated to the national supervisory authority of the State behind the alert.

Checks are then carried out by CNIL's counterpart. Once such checks have been completed, the national supervisory authority of the country behind the alert informs the CNIL of its research and investigations and states, if a country is involved where there is right of direct access to the SIS, whether the data can be forwarded to the applicant.

The CNIL is then able to reply to the applicant. If the supervisory authority of the country behind the alert has stated that the alert had been deleted from the SIS, the CNIL checks that the data have actually been deleted **by carrying out a further check** in the N-SIS at the French Ministry of the Interior before informing the party concerned of the outcome.

In view of the consequences that an alert in the SIS may have for individual liberties, the CNIL ensures that such cooperation between national data protection authorities is efficient and rapid.

161. Is every tenth transmission of personal data recorded for the purposes of supervising the admissibility of the query?

Article 103 of the Convention provides that, on average, every tenth transmission of personal data must be recorded in the N-SIS for six months for the purpose of checking whether the search is admissible.

The CNIL consequently referred to this obligation in its opinion on the draft decree establishing the N-SIS (see discussion No 95-047 of 25 April 1995). It also asked that the search made in the N-SIS and the response found – whether positive or negative – be recorded for all the recipients of the data, whichever ministry they belong to, thus enabling the persons who consulted the SIS to be precisely identified.

162. What rules are applied for retaining data in the national system? What happens to the paper files relating to the SIS alert? Are they archived? Are they destroyed? After how long?

- The rules for retaining data in the N-SIS are laid down by the Convention.

Thus, under Article 112 of the Convention, data entered in the SIS for the purpose of tracing persons are kept only as long as necessary for the purposes for which they were supplied. The need to continue storage of such data must be reviewed not later than three years after they were entered. The Convention states that the time limit is one year for alerts based on Article 99 (discreet surveillance or specific checks). On the other hand, the maximum period for storing information is three years for motor vehicles, five years for identity documents issued and for bank notes, ten years for other items (Article 113 of the Convention). For the sake of completeness, it should be added that on the expiry of those periods, the data are stored for one year in the C-SIS (Central system set up in Strasbourg), which serves as a technical support, for the purpose of subsequent checking of their correctness and the legality of their inclusion.

- The information exchanged by the French SIRENE Bureau with its counterparts in the Member States of the "Schengen area", which feeds the SIS files prepared as a back-up for alerts, is archived in a specific application known as "GED" (electronic management of documents).

The time during which data recorded in the "GED" application are stored is that for alerts recorded in the SIS. As the information is recorded on videodiscs, the access path to the data is deleted at the same time as the alert is deleted from the SIS.

163. Has the list of authorities authorised to consult the SIS been amended recently?

The list of authorities authorised to consult the N-SIS ¹ has not been amended recently.

164. Do the authorities responsible for recording vehicle registrations have access to the SIS?

The authorities responsible for recording vehicle registrations do not have access to the N-SIS.

Those authorities therefore have no access to stolen vehicles recorded in the SIS, except for those vehicles which, declared stolen in France, are recorded in the file of stolen vehicles. It is this file which France uses for alerts issued on the basis of Article 100(3)(a) of the Convention (motor vehicles with a cylinder capacity exceeding 50 cc which have been stolen, misappropriated or lost).

¹ Under the Decree of 6 May 1995 establishing the N-SIS, the following are covered:

- in the case of all alerts: officials and staff of the French SIRENE Bureau, judicial authorities, national police officials and authorised military staff of the national gendarmerie acting within their general administrative police and criminal investigation duties,
- in the case of some alerts: staff of "préfectures" and of the central administration departments of the Ministry of the Interior with responsibility for matters concerning the entry, residence and expulsion of aliens and the tracing of missing persons (Articles 96 and 97), staff of the departments of the Ministry of Foreign Affairs responsible for issuing visas, consulates and embassy consular sections solely in the case of alerts based on Article 96 of the Convention, customs staff responsible for monitoring alerts based on Article 96 of the Convention, and for alerts based on Articles 95, 97, 99 and 100 when it is their responsibility to warn the criminal investigation police officer with territorial jurisdiction.

RESTREINT UE

165. How does France resolve the conflict between the transparency of public action and the protection of data entered in the SIS? How many people have asked to be informed of data concerning them? In how many cases did corrections have to be made?

- This conflict is resolved through the right of verification exercised by the CNIL at the request of the persons concerned. 295 persons made such requests in 2001.

Of the 145 persons recorded in the N-SIS ¹, 75 of them had their alerts deleted as a result of checks made by the CNIL.

The regular increase in the number of persons applying to the CNIL for right of access to the SIS can be accounted for by the better information available nowadays to persons whose applications for visas are refused by the French Ministry of Foreign Affairs. In France, when a visa is refused on the basis of an alert in the SIS, the administration is obliged to justify its decision and to disclose the origin of the alert.

166. How is access to the SIS supervised by local staff in the consulates?

Access to the SIS by local staff in consulates is restricted, as is the case with all staff of the Ministry of Foreign Affairs responsible for issuing visas, to those alerts made on the basis of Article 96 of the Convention (non-admission to the "Schengen area"). Access is via terminals of the visa global network.

Access procedures defined by the Ministry of Foreign Affairs are based on user profiles which depend on the level of responsibility of the persons and, where appropriate, their geographical location, and made secure by means of passwords of eight alphanumeric characters which are changed at regular intervals. Each decision taken on a file is "signed" electronically. The CNIL has monitored two consulates to ensure that the system works smoothly.

¹ The other referrals covered various situations: no alert in the SIS, incomplete files which remained without further reply, entries in files of the French Ministry of Foreign Affairs, the CNIL's not being competent, etc.

RESTREINT UE

167. Have rules been established concerning duplication of SIS data? Is there a technical copy or a copy "for technical purposes" which would allow user services to access the SIS?

Under Article 102(2) of the Convention, data may be copied only for technical purposes provided that such copying is necessary to enable the authorised authorities to carry out a direct search.

The national gendarmerie, French customs and the Ministry of Foreign Affairs have copies of the N-SIS which are constantly updated.

DECLASSIFIED

RESTREINT UE

Eloignement des Etrangers

Départs Effectifs

Années 1993 à 2001

| | ANNEE 1993 | ANNEE 1994 | ANNEE 1995 | ANNEE 1996 | ANNEE 1997 | ANNEE 1998 | ANNEE 1999 | ANNEE 2000 | 1ER SEMESTRE 2001 |
|--|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|-------------------------|
| | | | | | | | | | |
| | | | | | | | | | |
| | 7819 | 12020 | 11417 | 12571 | 9947 | 8040 | 8300 | 9594 | 4432 |

RESTREINT UE

NON-ADMISSIONS+READMISSIONS

Répartition par Type de Frontière

Année 2000

TOTAL : 44.815

| FRONTIERES | % na+réd/national 2000 | na+réd 1999 | na+réd 2000 | Evolution 00/99 en % | PRINCIPALES NATIONALITES | % na+réd/frontière 2000 | % front./national 2000 | RAPPEL NATIONAL 2000 |
|------------|------------------------------|-------------|-------------|-------------------------|--------------------------|----------------------------|------------------------|-------------------------|
|------------|------------------------------|-------------|-------------|-------------------------|--------------------------|----------------------------|------------------------|-------------------------|

| | | | | | | | | | |
|------------------|--------|-------|--------|-----|--------------|------|-----|-----|-------|
| TOTAL | 27,98% | 8.962 | 12.540 | 40% | CHINOISE | 1375 | 11% | 71% | 1.939 |
| AERIEENNE | | | | | EQUATORIENNE | 1253 | 10% | 94% | 1.329 |
| | | | | | SENEGALAISE | 700 | 6% | 73% | 956 |
| | | | | | MALIENNE | 674 | 5% | 90% | 752 |
| | | | | | GUINEENNE | 596 | 5% | 85% | 698 |

| | | | | | | | | | |
|------------------|--|-------|-------|------|-----------------|-----|-----|-----|-------|
| TOTAL | 1,98% | 1.228 | 889 | -28% | MAROCAINE | 347 | 39% | 11% | 3.083 |
| MARITIME | | | | | SIERRA LEONAISE | 130 | 15% | 23% | 554 |
| | | | | | GHANEENNE | 57 | 6% | 24% | 242 |
| | | | | | ALGERIENNE | 55 | 6% | 3% | 1.668 |
| | | | | | BRITANNIQUE | 28 | 3% | 11% | 264 |
| D O N T | Maritime (Sauf transbordeur Italie et GB) | 1,69% | 1.040 | -27% | MAROCAINE | 341 | 45% | 11% | 3.083 |
| | | | | | SIERRA LEONAISE | 129 | 17% | 23% | 554 |
| | | | | | GHANEENNE | 56 | 7% | 23% | 242 |
| | | | | | ALGERIENNE | 49 | 6% | 3% | 1.668 |
| | | | | | TUNISIENNE | 27 | 4% | 5% | 534 |
| | Maritime GB (Liaison directe par transbordeur) | 0,29% | 188 | -30% | BRITANNIQUE | 28 | 21% | 11% | 264 |
| | | | | | TURQUE | 17 | 13% | 0% | 3.438 |
| | | | | | EQUATORIENNE | 8 | 6% | 1% | 1.329 |
| | | | | | ROUMAINE | 7 | 5% | 1% | 1.078 |
| | | | | | YOUGOSLAVE | 7 | 5% | 0% | 2.871 |
| | Maritime Italie (Liaison directe par transbordeur) | | - | - | | | | | |

| | | | | | | | | | | |
|------------------|-------------|--------|--------|--------|--------------|-------------|------|-----|-------|-------|
| TOTAL | | | | | | | | | | |
| TERRESTRE | | 69,06% | 36.322 | 30.950 | -15% | IRAKIENNE | 4611 | 15% | 96% | 4.798 |
| | | | | | | TURQUE | 3085 | 10% | 90% | 3.438 |
| | | | | | | YOUGOSLAVE | 2733 | 9% | 95% | 2.871 |
| | | | | | | IRANIENNE | 2332 | 8% | 96% | 2.427 |
| | | | | | | MAROCAINE | 2211 | 7% | 72% | 3.083 |
| D O N T | BRITANNIQUE | 2,17% | 1.340 | 972 | -27% | BRITANNIQUE | 203 | 21% | 77% | 264 |
| | | | | | | YOUGOSLAVE | 73 | 8% | 3% | 2.871 |
| | | | | | | INDIENNE | 66 | 7% | 7% | 965 |
| | | | | | | TURQUE | 50 | 5% | 1% | 3.438 |
| | | | | | | CONGOLAISE | 48 | 5% | 6% | 865 |
| | ITALIENNE | 35,87% | 17.478 | 16.076 | -8% | IRAKIENNE | 4406 | 27% | 92% | 4.798 |
| | | | | | | TURQUE | 2240 | 14% | 65% | 3.438 |
| | | | | | | IRANIENNE | 2166 | 13% | 89% | 2.427 |
| | | | | | | YOUGOSLAVE | 1347 | 8% | 47% | 2.871 |
| | | | | | | ALBANAISE | 833 | 5% | 72% | 1.155 |
| | HELVETIQUE | 10,24% | 6.925 | 4.589 | -34% | YOUGOSLAVE | 822 | 18% | 29% | 2.871 |
| | | | | | | SUISSE | 331 | 7% | 91% | 364 |
| | | | | | | TURQUE | 262 | 6% | 8% | 3.438 |
| | | | | | | MAROCAINE | 221 | 5% | 7% | 3.083 |
| | | | | | | TUNISIENNE | 152 | 3% | 28% | 534 |
| | ALLEMANDE | 2,42% | 1.495 | 1.085 | -27% | TURQUE | 177 | 16% | 5% | 3.438 |
| | | | | | | YOUGOSLAVE | 103 | 9% | 4% | 2.871 |
| | | | | | | ALGERIENNE | 72 | 7% | 4% | 1.668 |
| | | | | | | ROUMAINE | 61 | 6% | 6% | 1.078 |
| | | | | | | INDIENNE | 49 | 5% | 5% | 965 |
| BELGE | 8,56% | 5.346 | 3.835 | -28% | MAROCAINE | 742 | 19% | 24% | 3.083 | |
| | | | | | CONGOLAISE | 325 | 8% | 38% | 865 | |
| | | | | | TURQUE | 286 | 7% | 8% | 3.438 | |
| | | | | | ex ZAIROISE | 204 | 5% | 27% | 742 | |
| | | | | | ALGERIENNE | 197 | 5% | 12% | 1.668 | |
| LUXEMBOURGEOISE | 1,86% | 729 | 834 | 14% | YOUGOSLAVE | 168 | 20% | 6% | 2.871 | |
| | | | | | ALBANAISE | 83 | 10% | 7% | 1.155 | |
| | | | | | MAROCAINE | 52 | 6% | 2% | 3.083 | |
| | | | | | TURQUE | 52 | 6% | 2% | 3.438 | |
| | | | | | ALGERIENNE | 30 | 4% | 2% | 1.668 | |
| ESPAGNOLE | 7,94% | 3.008 | 3.558 | 18% | ESPAGNOLE | 710 | 20% | 93% | 765 | |
| | | | | | MAROCAINE | 664 | 19% | 22% | 3.083 | |
| | | | | | ALGERIENNE | 408 | 11% | 24% | 1.668 | |
| | | | | | ROUMAINE | 189 | 5% | 18% | 1.078 | |
| | | | | | PAKISTANAISE | 152 | 4% | 13% | 1.135 | |
| ANDORRANE | 0,00% | 1 | 1 | 0% | UKRAINIENNE | 1 | 100% | 0% | 252 | |

| | | | | | | | | | |
|------------------------------------|-------|-----|-----|------|------------|----|-----|-----|-------|
| A L'INTERIEUR DU TERRITOIRE | 0,97% | 490 | 436 | -11% | IRAKIENNE | 66 | 15% | 1% | 4.798 |
| | | | | | ARMENIENNE | 59 | 14% | 31% | 189 |
| | | | | | TURQUE | 55 | 13% | 2% | 3.438 |
| | | | | | MAROCAINE | 50 | 11% | 2% | 3.083 |
| | | | | | YOUGOSLAVE | 35 | 8% | 1% | 2.871 |

| | | | | | | | | |
|-----------------|---------|--------|--------|-----|------------|------|--------------|-------|
| TOTAL | 100,00% | 47.002 | 44.815 | -5% | IRAKIENNE | 4798 | CHINOISE | 1.939 |
| NATIONAL | | | | | TURQUE | 3438 | ALGERIENNE | 1.668 |
| | | | | | MAROCAINE | 3083 | EQUATORIENNE | 1.329 |
| | | | | | YOUGOSLAVE | 2871 | ALBANAISE | 1.155 |
| | | | | | IRANIENNE | 2427 | PAKISTANAISE | 1.135 |

| | | | | | | | | | |
|-----------------------------|--------|--------|--------|------|-------------|------|-----|-----|-------|
| BRITANNIQUE | 2,46% | 1.528 | 1.104 | -28% | BRITANNIQUE | 231 | 21% | 88% | 264 |
| MARITIME + TERRESTRE | | | | | YOUGOSLAVE | 80 | 7% | 3% | 2.871 |
| | | | | | INDIENNE | 68 | 6% | 7% | 965 |
| | | | | | TURQUE | 67 | 6% | 2% | 3.438 |
| | | | | | CONGOLAISE | 51 | 5% | 6% | 865 |
| ITALIENNE | 35,87% | 17.478 | 16.076 | -8% | IRAKIENNE | 4406 | 27% | 92% | 4.798 |
| MARITIME + TERRESTRE | | | | | TURQUE | 2240 | 14% | 65% | 3.438 |
| | | | | | IRANIENNE | 2166 | 13% | 89% | 2.427 |
| | | | | | YOUGOSLAVE | 1347 | 8% | 47% | 2.871 |
| | | | | | ALBANAISE | 833 | 5% | 72% | 1.155 |

RESTREINT UE

NON-ADMISSIONS+READMISSIONS
Répartition par Type de Frontière -
TOTAL : 19.339

Janvier à juin 2001

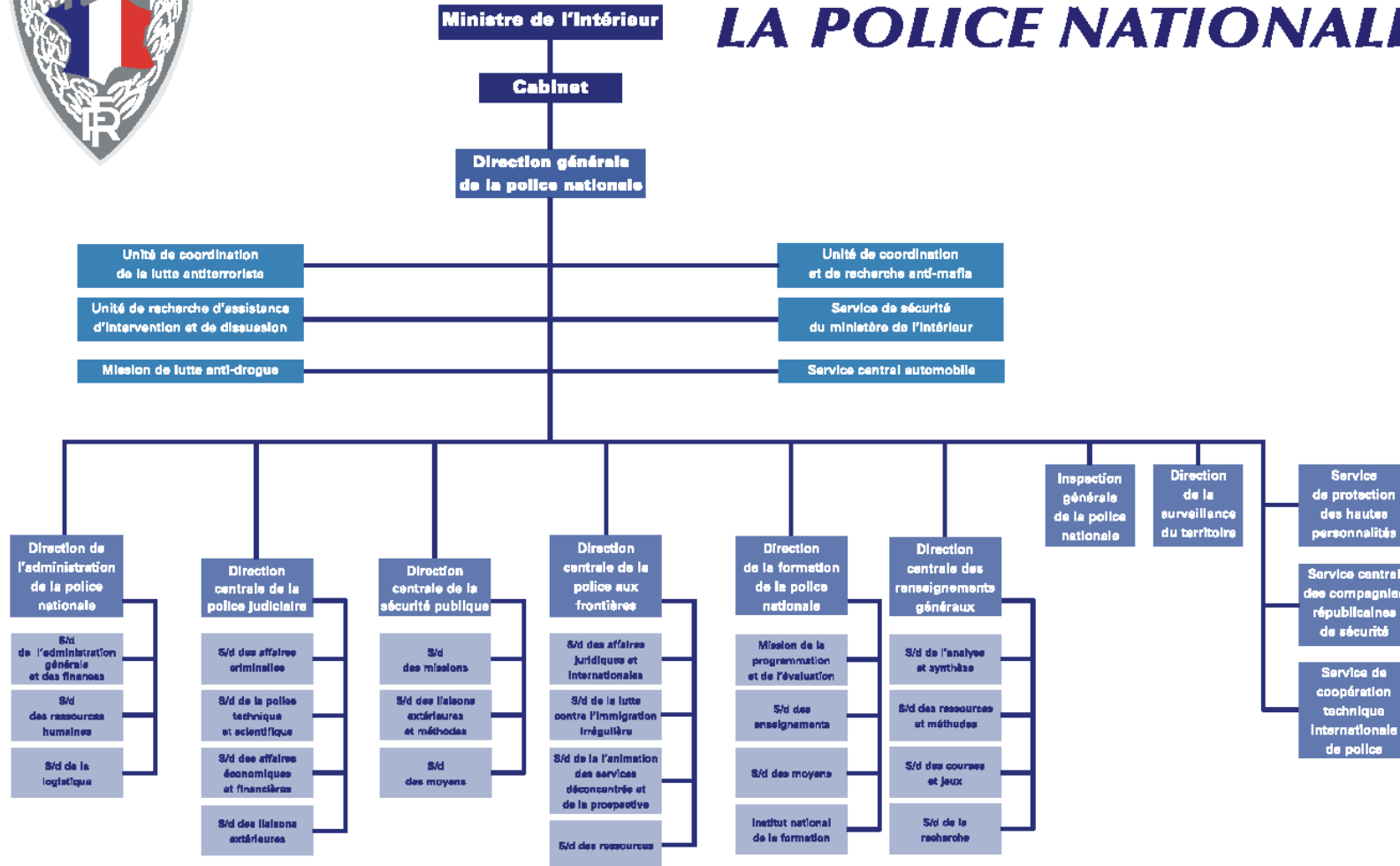
| FRONTIERES | | % na+réd/national 2001 | na+réd 2000 | na+réd 2001 | Evolution 01/00 en % | PRINCIPALES NATIONALITES | | % na+réd/frontière 2001 | % front./national 2000 | RAPPEL NATIONAL 2000 |
|--|--|------------------------------|-------------|-------------|-------------------------|--------------------------|------|----------------------------|------------------------|-------------------------|
| TOTAL | | | | | | CHINOISE | 946 | 14% | 84% | 1.129 |
| AERIEUNE | | 35,04% | 6.703 | 6.776 | 1% | MALIENNE | 843 | 12% | 90% | 938 |
| | | | | | | GUINEENNE | 501 | 7% | 88% | 567 |
| | | | | | | SENEGALAISE | 413 | 6% | 77% | 536 |
| | | | | | | INDIENNE | 307 | 5% | 50% | 619 |
| TOTAL | | | | | | IRAKIENNE | 909 | 66% | 41% | 2.238 |
| MARITIME | | 7,08% | 510 | 1.370 | 169% | MAROCAINE | 157 | 11% | 11% | 1.492 |
| | | | | | | TUNISIENNE | 48 | 4% | 14% | 334 |
| | | | | | | ALGERIENNE | 45 | 3% | 5% | 860 |
| | | | | | | SIERRA LEONAISE | 44 | 3% | 11% | 408 |
| D O N T | Maritime (Sauf transbordeur Italie et GB) | 6,65% | 435 | 1.287 | 196% | IRAKIENNE | 906 | 70% | 40% | 2.238 |
| | | | | | | MAROCAINE | 149 | 12% | 10% | 1.492 |
| | | | | | | TUNISIENNE | 48 | 4% | 14% | 334 |
| | | | | | | SIERRA LEONAISE | 43 | 3% | 11% | 408 |
| | | | | | | ALGERIENNE | 29 | 2% | 3% | 860 |
| | Maritime GB (Liaison directe par transbordeur) | 0,43% | 75 | 83 | 11% | ALGERIENNE | 16 | 19% | 2% | 860 |
| | | | | | | BRITANNIQUE | 13 | 16% | 19% | 69 |
| | | | | | | MAROCAINE | 8 | 10% | 1% | 1.492 |
| | | | | | | ROUMAINE | 7 | 8% | 1% | 519 |
| | | | | | | EQUATORIENNE | 5 | 6% | 2% | 267 |
| Maritime Italie (Liaison directe par transbordeur) | | - | - | - | - | | | | | |
| TOTAL | | | | | | IRAKIENNE | 1233 | 11% | 55% | 2.238 |
| TERRESTRE | | 56,75% | 15.150 | 10.975 | -28% | TURQUE | 1216 | 11% | 93% | 1.311 |
| | | | | | | MAROCAINE | 1154 | 11% | 77% | 1.492 |
| | | | | | | ALGERIENNE | 600 | 5% | 70% | 860 |
| | | | | | | AFGHANE | 573 | 5% | 97% | 592 |
| D O N T | BRITANNIQUE | 2,50% | 461 | 484 | 5% | YUGOSLAVE | 52 | 11% | 9% | 553 |
| | | | | | | BRITANNIQUE | 41 | 8% | 59% | 69 |
| | | | | | | CONGOLAISE | 37 | 8% | 8% | 475 |
| | | | | | | ALGERIENNE | 28 | 6% | 3% | 860 |
| | | | | | | INDETERMINEE | 20 | 4% | 45% | 44 |
| | ITALIENNE | 25,28% | 7.175 | 4.889 | -32% | IRAKIENNE | 1161 | 24% | 52% | 2.238 |
| | | | | | | TURQUE | 910 | 19% | 69% | 1.311 |
| | | | | | | AFGHANE | 398 | 8% | 67% | 592 |
| | | | | | | MAROCAINE | 299 | 6% | 20% | 1.492 |
| | | | | | | ROUMAINE | 246 | 5% | 47% | 519 |
| | HELVETIQUE | 6,02% | 2.880 | 1.164 | -60% | YUGOSLAVE | 151 | 13% | 27% | 553 |
| | | | | | | TURQUE | 99 | 9% | 8% | 1.311 |
| | | | | | | TUNISIENNE | 59 | 5% | 18% | 334 |
| | | | | | | ANGOLAISE | 57 | 5% | 21% | 269 |
| | | | | | | MAROCAINE | 53 | 5% | 4% | 1.492 |
| | ALLEMANDE | 2,46% | 605 | 475 | -21% | TURQUE | 89 | 19% | 7% | 1.311 |
| | | | | | | ROUMAINE | 29 | 6% | 6% | 519 |
| | | | | | | ALGERIENNE | 28 | 6% | 3% | 860 |
| | | | | | | AFGHANE | 21 | 4% | 4% | 592 |
| | | | | | | YUGOSLAVE | 19 | 4% | 3% | 553 |
| | BELGE | 7,73% | 2.055 | 1.495 | -27% | MAROCAINE | 303 | 20% | 20% | 1.492 |
| | | | | | | CONGOLAISE | 153 | 10% | 32% | 475 |
| | | | | | | AFGHANE | 131 | 9% | 22% | 592 |
| | | | | | | ALGERIENNE | 95 | 6% | 11% | 860 |
| | | | | | | TURQUE | 77 | 5% | 6% | 1.311 |
| | LUXEMBOURGEOISE | 1,71% | 403 | 331 | -18% | YUGOSLAVE | 47 | 14% | 8% | 553 |
| | | | | | | ALBANAISE | 45 | 14% | 12% | 361 |
| | | | | | | TURQUE | 23 | 7% | 2% | 1.311 |
| | | | | | | MAROCAINE | 19 | 6% | 1% | 1.492 |
| | | | | | | BOSNAIQUE | 13 | 4% | 16% | 81 |
| | ESPAGNOLE | 11,05% | 1.571 | 2.137 | 36% | MAROCAINE | 459 | 21% | 31% | 1.492 |
| | | | | | | ALGERIENNE | 225 | 11% | 26% | 860 |
| | | | | | | PAKISTANAISE | 138 | 6% | 35% | 392 |
| | | | | | | UKRAINIENNE | 129 | 6% | 66% | 194 |
| | | | | | | ROUMAINE | 111 | 5% | 21% | 519 |
| ANDORRANE | | - | - | - | - | | | | | |
| A L'INTERIEUR DU TERRITOIRE | | 1,13% | 269 | 218 | -19% | TURQUE | 48 | 22% | 4% | 1.311 |
| | | | | | | IRAKIENNE | 38 | 17% | 2% | 2.238 |
| | | | | | | MAROCAINE | 17 | 8% | 1% | 1.492 |
| | | | | | | ALGERIENNE | 16 | 7% | 2% | 860 |
| | | | | | | ROUMAINE | 10 | 5% | 2% | 519 |
| TOTAL NATIONAL | | 100,00% | 22.632 | 19.339 | -15% | IRAKIENNE | 2238 | | 860 | |
| | | | | | | MAROCAINE | 1492 | | 619 | |
| | | | | | | TURQUE | 1311 | | 592 | |
| | | | | | | CHINOISE | 1129 | | 567 | |
| | | | | | | MALIENNE | 938 | | 553 | |
| BRITANNIQUE | | | | | | YUGOSLAVE | 55 | 10% | 10% | 553 |
| MARITIME + TERRESTRE | | 2,93% | 536 | 567 | 6% | BRITANNIQUE | 54 | 10% | 78% | 69 |
| | | | | | | ALGERIENNE | 44 | 8% | 5% | 860 |
| | | | | | | CONGOLAISE | 37 | 7% | 8% | 475 |
| | | | | | | INDETERMINEE | 21 | 4% | 48% | 44 |
| ITALIENNE | | | | | | IRAKIENNE | 1161 | 24% | 52% | 2.238 |
| MARITIME + TERRESTRE | | 25,28% | 7.175 | 4.889 | -32% | TURQUE | 910 | 19% | 69% | 1.311 |
| | | | | | | AFGHANE | 398 | 8% | 67% | 592 |
| | | | | | | MAROCAINE | 299 | 6% | 20% | 1.492 |
| | | | | | | ROUMAINE | 246 | 5% | 47% | 519 |

RESTREINT UE

| NATIONALITE | FRONTIERE | JANV. | FEV. | MARS | AVRIL | MAI | JUIN | JUIL. | Total |
|-----------------------|--|-------|-------|-------|-------|-------|-------|-------|--------|
| CHINOISE | Aérien Non Schengen | 105 | 177 | 118 | 129 | 221 | 191 | 201 | 1.142 |
| | Maritime (Sauf transbordeur Italie et GB) | - | - | 4 | - | - | - | - | 4 |
| | Maritime GB (liaison directe par transbordeur) | - | 1 | - | - | - | - | - | 1 |
| | Belgique | 5 | 3 | 2 | 1 | 4 | 6 | 1 | 22 |
| | Grande Bretagne | 1 | - | 5 | 1 | - | - | - | 7 |
| | Italie | - | - | - | - | - | - | 2 | 2 |
| | Luxembourg | 7 | - | - | - | 3 | - | 1 | 11 |
| | Suisse | 1 | 3 | 1 | 4 | 2 | 5 | 2 | 18 |
| Somme CHINOISE | | 119 | 184 | 130 | 135 | 230 | 202 | 207 | 1.207 |
| IRAKIENNE | Aérien Non Schengen | 6 | 8 | 14 | 15 | 4 | 7 | 8 | 62 |
| | Maritime (Sauf transbordeur Italie et GB) | - | 906 | - | - | - | - | - | 906 |
| | Maritime GB (liaison directe par transbordeur) | - | 1 | - | - | - | - | - | 1 |
| | Belgique | 2 | 6 | 3 | 5 | 1 | 3 | 9 | 29 |
| | Grande Bretagne | 2 | 2 | 1 | 1 | - | - | 2 | 8 |
| | Luxembourg | 1 | 1 | 2 | - | - | - | - | 4 |
| | Suisse | 1 | - | - | 5 | - | - | - | 6 |
| Somme IRAKIENNE | | 12 | 924 | 20 | 26 | 5 | 10 | 19 | 1.016 |
| MALIENNE | Aérien Non Schengen | 166 | 124 | 135 | 167 | 104 | 139 | 164 | 999 |
| | Maritime (Sauf transbordeur Italie et GB) | - | - | 1 | - | 1 | - | - | 2 |
| | Belgique | 1 | - | - | - | 1 | - | - | 2 |
| | Grande Bretagne | - | - | - | - | - | - | 1 | 1 |
| | Luxembourg | 1 | - | - | - | - | - | - | 1 |
| | Suisse | - | - | 2 | 1 | - | - | - | 3 |
| Somme MALIENNE | | 168 | 124 | 138 | 168 | 106 | 139 | 165 | 1.008 |
| MAROCAINE | Aérien Non Schengen | 39 | 28 | 14 | 23 | 34 | 14 | 14 | 166 |
| | Maritime (Sauf transbordeur Italie et GB) | 20 | 10 | 47 | 13 | 37 | 22 | 34 | 183 |
| | Maritime GB (liaison directe par transbordeur) | - | 3 | 5 | - | - | - | - | 8 |
| | Belgique | 79 | 36 | 30 | 57 | 56 | 42 | 53 | 353 |
| | Grande Bretagne | 1 | - | - | - | - | 1 | 2 | 4 |
| | Italie | - | - | - | - | - | - | 31 | 31 |
| | Luxembourg | - | 5 | 3 | 8 | 2 | 1 | 3 | 22 |
| | Suisse | 6 | 10 | 4 | 12 | 8 | 2 | 2 | 44 |
| Somme MAROCAINE | | 145 | 92 | 103 | 113 | 137 | 82 | 139 | 811 |
| GUINEENNE | Aérien Non Schengen | 38 | 56 | 69 | 67 | 98 | 170 | 156 | 654 |
| | Maritime (Sauf transbordeur Italie et GB) | - | - | - | - | - | 2 | - | 2 |
| | Belgique | 4 | 1 | 2 | 3 | 2 | - | - | 12 |
| | Luxembourg | - | - | - | 1 | - | - | - | 1 |
| | Suisse | 4 | - | 4 | 1 | 2 | - | - | 11 |
| Somme GUINEENNE | | 46 | 57 | 75 | 72 | 102 | 172 | 156 | 680 |
| SENEGALAISE | Aérien Non Schengen | 47 | 49 | 27 | 50 | 105 | 134 | 167 | 579 |
| | Maritime (Sauf transbordeur Italie et GB) | - | 1 | 2 | - | - | 1 | - | 4 |
| | Belgique | 5 | 5 | 2 | - | 1 | 1 | - | 14 |
| | Luxembourg | - | - | - | - | - | 1 | 1 | 2 |
| | Suisse | 6 | 1 | - | 2 | 3 | 3 | - | 15 |
| Somme SENEGALAISE | | 58 | 56 | 31 | 52 | 109 | 140 | 168 | 614 |
| CONGOLAISE | Aérien Non Schengen | 33 | 25 | 33 | 28 | 33 | 38 | 19 | 209 |
| | Maritime (Sauf transbordeur Italie et GB) | - | - | - | 3 | 5 | 4 | 1 | 13 |
| | Belgique | 27 | 36 | 5 | 41 | 25 | 17 | 26 | 177 |
| | Grande Bretagne | 4 | 8 | 5 | 3 | 6 | 10 | 12 | 48 |
| | Luxembourg | 2 | 1 | 2 | 1 | 1 | - | - | 7 |
| | Suisse | 10 | 1 | 3 | 13 | 6 | 1 | 3 | 37 |
| Somme CONGOLAISE | | 76 | 71 | 48 | 89 | 76 | 70 | 61 | 491 |
| INDIENNE | Aérien Non Schengen | 25 | 72 | 53 | 34 | 53 | 67 | 76 | 380 |
| | Belgique | 3 | 7 | 1 | 2 | - | 3 | 3 | 19 |
| | Grande Bretagne | - | - | - | 1 | - | 1 | 1 | 3 |
| | Italie | - | - | - | - | - | - | 1 | 1 |
| | Luxembourg | - | 1 | - | - | - | - | 1 | 2 |
| | Suisse | 1 | 3 | - | 2 | 1 | - | - | 7 |
| Somme INDIENNE | | 29 | 83 | 54 | 39 | 54 | 71 | 82 | 412 |
| SIERRA LEONAISE | Aérien Non Schengen | 31 | 54 | 64 | 58 | 22 | 60 | 45 | 334 |
| | Maritime (Sauf transbordeur Italie et GB) | 9 | 8 | 7 | 14 | 4 | 1 | 8 | 51 |
| | Belgique | 5 | - | - | 3 | 3 | - | 3 | 14 |
| | Grande Bretagne | - | - | 1 | 1 | - | - | 1 | 3 |
| | Luxembourg | 1 | 1 | - | - | - | - | - | 2 |
| | Suisse | - | 1 | 1 | - | - | - | - | 2 |
| Somme SIERRA LEONAISE | | 46 | 64 | 73 | 76 | 29 | 61 | 57 | 406 |
| ALGERIENNE | Aérien Non Schengen | 25 | 21 | 24 | 30 | 53 | 33 | 16 | 202 |
| | Maritime (Sauf transbordeur Italie et GB) | 2 | 3 | 11 | 9 | 4 | - | 2 | 31 |
| | Belgique | 12 | 19 | 17 | 9 | 19 | 10 | 3 | 89 |
| | Grande Bretagne | 6 | 2 | 7 | 1 | 3 | 3 | 2 | 24 |
| | Italie | - | - | - | - | - | - | 4 | 4 |
| | Luxembourg | 2 | - | - | - | 7 | 2 | 3 | 14 |
| | Suisse | 5 | 5 | 5 | 8 | 7 | 7 | 3 | 40 |
| Somme ALGERIENNE | | 52 | 50 | 64 | 57 | 93 | 55 | 33 | 404 |
| TOTAL NATIONAL | | 1.792 | 2.527 | 1.452 | 1.680 | 1.760 | 1.711 | 1.840 | 12.762 |



ORGANIGRAMME DE LA POLICE NATIONALE



RESTREINT UE

ORGANIGRAMME DE LA GENDARMERIE NATIONALE



**Directeur Général
&
Major Général**

**Inspection
Technique**

**Division des
Relations
Internationales**

Bureau Affaires Générales

Service Information
et Relations
Publiques

Centre de Prospective de la Gendarmerie

Inspection des Réserves et de la Mobilisation

Service des Ressources Humaines

Service des Opérations et de
l'Emploi

Service des Plans et Moyens

*Sous-
Direction
du*

*Sous-Direction
du Recrutement
et de la
Formation*

*Sous-Direction
des
Opérations*

*Sous-Direction
de l'Emploi*

*Sous-Direction
de la Logistique*

*Sous-Direction
des
télécommunications et
de l'Informatique*

**Gendarmeries
spécialisées**

**Gendarmerie
départementale**

**Gendarmerie
mobile**

Garde républicaine

Gendarmerie maritime

Gendarmerie de l'air

Gendarmerie des
transports aériens

Gendarmerie de
l'armement

Gendarmerie de la sécurité
des armements nucléaires

Unités territoriales
3600 brigades

Unités de recherches
judiciaires

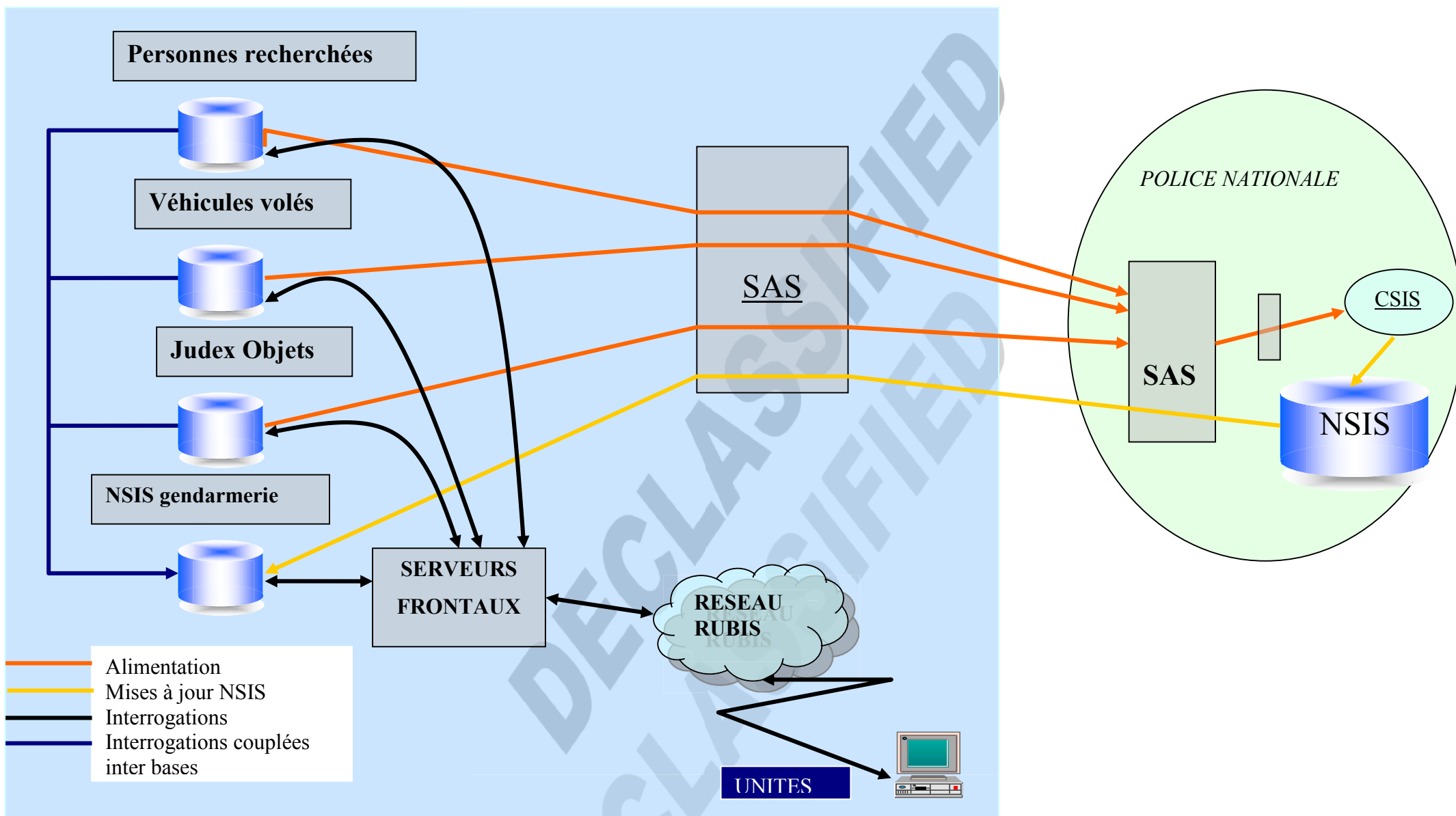
Unités spécialisées :
de montagne,
fluviales, aériennes,
autoroutes, de sécurité
routière, délinquance
juvénile

Escadrons
(maintien de
l'ordre)

Groupe de sécurité
et d'intervention
de la gendarmerie
nationale
(GIGN, EPIGN et
GSPR)

RESTREINT UE

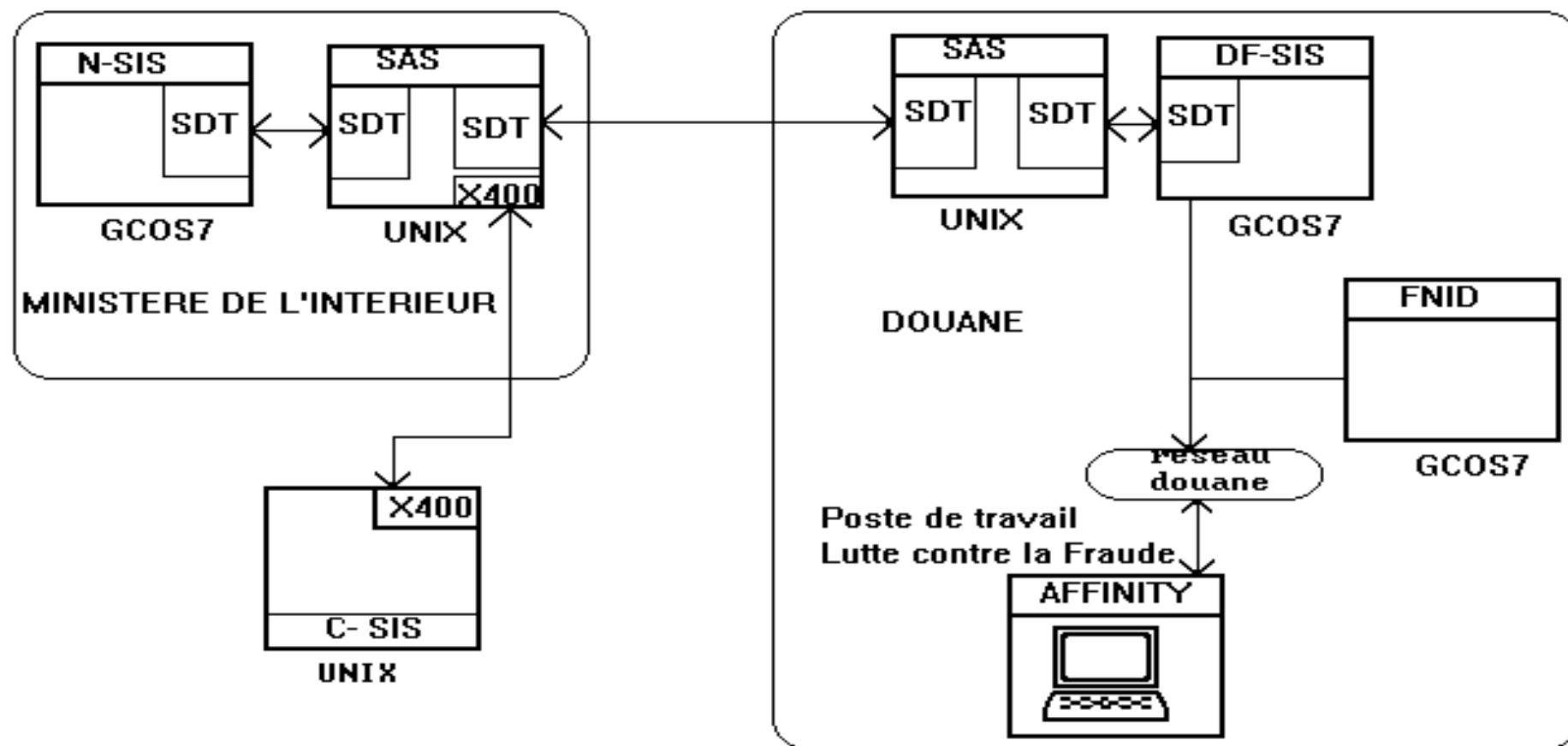
ARCHITECTURE SIS GENDARMERIE NATIONALE



RESTREINT UE

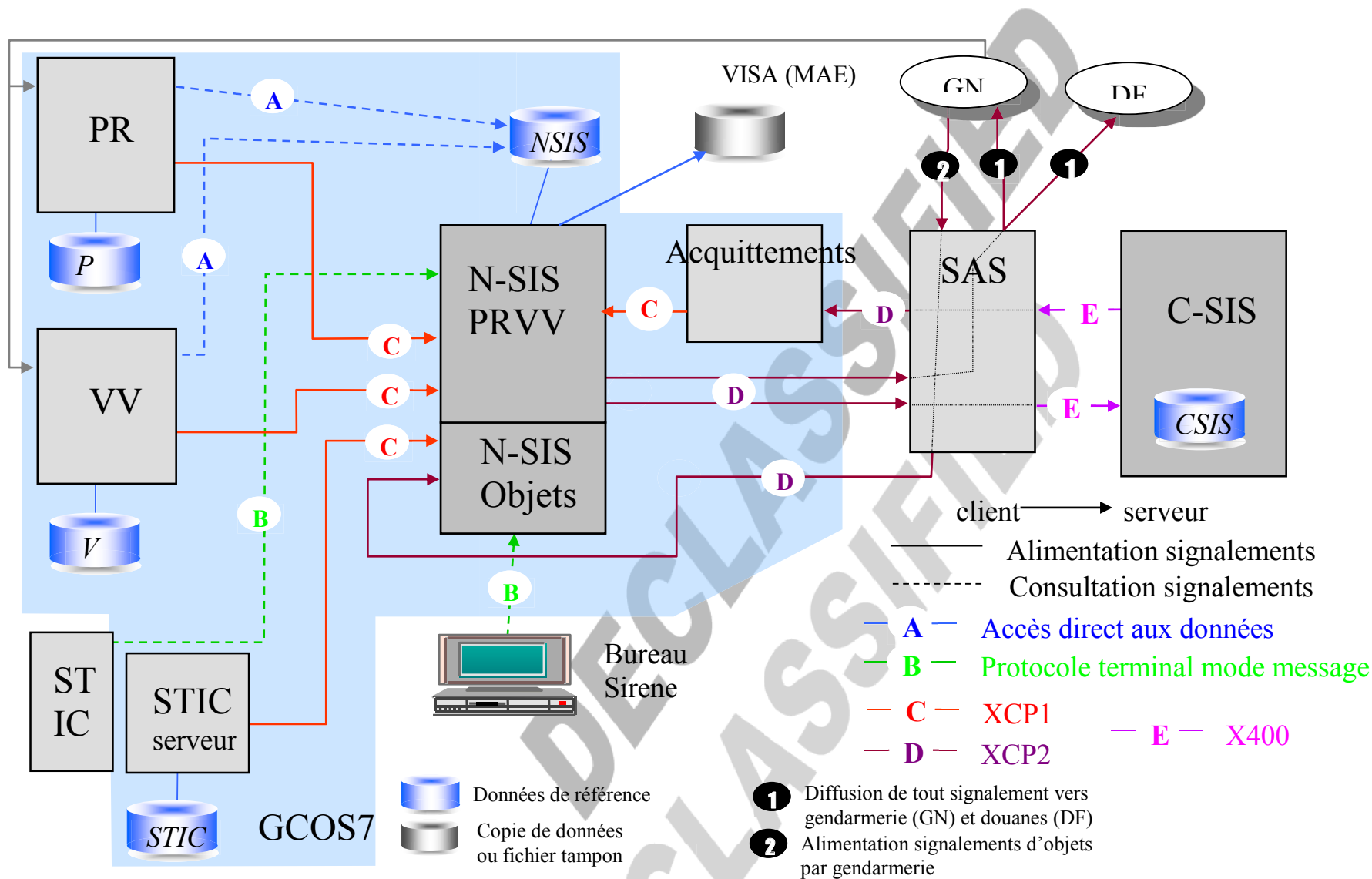
SCHENGEN

Schéma de liaison N-SIS / DF-SIS



RESTREINT UE

L'architecture générale SIS



RESTREINT UE

Etrangers en situation irrégulière
Répartition par Type de
Frontière -
TOTAL : 21.244

Janvier à juillet 2001

| FRONTIERES | | % E.S.I./national 2001 | E.S.I. 2000 | E.S.I. 2001 | Evolution 01/00 en % | PRINCIPALES NATIONALITES | | % E.S.I./frontière 2001 | % front./national 2001 | RAPPEL NATIONAL 2001 |
|--------------------|--|---------------------------|-------------|-------------|-------------------------|--------------------------|------|-------------------------|------------------------|-------------------------|
| TOTAL AERIEENNE | | 3,79% | 554 | 805 | 45% | ALGERIENNE | 194 | 24% | 9% | 2.191 |
| | | | | | | TUNISIENNE | 104 | 13% | 16% | 670 |
| | | | | | | TURQUE | 101 | 13% | 4% | 2.311 |
| | | | | | | MAROCAINE | 52 | 6% | 3% | 2.006 |
| | | | | | | EGYPTIENNE | 42 | 5% | 15% | 280 |
| TOTAL MARITIME | | 9,80% | 2.192 | 2.082 | -5% | TURQUE | 336 | 16% | 15% | 2.311 |
| | | | | | | AFGHANE | 306 | 15% | 23% | 1.313 |
| | | | | | | YOUOSLAVE | 201 | 10% | 24% | 843 |
| | | | | | | IRAKIENNE | 194 | 9% | 10% | 1.967 |
| | | | | | | ALGERIENNE | 135 | 6% | 6% | 2.191 |
| D O N T | Maritime (Sauf transbordeur Italie et GB) | 0,74% | 67 | 158 | 136% | ALGERIENNE | 56 | 35% | 3% | 2.191 |
| | | | | | | MAROCAINE | 23 | 15% | 1% | 2.006 |
| | | | | | | TUNISIENNE | 21 | 13% | 3% | 670 |
| | | | | | | TURQUE | 12 | 8% | 1% | 2.311 |
| | | | | | | PALESTINIENNE | 7 | 4% | 3% | 216 |
| T | Maritime GB (Liaison directe par transbordeur) | 9,06% | 2.125 | 1.924 | -9% | TURQUE | 324 | 17% | 14% | 2.311 |
| | | | | | | AFGHANE | 306 | 16% | 23% | 1.313 |
| | | | | | | YOUOSLAVE | 201 | 10% | 24% | 843 |
| | | | | | | IRAKIENNE | 190 | 10% | 10% | 1.967 |
| | | | | | | SRI LANKAISE | 116 | 6% | 25% | 473 |
| | | | | | | | | | | |
| TOTAL TERRESTRE | | 62,70% | 17.116 | 13.320 | -22% | IRAKIENNE | 1531 | 11% | 78% | 1.967 |
| | | | | | | TURQUE | 1501 | 11% | 65% | 2.311 |
| | | | | | | MAROCAINE | 1395 | 10% | 70% | 2.006 |
| | | | | | | ALGERIENNE | 1011 | 8% | 46% | 2.191 |
| | | | | | | AFGHANE | 920 | 7% | 70% | 1.313 |
| D O N T | BRITANNIQUE | 9,56% | 2.439 | 2.031 | -17% | AFGHANE | 202 | 10% | 15% | 1.313 |
| | | | | | | SRI LANKAISE | 195 | 10% | 41% | 473 |
| | | | | | | TURQUE | 166 | 8% | 7% | 2.311 |
| | | | | | | SOMALIENNE | 145 | 7% | 69% | 210 |
| | | | | | | ROUMAINE | 120 | 6% | 10% | 1.195 |
| | | | | | | IRAKIENNE | 1269 | 18% | 65% | 1.967 |
| | | | | | | TURQUE | 1062 | 15% | 46% | 2.311 |
| | | | | | | MAROCAINE | 967 | 13% | 48% | 2.006 |
| | | | | | | AFGHANE | 466 | 6% | 35% | 1.313 |
| | | | | | | ALGERIENNE | 441 | 6% | 20% | 2.191 |
| | | | | | | ALGERIENNE | 53 | 10% | 2% | 2.191 |
| | | | | | | ROUMAINE | 52 | 10% | 4% | 1.195 |
| | | | | | YOUOSLAVE | 52 | 10% | 6% | 843 | |
| | | | | | TURQUE | 37 | 7% | 2% | 2.311 | |
| | | | | | MAROCAINE | 35 | 6% | 2% | 2.006 | |
| T | ALLEMANDE | 5,96% | 1.144 | 1.267 | 11% | TURQUE | 164 | 13% | 7% | 2.311 |
| | | | | | | ALGERIENNE | 151 | 12% | 7% | 2.191 |
| | | | | | | ROUMAINE | 99 | 8% | 8% | 1.195 |
| | | | | | | MAROCAINE | 64 | 5% | 3% | 2.006 |
| | | | | | YOUOSLAVE | 61 | 5% | 7% | 843 | |
| T | BELGE | 5,01% | 1.336 | 1.065 | -20% | AFGHANE | 202 | 19% | 15% | 1.313 |
| | | | | | | ALGERIENNE | 106 | 10% | 5% | 2.191 |
| | | | | | | YOUOSLAVE | 81 | 8% | 10% | 843 |
| | | | | | | IRAKIENNE | 79 | 7% | 4% | 1.967 |
| | | | | | KOSOVAR | 71 | 7% | 25% | 282 | |
| T | LUXEMBOURGEOISE | 0,08% | 24 | 16 | -33% | ALGERIENNE | 5 | 31% | 0% | 2.191 |
| | | | | | | ALBANAISE | 2 | 13% | 0% | 686 |
| | | | | | | ROUMAINE | 2 | 13% | 0% | 1.195 |
| | | | | | | AFGHANE | 1 | 6% | 0% | 1.313 |
| | | | | | CHINOISE | 1 | 6% | 0% | 364 | |
| T | ESPAGNOLE | 5,66% | 1.896 | 1.203 | -37% | MAROCAINE | 251 | 21% | 13% | 2.006 |
| | | | | | | PAKISTANAISE | 155 | 13% | 33% | 471 |
| | | | | | | ALGERIENNE | 136 | 11% | 6% | 2.191 |
| | | | | | | ROUMAINE | 114 | 9% | 10% | 1.195 |
| | | | | | BANGLADAISE | 68 | 6% | 38% | 178 | |
| | | | | | | | | | | |
| ANDORRANE | | | - | - | | | | | | |
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RESTREINT UE

SECTION CENTRALE DE COOPERATION OPERATIONNELLE DE POLICE

UNITE CENTRALE DE COOPERATION POLICIERE INTERNATIONALE

Répartition des Observations transfrontalières demandées par la France

| | 1999 | | 2000 | | 2001 au 31/10/2001 | |
|---------------|---------------------------------------|-------------------------------------|---------------------------------------|-------------------------------------|---------------------------------------|-------------------------------------|
| | Art. 40-1 OBSERVATION ORDINAIRE | Art. 40-2 OBSERVATION URGENTE | Art. 40-1 OBSERVATION ORDINAIRE | Art. 40-2 OBSERVATION URGENTE | Art. 40-1 OBSERVATION ORDINAIRE | Art. 40-2 OBSERVATION URGENTE |
| ALLEMAGNE | 4 | 3 | 4 | 1 | 4 | 2 |
| AUTRICHE | | | | | | |
| BELGIQUE | 22 | 6 | 24 | 5 | 16 | 2 |
| DANEMARK | | | | | | |
| ESPAGNE | 24 | 6 | 36 | 8 | 18 | 6 |
| FINLANDE | | | | | | |
| GRECE | | | | | | |
| ISLANDE | | | | | | |
| ITALIE | 1 | 1 | 3 | | | 1 |
| LUXEMBOURG | 3 | 1 | 4 | | 1 | |
| NORVEGE | | | | | | |
| PAYS-BAS | 3 | 2 | 10 | 1 | 4 | |
| PORTUGAL | | | | | | |
| SUEDE | | | | | | |
| TOTAL* | 57 | 19 | 81 | 15 | 43 | 11 |

Réparties comme suit :

| | | | | | | |
|---|-----------|-----------|-----------|-----------|-----------|-----------|
| Stupéfiants | 27 | 11 | 43 | 7 | 25 | 8 |
| Vols à main armée | | | 3 | | 2 | 2 |
| Vol-receel aggravés | 7 | 1 | 10 | 4 | | 1 |
| Homicide - tentative d'homicide | 1 | 1 | 3 | 1 | 2 | |
| Proxénétisme | 1 | 1 | | 1 | 2 | |
| Enlèvement | | | | | 1 | |
| Blanchiment | 6 | | 10 | | 3 | |
| Trafic d'êtres humains | | | 2 | | | |
| Escroquerie | 3 | 2 | 1 | 1 | 1 | |
| Trafic d'armes | | | | | 1 | |
| Menaces | 1 | | | | | |
| Faux et usage de faux | 2 | | | | | |
| Trafic de meubles | 1 | | | | | |
| Destruction par explosifs | | | | | | |
| Aide à l'entrée et au séjour d'étrangers en situation irrégulière | | | 1 | | 2 | |
| Total* | 49 | 16 | 73 | 14 | 39 | 11 |

* les totaux peuvent différer car une même demande peut avoir été adressée à plusieurs pays,