Council of the European Union

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NOTE

From:	General Secretariat of the Council
To:	National Parliaments
Subject:	Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2016 evaluation of Estonia on the application of the Schengen acquis in the field of management of the external land border

In accordance with Article 15(3) of Council Regulation 1053/2013 of 7 October 2013, establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen, the Council hereby transmits to national Parliaments the Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2016 evaluation of Estonia on the application of the Schengen acquis in the field of management of the external land border[1].

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

ANNEX

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2016 evaluation of Estonia on the application of the Schengen acquis in the field of management of the external land border

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen , and in particular Article 15 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The purpose of this decision setting out a recommendation is to recommend to Estonia remedial actions to address deficiencies identified during the Schengen evaluation in the field of the management of the external land border carried out in 2016. Following the evaluation, a report covering the findings and assessments, listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2018)101.

(2) The Estonian authorities have made significant investments in the recent years in a technical monitoring system of the border crossing point (BCP) Narva and the surrounding area. The whole area of the BCP which is located in direct vicinity of the urban area of Narva is covered with a camera surveillance system and the BCP is completely fenced off. Furthermore, in case of need for second-line checks the border guards in the first line make use of the national database named TEPI filling in the reasons for the second-line checks which is in real time visible for the officer in the second line and the shift leader. This practice ensures smooth and secure communication between the shift leader and the first and second-line regarding the cases of particular interest at the BCP.

(3) In light of the importance to comply with the Schengen acquis, in particular the correct implementation of the Schengen Borders Code Regulation, priority should be given to implement recommendations 1, 2, 3, 4, 5, 6, 9, 11, 14 and 18.

(4) This decision setting out a recommendation should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, the evaluated Member State shall, pursuant to Article 16 paragraph 1 of Regulation (EU) No 1053/2013, establish an action plan listing all recommendations to remedy any deficiencies identified in the evaluation report and provide this to the Commission and the Council.

HEREBY RECOMMENDS:

that Estonia should

Border Crossing Point (BCP) and Border Guard Station (BGS) Narva

1. increase the number of professionally trained intelligence officers deployed to BCP and BGS Narva for the purpose of risk analysis with appropriate access to databases and analytical systems;

2. introduce separate assessment of the tactical local periodical risk analyses in both BCP and BGS Narva;

3. conclude tailored risk analysis for BCP Narva compiling the data collected from BCP Narva and the intelligence unit of Customs Service;

4. make further efforts to improve the cooperation with the Russian Federation in order to ensure more efficient readmission of persons apprehended after illegal border crossings;

Border Crossing Point Narva Highway

5. increase the number of second line officers;

6. improve further the knowledge of the entry conditions and the way border checks should be performed in the first line;

7. optimise the checks of the authenticity of documents by upgrading the passport readers so that they can read the content of the chip in the documents and detect possible false documents;

8. improve further the knowledge of English and raise awareness of the opportunity to participate in courses provided;

9. increase the knowledge of Customs officers dealing with the first-line border checks by providing more training on Schengen provisions and by introducing practical on-the- job training;

10. ensure that the standard forms for the refusal of entry are available in Russian;

11. reorganise the traffic management system GoSwift by abolishing the need to pay a fee before exiting Estonia in order to bring the current procedure in line with Article 8 of the SBC;

12. register all persons who crossed the border illegally in EURODAC as required by Article 13 (1) of the SBC and Article 14 of the Eurodac regulation;

13. ensure that the form for informing third country nationals who are subject to a thorough second line check on the purpose and procedures for the second line check is available in all the official languages of the Union in accordance with Article 8(5) of the Schengen Border Code and in all second-line rooms and update the form in line with Annex V, part B of the Schengen Borders Code;

14. bring the amount of the visa fee paid for a visa issued at the border in line with Article 16 of the Visa Code;

Border Crossing Point Narva Railway

15. improve the performance of the telecommunication infrastructure serving first-line officers performing border checks by using mobile equipment for the consultation of national databases, SIS II and VIS;

16. further improve the cooperation with the railway and Russian authorities in order to receive the passenger list in advance;

17. increase the security of the control booths to prevent unauthorised observation of computer screens;

Border guard station Narva

18. ensure that the officers who operate radars are trained in order to be able to operate all functionalities of the radar systems and ensure that the radars are set up in a way that they can be operated locally.

Done at Brussels,

For the Council
The President