Council of the European Union

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NOTE

From:	General Secretariat of the Council
To:	National Parliaments
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2019 evaluation of **Hungary** on the application of the Schengen *acquis* in the field of **management of the external borders**

In accordance with Article 15(3) of Council Regulation 1053/2013 of 7 October 2013, establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen, the Council hereby transmits to national Parliaments the Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2019 evaluation of Hungary on the application of the Schengen acquis in the field of management of the external borders[1].

[1] Available in all official languages of the European Union on the Council public register, doc. 9765/20

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2019 evaluation of Hungary on the application of the Schengen *acquis* in the field of management of the external borders

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen[1], and in particular Article 15 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The purpose of this Decision is to recommend to Hungary remedial actions to address the deficiencies identified during the Schengen evaluation in the field of management of the external borders carried out in 2019. Following the evaluation, a report covering the findings and assessments, listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2020) 86.

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

(2) The international cooperation and the integration of the results of that cooperation activities in the risk analysis at all levels and the support provided for the situational awareness and the operational response in the fight against illegal migration and cross-border crime as well as the fact that the majority of the police patrols for border surveillance in the first and second layer have at their disposal a small hand-held encrypted mobile device that allows for fast and discrete checks of persons against all available databases, were considered points of particular interest. In addition, the National Complex Document Filing System (NEKOR) available at all work stations (first and second line) providing visual and textual information of original and counterfeit documents, which gives significant assistance for the detection of document forgery and improves the situational awareness and the quality of border checks as well as the capacities of tackling the crimes related to stolen vehicles by using the network called "ANTILOP", were considered points of particular interest.

(3) In light of the importance of complying with the Schengen acquis, priority should be given to implementing the recommendations related to integrated border management: 1, human resources: 3 and border checks: 10.

(4) This Decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within six months of its adoption, Hungary should, pursuant to Article 16(8) of Regulation (EU) No 1053/2013, provide the Commission with an assessment of the (possible) improvements and with a description of required actions,

RECOMMENDS:

that Hungary should

Integrated Border Management

1. reassess the organisation of the border control structures and consider establishing regional coordination structures for border management to ensure sufficient and uniform coordination and communication;

Contingency planning

2. include thresholds in the national and county contingency plans to indicate the type of actions required by the different scale of threat levels;

Human Resources

3. reassess the human resources plan and its content related to border control to improve the allocation of staff. Consider setting up a stable and permanent pool of border police officers capable to deliver border control tasks to guarantee a high uniform level of border control;

National training system for border management

4. develop the planning, implementation and evaluation of continuous training. Establish a national training plan at strategic, regional and local level to identify the training needs and monitor the implementation of continuous and specialised training. Increase the number of multipliers at county and local level; provide them with specialised training for trainers;

5. assess the level of implementation of the Common Core Curriculum in the national training system for non-commissioned border police by using the tools provided by Frontex. Increase the level of implementation of the Common Core Curricula in the national training system for non-commissioned border police;

Risk analysis

6. increase the exchange of information on risk analysis and profiling with customs authorities and with the partners with whom the common border control is performed at the border crossing points by implementing a regular and systematic exchange of risk analysis and profiles for border control;

Land Border Surveillance

7. centralise tactical decision making about the border surveillance resources of the border police office, for instance by giving a stronger mandate to the duty officer or by ensuring that the shift leader has a more comprehensive and real time situation awareness;

8. establish an efficient communication and coordination between the border police and customs authorities concerning the planning and implementation of operational activities;

National Coordination Centre/Eurosur

9. increase the number of staff of the National Coordination Centre (NCC) to guarantee a permanent availability and quality in the operation of the NCC;

Border checks – Horizontal issues

10. improve the knowledge of foreign languages, namely English for border guards, in particular for those working in the first line border checks, by ensuring that all the police officers receive adequate and sufficient language training;

11. increase the training in profiling and interviewing techniques for border police performing border checks tasks;

12. ensure the use of a uniform standard form for refusal of entry at all the borders in compliance with ANNEX V Part B of the SBC regardless the type of border;

Visited sites – Land borders

Police Office (PO) MOHACS/ Udvar Border Crossing Point

13. guarantee the regular use of the available equipment for searching lorries;

Visited sites – Air borders, horizontal issues

14. ensure that all advance passenger information data is checked automatically and systematically against the relevant databases to facilitate the performance of border checks and combat illegal immigration more effectively;

15. take measures in order to improve the communication between the passenger and the border guard, for instance by adapting the front glass of the control booth to ensure a proper understanding on both sides;

16. ensure that the authenticity of the chip data of passports containing a storage medium is checked;

Budapest Liszt Férenc Airport

17. increase the number of second line officers and ensure a proper balance between the number of second line officers on duty and tasks performed;

18. optimise the first line checks, making better use of passenger profiling and focusing on asking the right questions to avoid disproportionate waiting time for passengers;

19. improve the procedure for the passengers who will undergo second line checks ensuring that they are provided with the written information on the purpose and procedures of such a check without interfering with the efficient performance of first line checks, preferably once they are at the second line;

20. ensure that the signs indicating the beginning of the lanes at the arrival area are more visible for all passengers, for example by indicating different lanes on the floor and avoid that passenger flows need to be divided by police officers;

21. install sunshades or blinds on the window on the western side of the newly opened non-Schengen arrival terminal 2B, which can be automatically lowered in case of need, in order to optimise visibility and temperature;

22. increase the number of risk analysts at regional level. Ensure that the risk analysis is performed by officers who are especially dedicated to perform this task;

23. improve the awareness of first line officers on useful reference materials related to threats and risks by regular trainings and briefings before the duty;

Debrecen Airport

24. increase the number of advanced level document experts at Debrecen International Airport to ensure an efficient support at the second line for thorough document examination during all shifts. Improve the level of the expertise on document examination of all first and second line officers e.g by promoting regular and temporary deployment of police officers at Debrecen Airport border crossing point to other border crossing points where the variety in identity documents to be checked and irregular situations to be dealt with is more frequent;

25. improve the information flow and the briefing by preparing relevant information for the first line officers in a timely and useful way to ensure actual situational awareness;

26. increase the number of risk analysts working full-time on risk analysis and ensure the proper training of the staff appointed for risk analysis positions;

27. improve the understanding of first line officers with regards to the reasons and procedure for further checks carried out at the second line in order to ensure swift performance of border checks and efficient flow of the passengers.

Done at Brussels,

For the Council
The President