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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 **Slovenia** on the application of the Schengen acquis in the field of the **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 Slovenia on the application of the Schengen acquis in the field of the management of the external borders[1].

[1] Available in all official languages of the European Union on the Council public register, doc. 9771/20

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2019 evaluation of Slovenia on the application of the Schengen acquis in the field of the 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 Slovenia remedial actions to address the deficiencies identified during the Schengen evaluation in the field of external border management 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) 11.

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

(2) Within the border police division, a Specialised Unit for State Border Control was set up to reinforce border control and immigration related operations such as inland control of aliens and countering cross-border crime. The unit, operating nationwide and equipped with wide operational flexibility, supports all regional and local border control units. It reinforces the reaction capacity in cases of unexpected changes of the border situation or immediate operational needs. The capabilities of this unit can be used during regular border control operations, based on intelligence and risk analysis. From an operational perspective, the unit's activities can also be considered an element of quality control of the activities performed at the border, improving the final result of border control measures. The activities of the special unit additionally support inland compensatory measures, reflecting the Integrated Border Management four-tier access model.

(3) Furthermore, the on-site team considers that the observed widespread use of mobile equipment for database checks at visited land border crossing points at first-line entry and exit controls represents a particular point of interest. The equipment, a portable terminal, allows querying of Schengen Information System (SIS), Visa Information System (VIS), FIO (intranet with national database) and Interpol databases. It provides document and fingerprint readers with device-aided security features and analysis capabilities. Considering the portability of the equipment, incorporating 4G mobile and secured WiFi network connectivity, the Slovenian Police can combine reading and checking operations of electronic passports with a feature allowing access to biometric data in a unique portable equipment.

(4) In light of the importance of complying with the Schengen acquis, in particular the integrated border management (IBM), risk analyses, the number of staff, NCC/Eurosur, border surveillance and border checks, priority should be given to the recommendations: 1 to 4, 7 to 14, 17, 20 and 25 to 27.

(5) This Decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, Slovenia should, pursuant to Article 16 (1) of Regulation (EU) No 1053/2013, establish an action plan listing all recommendations to remedy any deficiencies identified in the evaluation report and provide that action plan to the Commission and the Council,

RECOMMENDS:

that Slovenia should:

Integrated border management strategy

1. further develop the Slovenian national integrated border management strategy, supported by a multiannual action plan, in line with Article 8(6) of Regulation 2019/1896 on European Border and Coast Guard and the consolidated results of the European integrated border management strategy process. Align the national strategy with the provisions of the Technical and Operational Strategy prepared by the Agency;

Human resources and professionalism

2. continue commenced efforts to raise or at least stabilise effective staffing levels in the Border Police Division and other so-called "Schengen posts" in the Slovenian police in order to ensure that border control and surveillance is ensured in full compliance with all provisions of the Schengen *acquis*;

3. revise the national strategic planning of human resources, in particular for border control, in accordance with the operational needs, traffic flows, risk analysis and the threat levels;

Risk Analysis

4. ensure that the Slovenian police appropriately staffs risk analysis functions related to border control at national and regional level;

Quality control mechanism

5. adapt the national quality control mechanism to encompass the whole European integrated border management concept. Align this mechanism with European quality control mechanisms, ensuring full coordination with the Schengen evaluation mechanism and vulnerability assessment processes;

National Coordination Centre/Eurosur

6. ensure that all officers performing tasks within the National Coordination Centre are properly trained, including in English language skills;

7. ensure that all operators in the Slovenian National Coordination Centre have access to the full situational picture, including real-time positions of police assets, and ensure exchange of data with Croatian and Italian National Coordination Centres;

8. guarantee and maintain full 24/7 functionality of the Slovenian National Coordination Centre, as required by Article 21(7) of Regulation 2019/1896 on European Border and Coast Guard;

9. establish fully-fledged operational and analytical layers in the national EUROSUR system in accordance with the provisions of Article 24 (1) of Regulation 2019/1896 on European Border and Coast Guard;

Land border surveillance

10. ensure systematic and continuous use of available equipment for border surveillance, e.g. by providing efficient maintenance procedures;

11. increase the availability of suitable vehicles for border surveillance patrols, both for off-road use and inland patrols;

12. increase the number of specialised canine units for border control and include systematic use of the canine units in the patrolling and border checks;

13. complete the on-going procurement of 60 portable technical devices and further commit this type of equipment for border surveillance and distribute it to the local level, including to the Border Surveillance Unit Podlehnik;

14. identify feasible solutions to ensure sufficient coverage of necessary networks for voice communication and transfer of surveillance data in order to create and maintain situational awareness at local level;

Sea border surveillance

15. ensure that the activities at the sea border are systematically based on clear risk indicators and risk analysis;

Border checks – land borders

16. ensure that all officers are familiar with the rights of family members of the EU-citizens including the right to obtain the necessary visa free of charge and, without delay, at the border as it follows from Article 5(4) of the Directive 2004/38/EC;

17. ensure that thorough checks on third-country nationals are always performed in accordance with Article 8 of Regulation 2016/399 (Schengen Borders Code) with special attention to the questioning of the passengers by the first-line officer concerning purpose of stay and on means of subsistence;

Border crossing point Port of Koper

18. plan and implement international and interagency joint activities at sea regularly with a clear coordination structure and tasks for each participating agency;

19. ensure better documentation of trainings in a centralised database accessible by the managerial level of the border crossing point;

20. ensure that specific border control training for police officers always takes place before they join a police station with border control tasks;

21. assess the level of English skills of police officers conducting border checks and plan the required trainings based on needs and conduct refresher trainings with a standard frequency;

22. ensure that police officers with border control tasks are aware of the main Schengen requirements and are able to find those in case of need;

23. enlarge the area in front of the booths used for the border checks of cruise ships in order to allow for better profiling and an efficient border check procedure;

24. ensure the proper signposting in accordance with Article 10 (1) and Annex III of the Schengen Borders Code;

Border Crossing Point Port of Piran

25. bring the procedure of checking pleasure boats at border crossing point Piran in line with Article 8 of the Schengen Borders Code;

Border Checks – air borders

26. align procedures for checking private flights with Annex VI (point 2.3.1.) of the Schengen Borders Code;

Border Crossing Point Ljubljana airport

27. provide the necessary measures to fully comply with the Directive 2004/82/EC (Article 4) in order to impose sanctions on carriers which have not transmitted the Advance Passenger Information data;

28. ensure that the form for informing third-country nationals who are subject to a thorough second line check on the purpose and procedures for second line check contains a correct reference to Article 8(5) of the Schengen Borders Code;

29. ensure better visibility of the signposting or create lanes directly at the entrance of the hall, for example bank lining or signs on the floor in order to improve the passenger flow towards the arrival booths and improve illumination of signs above the booths;

30. ensure that the demarcation line in front of the booth at arrivals is respected and place it further away from the booth;

31. ensure a proper communication between the police officers and passengers (enlarge the slot in the glass window).

Done at Brussels,

For the Council
The President