Council of the European Union

Brussels, 17 February 2017
(OR. en)

6353/17

Interinstitutional File:
2017/0008 (NLE)

SCH-EVAL 62
FRONT 74
COMIX 125

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
On:	17 February 2017
To:	Delegations
No. prev. doc.:	5760/17
Subject:	Council implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Greece on the application of the Schengen acquis in the field of management of the external border

Delegations will find in the annex the Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Greece on the application of the Schengen *acquis* in the field of management of the external border, adopted by the Council at its 3518th meeting held on 17 February 2017.

In line with Article 15(3) of Council Regulation (EU) No 1053/2013 of 7 October 2013, this Recommendation will be forwarded to the European Parliament and national Parliaments.

_____

Council Implementing Decision setting out a

RECOMMENDATION

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to 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 setting out a recommendation is to recommend to Greece remedial actions to address deficiencies identified during the Schengen evaluation in the field of the management of the external 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(2017)200.

---

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

(2)   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 related to the development of the national border management capabilities and the adequate number of human resources assigned to border control tasks: 1, 2, 3, 4, 6, 7, 9, 14, 26, 29, 32, 33, 35, 41, 45, 48, 53, 54, 56, 57, 59, 67, 76, 83, 93, 94.

(3)   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 to remedy the deficiencies identified in the evaluation report and provide this to the Commission and the Council.

HEREBY RECOMMENDS

that Greece should

A)   INTEGRATED BORDER MANAGEMENT

Integrated Border Management Strategy

1.   further develop a concrete national Integrated Border Management (IBM) strategy based on the EU IBM concept supported by a long term multiannual action plan with clearly prioritised and concrete development projects. The IBM strategy should create a solid base for a long term sustainable development of the border management system and it should be guaranteed that there is the required capacity to implement the IBM action plan effectively;

2. provide and ensure the number of technical and human resources to accommodate the increased operational needs and improve the use of existing resources in order to make best use of all national capabilities and systems available for border control at national level, especially in crisis situations, and ensure the timely exchange of information and timely cooperation between the relevant authorities by making full use of the National Coordination Centre for Border Control, Immigration and Asylum (N.C.C.B.C.I.A) for this purpose.

Human resources and training

3. elaborate and implement a long term and comprehensive staffing plan to ascertain sustainable development in human resources in the future, in order to improve the effectiveness of border control and to respond to many shortcomings related to the lack of staff mentioned in the report of the on-site visit including ensuring a sufficient number of properly trained staff to carry out border checks at all border crossing points in all situations (also during peak times in summer time). Proper funding should be guaranteed for further personnel recruitment of the HP;

4. create a more systematic and comprehensive approach to the training system of the HP, by linking training strongly to human resources planning and strategic level development project and aims, and by enhancing own training capabilities within the HP in addition to the use of Frontex support in the practical implementation of training;

5. review the current training cooperation between the HP and other authorities that are involved in border guarding in order to find common and joint areas of responsibility and to study the possibilities to start organising more common trainings that would enhance operational actions and improve cost-effectiveness in training;

6.	ensure that all border guards of the HP, including the personnel assigned for border guard tasks for temporary reinforcement of staff at border crossing points (BCPs) in summer time, receive formal, sufficient and professional training according to Article 16 of the Schengen Borders Code (SBC). The level of professionalism should also be ensured by regular refreshment training;

7.	construct a comprehensive strategy on the use of reinforcements and reserves, and interagency cooperation to deal with emergency situations and escalating incidents at the borders of Greece;

8.	further improve border guards language skills systematically (English and language of the relevant neighbouring country).

National evaluation mechanism

9.	further develop and implement a continuous national quality control mechanism covering the whole border management system and all involved authorities, for example by developing a systematic and effective national evaluation mechanism, including a clear internal reporting and follow up system in order to identify and remedy shortcomings and vulnerabilities as well as to ensure a sufficient and equal level of performance of border checks and border surveillance along all border types.

Inter-agency cooperation

10.	make full use of agreed cooperation areas with the Customs Administration by enhancing the exchange of information and training and develop the cooperation in risk analysis;

11.	implement common checks with Customs (one-stop principle) of cross border traffic in the permanent checking procedures at land BCPs (e.g. at BCPs Kipi and Kastanies) and remedy the current limitation of five days a month for common checks foreseen in the operational plan;

12.	ensure that the necessary legal basis is in place for the HP to carry out checks of the luggage at the border crossing points in all situations;

13. finalise the MoU between the HCG and the Customs Administration in order to further develop the level and quality of the risk analysis and to increase situational awareness and enhance the exchange of information on the results of the check of the crew (HCG) and goods (Customs) of cargo ships.

Risk analysis

14. introduce and implement the risk analyses system according to the CIRAM 2.0 model at all levels of the organisation in a unified way; create the needed administrative and technical capacity to carry out sufficient risk analysis on the strategic and operational / tactical level and participate actively in Frontex meetings related to the risk analysis;

15. increase the administrative capacity of the unit in the NCC responsible for national risk analysis, in order to enable it to carry out its activities on a sufficient level;

16. intensify risk analysis training and increase properly trained staff, including analysts familiar with CIRAM 2.0 methodology, at all levels of the organisation;

17. establish the necessary cooperation methodology with the HCG RA unit and all other relevant stakeholders.

Sea border

18. improve the skills within the HCG to develop and use risk indicators on local level for providing support to operational activities, implement the risk analysis system fully in accordance with CIRAM 2.0 and foster the joint risk analysis with other involved law enforcement agencies. Further develop appropriate HCG risk analysis products on different levels to improve the situational awareness.

Land border

Greek-former Yugoslav Republic of Macedonia (fYRoM) border

19. strengthen and further improve the risk analysis and information collection functions and implement the Integrated Border Management and Migration Centre concept used in Alexandroupolis and Orestiada;

20. provide training to officers in debriefing and CIRAM 2.0 to enable the preparation of sufficient risk analysis at regional level and establish a debriefing and screening team led by a full time deployed intelligence officer for the in-depth debriefing of migrants for analytical purposes.

Greek-Albanian border

21. improve the analytical capacity on local and regional level to deploy and train an analyst solely responsible for data and information collection. This would allow better preparation of risk profiles or ad hoc reports concerning cases which occur at the operational (Police Directorate) and tactical level (BCP/Border Police Unit).

Air border

22. ensure a sufficient number of specialised and trained risk analysts at Athens Airport and ensure that the local Risk Analysis unit is aware of and applies the National Risk Analysis model for illegal migration and cross border criminality (Athens and Heraklion Airport);

23. develop and implement a more sustainable system for the collection, storing, analysis and distribution of information and analytical products in a suitable format (e.g information bulletins) or extend the existing systems accordingly.

International cooperation

24. continue efforts to further promote practical operational cooperation with Turkey at local level in the Aegean Sea for enhancing border surveillance, crime prevention and preventing unauthorised border crossings;

25. deploy a HCG attaché to Turkey as planned;

26. further improve the cooperation with fYRoM and establish permanent cooperation structures to exchange information and to guarantee rapid reaction in all cases at the common border. Consider negotiating a bilateral agreement concerning the exchange of information with the authorities from fYRoM and to develop bilateral cooperation to be better prepared to manage all kind of situations at the border;

27. explore the possibilities to create a trilateral cooperation with Albania and fYRoM based on the experience gained from Turkish-Greek-Bulgarian cooperation. Make full use of Frontex support when developing cooperation;

28. finalise the procedure to establish the trilateral centre between Greece, Bulgaria and Turkey in order to increase exchange of information between the countries involved which is crucial to maintain safety and security at the common land border with Turkey.

B) **BORDER SURVEILLANCE AND SITUATIONAL AWARENESS**

National coordination centre (NCC) and EUROSUR

29. develop urgently missing administrative capacity, working procedures, proper communication channels, technical arrangements and procedures to be able to improve the reliability of situational awareness in the NCC and further secure the exchange of information with relevant stakeholders, for fulfilling all tasks including command and coordination of joint operations carried out by the Agency in the NCC;

30. ensure the presence in the NCC of representatives from all relevant national authorities involved in border management and establish clear internal working procedures between all stakeholders to define the tasks of the seconded staff;

31. further improve the National Situational Picture, including:

–   the incident layer, showing incidents detected by the Hellenic Police, Hellenic Coast Guard and other relevant authorities, such as the Navy;

–   the operational layer, showing the real-time positions of patrols and assets of the Hellenic Police, Hellenic Coast Guard and other relevant authorities on a law enforcement mission;

–   the analysis layer, merging risk analysis coming from the different national authorities collected and analysed at tactical, operational and strategic level.

Border surveillance

Sea border

32. improve the national capacity and performance of the sea border surveillance in terms of human and technical resources and bring it in line with Article 13 of the SBC. Further develop situational awareness by making the relevant surveillance information available in real time to the responsible authority (the HCG) and the NCC and complement this with the new surveillance system which is under planning / development and build a common Professional Mobile Radio network to be used by all relevant national authorities;

33. further develop the situational awareness to detect and reaction capability to prevent illegal border crossings and bring the sea border surveillance system in line with Article 13 of the SBC. Enhance the coordination and cooperation of all operational activities in real-time and in a secure manner. This could be achieved by establishing local and regional coordination centres or schemes, in which the relevant national authorities work together side-by-side and which have direct communication channels to the NCC;

34. increase the effective operational use of the Offshore Patrol Vessel (OPV) 090, reaction capacity and coverage of border surveillance, for example, by establishing a second crew for the OPV 090.

Land border

35. Unify the land border surveillance system and increase situational awareness by expanding the Integrated Border Management and Migration Centre (IBMMC) concept used at the Greek – Turkish border at all external land borders;

36. Increase border surveillance capacity by developing air component (helicopters, airplanes or drones) and by increasing the number of border guard dogs trained especially for tracing;

37. ensure that the deployment and location of patrols dedicated for border surveillance are visible including information on the real-time positions of the patrolling assets at the external land borders in the operational layer of the National Situational Picture, for example by using GPS; repair the available patrol cars where needed (e.g. PD Orestiada) in order to increase the level of border surveillance.

Evros region (Greek-Turkish border)

38. finalise the ongoing procurement procedure for the automated border surveillance system and ensure that the monitoring of the system is performed from one (Commanding and) Coordination centre responsible for the whole area of the PD or the entire land border with Turkey;

39. further increase the level of border surveillance by carrying out patrols in a more coordinated manner;

40. ensure that all assets in the area of responsibility are effectively monitored and commanded by establishing a single management and command procedure of the patrols applicable to both PDs (Alexandropoulis and Orestiada);

41. further develop the border surveillance capacity by extending an integrated technical surveillance system in the Evros region;

42. ensure that the BPU Didimoteicho (and other where applicable) is properly equipped for checking the authenticity of the documents and provide a training for Hellenic Police Officers for the use of new installed equipment.

Police Directorate Kilkis (Greek-fYRoM border)

43. further develop border surveillance capacity by purchasing a speed boat for the surveillance of lake Doirani and integrate this capacity in the surveillance system;

44. establish a proper further training system at regional level, taking into account the system in place in the Police Directorates in the Evros region;

45. ensure urgently a sufficient number of staff for border surveillance to guarantee a full application of Article 13 of the SBC by using other national capacities to handle the situation in Idomeni;

46. ensure that all irregular migrants are identified and registered, including fingerprinting as required by Article 13 of the SBC and Article 14 of the Eurodac Regulation;

47. prepare or update emergency plans on how to manage all possible situations at the external borders (e.g. Idomeni-type of cases).

Police Directorate Florina (Greek-Albanian border)

48.   establish a technical (video) surveillance system combined with stationary and portable devices (sensors) to provide a constant situational picture of the protected border strip;

49.   establish an effective monitoring system at the custody premises ensuring constant surveillance.

C)   REGISTRATION AND FIRST RECEPTION PROCESS

Sea border

50.   take measures to reduce and redistribute the migrants hosted in the registration centres. In particular, for Samos and Kos, take action in order to finalise and open the new section of the Vathy centre (Samos) and the hotspot in Pyli; ensure that the needs of vulnerable groups hosted at the reception facilities on Samos and Kos Islands are fully met;

51.   take measures to ensure that irregular migrants hosted in the premises of the Hellenic Police in Kos, are kept in adequate material conditions, in particular segregated from common prisoners and bring these conditions in line with Article 4 of the EU Charter of Fundamental Rights (prohibition of torture and inhumane or degrading treatment or punishment);

52.   enhance the full capacity of the Reception and Identification Service (RIS) (staff, resources) in order to enable it to exercise its coordination role as defined by the Law (Act 4375 of 3 April 2016) and to facilitate the clarification of roles and responsibilities of the different actors involved in the Hotspot concept.

Land border

53.   ensure that the staff at the First Reception centre in Fylakio has the direct possibility to conduct checks in the SIS, Interpol and other databases in order to improve the quality of the registration procedure;

54. increase the endowment level of the equipment for checking authenticity of the documents and provide an appropriate training for the Hellenic Police Officers;

55. strengthen further the cooperation with Frontex debriefing experts by allowing them to perform interviews at the reception centre.

D) **RECOMMENDATIONS ON INDIVIDUAL SITES VISITED**

56. bring the border checks of third country nationals fully in line with Article 8 (3) of the Schengen Border Code (especially at BCPs Kipi, Kastanies, Evzoni Samos Port, Mytilini Port, Athens Airport, and Heraklion Airport);

57. intensify border checks on EU citizens, in line with the Commission recommendation of 15 June 2015 on EU citizens coming from risk areas (BCP Kastanies and sea BCPs).

Sea border

58. implement the National Single Window system in accordance with Article 5 of Directive 65/2010/EU on reporting formalities for ships arriving in and/or departing from ports of the Member States and provide access to all relevant authorities considering the benefits for the border checks activities in BCPs;

59. bring the border check procedure of crew on pleasure boats and of third country nationals on pleasure boats arriving in the Port of Piraeus in line with Article 8 of the SBC and specific rules as described in Annex VI of the SBC;

60. ensure that third country nationals who are subject to a thorough second line check are provided with written information on the purpose and procedures for second line check, in accordance with Article 8(5) of the Schengen Border Code.

61.   establish the appropriate procedure for the refusal of entry of crew members, in accordance with Article 14(2) and Annex V, part B of the SBC.

BCP Port of Mytilini (Lesbos)

62.   adapt the infrastructure at the control booth at the BCP Mytilini to allow border guards to perform proper behavioural assessment of the queuing passengers;

63.   improve the infrastructure at the BCP Mytilini to bring the control procedure of vehicle occupants in line with point 3.2.9 (c) of Annex VI of the SBC.

BCP Port of Samos

64.   make the necessary arrangements at the BCP in Samos to allow border guards to perform proper behavioural assessment/profiling of the queuing passengers and to prevent unauthorised observation of the computer screens in the control booth;

65.   ensure an uninterrupted intranet connection of the relevant databases in the first line.

BCP Port of Symi

66.   provide the BCP with the necessary equipment and appropriate training for using the equipment in line with the Schengen standards.

Land borders

67.   increase the staffing level of the HP in order to ensure the border checks outside of the booth.

Land border with Turkey

<u>*BCP Kipi*</u>

68.   prepare a standard form of refusal of entry in Turkish language;

69.   finalize the study on relocation of the BCP Kipi in order to ensure that the necessary infrastructure for a proper performance of first and especially second line checks is in place;

70.   purchase and provide the necessary technical equipment (e.g mirrors) to the BCP for the implementation of checks of the lorries in a sufficient manner;

71.   install new variable electronic signposting on all lanes;

72.   complete the perimeter fence around the BCP after the construction works of the road have been finalized;

73.   provide the written form in the language of the neighbouring country (Turkish) in order to fulfil the provisions of Article 8 (5) of the SBC.

<u>*BCP Pythio*</u>

74.   reconsider the functioning of the BCP regarding the permanent deployment of staff. Due to the current very limited number of cross border trains as well as a sufficient prior announcement of the trains, the number of staff of the BCP can be used more efficiently for other border policing task.

<u>*BCP Kastanies*</u>

75.   ensure that the staff is using only one updated source of information via the intranet.

Land border with fYRoM

BCP Evzoni

76. establish a proper further training system at local level, especially by providing sufficient training regarding the verification of document authenticity and organising training on the use of a heart beat detector;

77. protect workstation screens from unauthorised observation and install communication means (phones) in all booths; increase the speed of internet connection and provide access to the iFADO from all workstations in the first and second line;

78. provide mobile devices for checks on buses, magnifying glasses (x10) and microscope (x40) and install infrared equipment (video spectral comparators);

79. install a fence in the neutral zone between the flows on entry and exit and install additional cameras in order to observe the whole area of the BCP; install drop bars where missing, as well as traffic lights;

80. prepare a standard form in the language of the fYRoM nationals for persons who are subject to a thorough second line check as laid down in Article 8(5) of the SBC;

81. bring the signposting at the exit lanes for lorries in line with Article 10 and Annex III of the SBC;

82. transmit a report on relaxation of border checks in the past and for possible future cases to the European Commission and the European Parliament, in line with Article 9(4) of the SBC;

83. increase significantly the staffing level of the HP in order to avoid the recurring relaxation of border checks during the summer period;

84. install the necessary equipment (esp. fingerprint scanners) at all lanes in order to guarantee the VIS consultation and increase the capacity of the IT connection in order to ensure a continuous VIS consultation.

Land border with Albania

BCP Krystallopigi

85. increase the situational awareness of staff regarding possible secondary movement of Albanian citizens travelling onwards to other Member States, in order to enhance the quality of the border checks based on better profiling;

86. provide sufficient training regarding the detection of forgeries focusing on travel documents and residence permits as well as the use of existing databases (e.g. iFado);

87. implement a system of sufficient information sharing regarding modus operandi and trends of forged documents;

88. develop the passport reader software by installing a permanent verification of the authenticity of the data stored inside the chip as well as the visibility of the stored image in the software application;

89. provide the standard form to all third country nationals subject to a thorough second line check;

90. install traffic lights in all lines and fingerprint scanners in all booths in order to perform VIS checks; install a fence in the neutral zone and separate the flows;

91. protect workstations screens from unauthorised observation and increase the internet connection speed;

92. provide mobile devises for checks on buses, magnifying glasses (x10) and microscope (x40) and repair existing infrared equipment (video spectral comparator).

Air border

93. implement in practice Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data;

94. provide the second line with a direct access to VIS for the purpose of the identification of persons in accordance with Article 8(3)(i) of the SBC and Article 20 of the VIS Regulation using the available fingerprint reader;

95. produce and distribute risk profiles and risk indicators related to illegal migration trends to all officers involved in border control;

96. provide for a more structured and specialised training in order to ensure the level of professionalism of the border guards. In particular, specific training on how to detect forged documents should be given regularly to border guards;

97. ensure that relaxation of border checks is limited to unforeseen and exceptional circumstances only as provided by the SBC and that the European Commission and the European Parliament are informed in accordance with Article 9(4) of the SBC;

98. develop and implement joint operational plans between the HP and the Customs Administration on local level;

99. ensure the correct and full implementation of Directive 2001/51/EC on supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 (BCPs Athens Airport and Thessaloniki Airport);

100. ensure uninterrupted access to all databases in order to conduct border checks in accordance with Article 8 of the SBC at any time;

101. install mirrors in front of the control booths at the arrival and departure in order to enable observation of passengers;

102. equip all first and second lines in accordance with the Schengen Standards, including transmitted lights, retro-reflective lamps, stereo zoom microscope and equipment for access to EURODAC and AFIS;

103. establish a dedicated investigation unit with appropriately trained staff combating cross-border organised crime at the BCPs Thessaloniki Airport and Heraklion Airport;

104. separate fully the Schengen and non-Schengen areas at departure and arrival by physical means and ensure proper separation at the apron, at the Thessaloniki Airport and Heraklion Airport;

105. ensure the same specification of stamps and update i-FADO accordingly, and ensure an updated version of the relevant EU-legislation and other related documents to be available for border guards in the first and second line;

106. ensure that control booths cannot be entered by unauthorised persons.

BCP Athens "Eleftherios Venizelos" Airport

107. ensure that border guards can observe passengers´ flow in front of the booths;

108. correctly affix a line of demarcation on the floor in front of the control booths in the "all passports" queue at departure, in order to ensure a sufficient distance between passengers being under border control and those waiting right behind for their border check;

109. adapt the control booths in order to facilitate the communication between border guards and passengers;

110. ensure quality printing of the stamps;

111. improve the situational awareness concerning forged and falsified documents by enabling the border guards to access the fraud bulletins;

112. ensure the use of official interpreters for collecting more relevant information during the second line check;

113. equip the working stations at both VIP lounges with fingerprint readers in order to conduct border checks on entry of VIP's in line with Article 8(3)b of the SBC;

114. remove the signpost at the control booth located in the transit area (from extra-Schengen to extra-Schengen) as it wrongly indicates to passengers the obligation to undergo a border check and bring the procedure in line with Annex VI, 2.1.3 of the SBC;

115. ensure the full application of Article 12(2)(a) of the Schengen Border Code by instructing the border guards about the correct procedure.

BCP Thessaloniki "Makedonia" Airport

116. implement a CCTV system and ensure that access to the stored data is granted to the Police;

117. establish separated facilities for inadmissible persons so that women with children and men can be separated if necessary;

118. increase the number of border guards on the second control line during each shift;

119. ensure more in-depth check of visas issued by other Member States.

BCP Heraklion "N. Kazantzakis" Airport

120. relocate the available cameras at arrival and departure to ensure an adequate observation of the passengers' flow;

121. increase the number of control booths at the arrival; ensure that the line of demarcation in front of the control booth is respected and ensure the availability of a lane for EU citizens during border checks;

122. ensure a direct access to the Immigrants Data Mapping application for the purpose of identification of persons using fingerprints;

123. ensure that border guards properly implement the provisions on the rights of family members of nationals of the EU/EEA/CH in accordance with Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

Done at Brussels,

For the Council
The President

_____