



EUROPEAN  
COMMISSION

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ANNEX 1

## **ANNEX**

*to the*

### **Commission Implementing Decision**

**establishing a standard questionnaire in accordance with Article 9 of the Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis**

## ANNEX

### **The standard questionnaire**

**for the evaluation of the of the implementation of the Schengen *acquis***

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***To note:***

***For all requests on statistics submitted also to Frontex (or any other EU body/institution), the most recent data possible can be used.***

***For all requests on submission of national legislation or relevant extracts thereof, incl. decisions taken on the basis of national legal acts, we kindly invite you to submit them, to the extent possible, in English. This would contribute to make the information accessible in a smooth and fast way to the members of the Schengen Committee as well as to all MS's experts who will be member of the evaluation teams.***

## **1. MANAGEMENT OF EXTERNAL BORDERS**

### **Integrated Border Management concept**

- (1) Describe how the integrated border management (IBM) concept is applied in your country. In particular, focus on the fundamental principles of your border management model and describe how the 4-tier access control model is implemented. Is there a national IBM strategy and an action plan in which the implementation and development of border management concept is based? Provide a copy of these documents.
- (2) Submit the external border management related budget plans for the last two years and next two years at the national level.
- (3) List the main legal instruments for the implementation of the border management in your country. Describe the main national legislation directly applicable for the border management which entered in force after the last evaluation.
- (4) How do you ensure that fundamental rights are respected when exercising border control? What methods and safeguards are in place to ensure the correct application of the principle of non-refoulement on persons apprehended at the border? Do the authorities in charge of the border management have a strategy concerning fundamental rights issues? If yes, describe it.
- (5) Do you have a national evaluation system examining that border control is implemented according to Schengen requirements (complementing to EU evaluation mechanism). If yes, Describe this system.

### **Organisation and responsibilities**

- (6) Which authorities are responsible for border control in your country? Which Ministry or Ministries are they subordinated to? Describe the structure of these authorities, the division of powers, competences and responsibilities between them at the strategic and operational level. Provide the latest organisation chart. Describe the chain of command between border guard units at national, regional and local level. If your country foresees or has implemented since the last evaluation changes in the division of responsibilities or organisational structures provide also clear information on such changes, including the period since when they applied or will apply. What coordination mechanisms are in place between the different bodies from the central down to the operational level?
- (7) Are the authorities responsible for border control entrusted also with other tasks? List those other tasks and explain the fundamental principles for setting priorities amongst all these tasks, ensuring the continuity of border control. Are there any limitations in competencies for border guards responsible for border control (territorial etc.)?

### **Inter-agency cooperation**

- (8) How is your national inter-agency cooperation with the authorities involved in border management organised? What is the legal basis and cooperation mechanism at national, regional and local level? How is inter-agency cooperation implemented in practice: are there e.g. joint risk analysis, joint databases, training, joint investigation and intelligence systems in place? How do you ensure that information exchanged with other agencies is protected, if

classified as sensitive? (See also question (58) related to cooperation in border crossing points and (61) related to border surveillance)

### **Human resources management and training**

- (9) What is the total number of the personnel responsible for border management at different levels of your organisation? Provide figures of staff deployed for border checks and border surveillance (break the number down per type of border and per border crossing point).
- (10) What kind of system is in place to reinforce staff at the border if the situation at the border changes? How often has staff been reinforced? What are the reasons for such measures? How long are such temporary secondments? How does the secondment influence the service of operational units of origin and what countermeasures do these units undertake to face the provisional reduction of personnel? Submit the necessary data, if applicable, for the period of the last 12 months.
- (11) Is it foreseen to increase or to reduce the available staff entrusted with border control tasks? If you are planning to increase staff, provide the plan broken down by units/BCPs which will receive new posts type of job profiles and timetable. What are the reasons for such a step? In case that staff is reduced, provide a detailed plan and clarify the reasons for this decision.
- (12) Do you deploy other bodies than the principle authority (professional border guards) responsible for border management to undertake border control tasks (e.g. volunteer forces or military formations)? If so, what are these authorities or bodies and what are their tasks? How often are they asked to intervene (provide the number of cases for the last five years)? Provide extracts from the legislation on their role in border guarding. How are they trained on border management tasks, including relevant fundamental rights dimension?
- (13) Describe the basic training programme of border guards, broken down according to different hierarchic levels. To what extent is the updated EU Common Core Curriculum of the Border Guard training implemented in your national training programmes? How do you measure level of implementation?
- (14) How are fundamental rights and international protection aspects included in national training curricula (for basic courses as well as for managerial courses)?
- (15) How do you identify the need for specialised training? In which specific fields do you organise specialised training?
- (16) In what type of Frontex training programmes your personnel has participated in the last three years? How many persons have attended those courses (break down per programme)?

### **Risk analysis, intelligence, situational awareness & data-flow**

- (17) What do you consider to be the main threats and possible changes in your operational environment that may affect the security and management of the borders of your country in short and long term perspective?
- (18) What are the main routes of irregular immigration to your country? What changes in those routes, if any, have been observed during the past five years? Do you have an estimate of

irregular migrants present in your territory? Do you share this information with the neighbouring countries? Do you have a system in place to create situational image of secondary movements?

- (19) Describe the basic principles of the risk analysis and intelligence concepts used for the implementation of your IBM strategy. Do you have a national risk analysis system based on CIRAM 2.0 in place? Do you have a specialised risk analysis unit in place at national, regional and local level? How many people are in these units? How do you ensure an efficient data-flow management between the authorities involved in the implementation of both concepts?
- (20) Are border guards involved in detection and investigation of cross border crime (facilitation of irregular entry, THB etc.)? How do you integrate border control with crime prevention? Do you have special crime prevention units within the border guard organisation? Do you have prosecution and judicial authorities dedicated to border offences or cross-border criminality, including illegal migration?
- (21) Describe what risk analysis products are produced and explain clearly the distribution chain of the risk analysis products to the involved stakeholders throughout all operational levels (how often, by whom, in what form, if through a common IT database, who has access to it). What safeguards do you have in place to ensure that the risk analysis products are available to the border guards working at the external border on time?
- (22) Do you have methods for estimating undetected illegal border crossing cases at the green or blue border or at crossing points? How is this estimate calculated? What is the estimated rate of detected cases against the undetected cases?
- (23) How are results of Frontex risk analysis products forwarded to all authorities responsible for border management units at the operational level?
- (24) How do you define an emergency situation at the borders according to national legislation? Is there a national system in place to manage these situations? If yes, explain its general principles.

## **Cooperation with Frontex**

- (25) How is your cooperation with the European Agency for the Management of Operational Cooperation at the External Border of the European Union (FRONTEX) organised at the national level? Which authority decides to resort to FRONTEX for operational purposes in your country, as well as abroad? In what activities of FRONTEX has your country participated during last three years?
- (26) Do you have any Focal point offices at your external borders? If yes, where are they located and are they permanent or temporary offices? What are the reasons to use (activate) these offices and what kind of results have you achieved?
- (27) How is your national recruiting and selection procedure for European Border Guard Teams organised?
- (28) What is the national procedure to deploy assets and equipment in Frontex joint operations?

What technical equipment have you provided to the pool (ships, airplanes, helicopters and other technical resources)?

### **International cooperation**

- (29) Provide a general overview of bilateral and multilateral cooperation with other Member States, third countries, EU agencies (other than FRONTEX) and international organisations regarding border management, including the respect of fundamental rights. What are the main principles? How do you set priority areas and partners? Provide the relevant agreements, protocols and documents.
- (30) What cooperation structures and models have been established at the Schengen external border with the neighbouring third countries (incl. traffic management, combating cross border crime)? Describe the channels used for exchange of information? What types of joint operational activities are implemented at national, regional and local level?
- (31) Do you cooperate with other Member States in joint investigation operations combating irregular immigration and trafficking in human beings? How often and what are the results of such a cooperation? Does the cooperation mechanism reflect your needs or do you plan improving it?
- (32) Explain what activities are undertaken by your authorities in third countries to prevent irregular immigration, especially in countries of origin and transit countries. Illustrate the main results of such activities (based on factual data). Have immigration liaison officers (ILO), document advisors, airline liaison officers (ALO) or police liaison officers (also covering migration-related issues) been seconded to main source countries of irregular migration? Which service or Ministry are the migration liaison officers subordinated to? What is their selection procedure, professional background and what training do they receive? How are their objectives set? Are these objectives part of any bilateral agreement? Provide a list of third countries where immigration liaison officers (Council Regulation 2004/377/EC of 19 February 2004 on the creation of an immigration liaison officers network) or other experts are posted. Have you any joint ILO's with other EU member states?

### **Measures taken within the country**

- (33) Did you modify any agreements concluded with the neighbouring States on whose borders you lifted border control?<sup>1</sup> If yes, provide details and a copy of the relevant modifications? Did you redeploy staff which used to be deployed for border control at former external and current internal borders to the new Schengen external border? If yes, where to? If those personnel have not been redeployed, what proportion of border guards formerly carrying out border control related tasks at the current internal border continue to be deployed in the areas close to these borders and what are their tasks?
- (34) Does the legislation on preventing irregular migration (or administrative practice or instruction) provide for differentiation between internal borders or internal border zones and the rest of the territory? If so, describe the differences and provide the relevant parts of the national legislation. Explain the legal safeguards in your national legislation ensuring that

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<sup>1</sup> Relevant for a candidate country and occasionally if significant changes has been adopted since the previous evaluation..

police measures do not have an effect of border checks?

- (35) Do your law enforcement authorities use an electronic car number plate registration system(s) inside your country and at the borders (internal and/or external)? If so, describe its use and which authorities are users of this information.

## **Border checks**

- (36) Do you have you any plans to open new border crossing points? If yes, where and when?
- (37) Do you have joint border crossing points (BCP's) with neighbouring Member States not yet fully applying the Schengen acquis? If yes, provide the national legislation applicable for this type of cooperation and explain the concept.
- (38) Do you have shared border crossing points with third countries? Provide the national legislation/the relevant bilateral agreements. Explain the concept of shared border crossing point. Could Member States Guest Officers be deployed to shared border crossing point located in the third country?
- (39) Do you have any bilateral border crossing point with neighbouring third country that is not fully open for all EU/EEA/CH citizens and family members? If yes, explain the procedure and limitations.
- (40) Provide information of total amount of persons crossing external borders broken down by type of border (land, sea, air), by citizenship (EU/EEA/CH and family members/third country /visa requested) and by border crossing point in the past five years.
- (41) Describe the procedures applied to regulate the flow of persons/vehicles across the border (e.g. opening of an extra lane, staff availability, electronic queuing system etc.). If you use electronic queuing systems, describe the conditions for its use, including any user fee if applicable. What is the role of border authorities in those queuing systems and what additional values do they have from border control point of view?
- (42) Explain what instruments and safeguards your authorities have in place to avoid the risk of discrimination when conducting border checks on persons.
- (43) What technical equipment is available at border crossing points for first and second line border checks on persons and their means of transport? Do all crossing points have a standardised set of equipment? What instruments are in place for a proper maintenance or the necessary upgrade of the technical equipment, where applicable? Mention all on-going procurement procedures, as well as all procurements which are being prepared this year.
- (44) Do you have an operational ABC system? If so, indicate at how many BCPs and the number of ABC gates at each BCP. Describe the border checks process and indicate what security mechanisms are in place to perform document authentication and identity verification in your ABC system. Do you have a fully functioning Public Key Infrastructure (PKI) in place? Do you routinely check the chip in the electronic passport? If not, describe why. Describe the formal procedures in place if the chip in the electronic passport cannot be read and validated.

- (45) What databases are used / are available for thorough checks of third country nationals when carrying out border checks in the first line and in the second line. What information is stored in those databases? Explain how you proceed in cases where passengers at the borders request to have access to their personal data.
- (46) What is the procedure followed in case of refusals of entry and of interception in connection with the irregular crossing of the external border? Do you make use of the exemption provided by Art 2(2)(a) and Art 4 (4)(a) of Directive 2008/115/EC or do you apply the Directive in full?
- (47) Describe the procedure / decision flow regarding persons whose entry is refused. How do you ensure that the individual concerned can appeal against such a decision and that he/she can have access to legal assistance according to national law? Describe the instructions given to border guards when passengers wish to lodge a complaint.
- (48) How do you ensure the respect of the principles mentioned in Article 4 of the Council Directive 2008/115/EC of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals to third country nationals subject to a refusal of entry?
- (49) How do you inform persons who ask for international protection of their rights and duties? In this context, do you make arrangements for interpretation for these persons so as to facilitate access to asylum procedure? What is the maximum duration of the stay in the area of BCP? How do you ensure that organisations and persons providing advice and counselling to applicants for international protection have effective access to applicants present at border crossing points? Are there specific procedures for stateless persons?
- (50) What are the procedures for referring third-country nationals to the appropriate protection mechanisms, in particular as regards persons seeking international protection, suspected victims of trafficking in human beings, children at risk and other and vulnerable persons (persons in need of emergency healthcare)? What mechanism is in place if border guards or other officials who first come in contact with persons seeking international protection, are not competent under national law to register applications for international protection (e.g. internal instructions, informative material, trainings)? Are coordination mechanisms in place between the border management authorities and authorities dealing with asylum and international protection issues?
- (51) Do you have the possibility of an accelerated procedure for applicants for international protection at the border? If yes, describe the grounds under which applications can be accelerated and the procedure for doing so, in particular the relevant time limits. Is the border procedure always an accelerated procedure (i.e. do you always accelerate the examination of an application at the border or do you examine applications at the border using the regular procedure)? Which are the safeguards in place in order to ensure an adequate and complete examination of an application at the border, including the way you ensure that sensitive information on applicants for international protection is not disclosed to the alleged actors of persecution?
- (52) Is information on original and counterfeit travel documents available at all BCPs? What methods are used to gather this information, store and update it? Are iFADO and appropriate national databases accessible at BCPs via computer network? Do you check the digital certificates of eMRTD (biometric travel documents)? Does your country participate in the



## ICAO PKD<sup>2</sup>?

- (53) Are EURODAC and national AFIS accessible at all BCPs? How do you check, store and update the data? Which data do you store and for how long? What measures are taken when migrants detected illegally crossing the border refuse to be fingerprinted?
- (54) In what situations do you issue visas at the border? How are the authorities responsible for the exceptional issuing of visas at the border pursuant to the relevant articles of the Union Code on Visas, made aware of the relevant provisions and their proper implementation? What specific facilities to obtain the necessary visas are provided for third-country national family members of EU citizens enjoying the EU right to free movement?
- (55) Is the Visa Information System accessible at all border crossing points (issuance of visas as well as verification of fingerprints)?
- (56) What methods are used for storage of blank visa stickers and what security measures are in place to protect them?
- (57) What are the procedures and frequency for changing the numerical security codes for uniform entry/exit stamps? What safety measures are in place to prevent abuse of the numerical security codes? What methods are used for keeping uniform entry/exit stamps?
- (58) How is cooperation with customs organised at the border crossing points?
  - (a) Are joint border checks being carried out? Clarify also what is the level of implementation in exchange of information, common use of equipment, joint risk analysis, use and planning of premises, joint training, joint operations, joint investigation and division of duties?
  - (b) Is cooperation similar at all border crossing points across the country? If not, explain the differences and provide reasons for lack of uniform approach. List the BCPs where this type of cooperation is applicable.
  - (c) Is this cooperation based on agreements at local level?

## **Border surveillance**

- (59) What are the underlying principles of surveillance of the external land and sea border (legal, strategic, operational and tactical aspects and practical cooperation with the neighbouring third countries)?
- (60) Describe your national border surveillance system for land and sea borders. Do you have plans for upgrades?
- (61) Describe your national coordination centre established for EUROSUR. How does the national coordination centre ensure the timely exchange of information and timely cooperation among all national authorities with a responsibility for land and sea border surveillance, with other national coordination centres? Is the national coordination centre also responsible for border checks and air border surveillance? provide examples showing how the national coordination centre ensures the cooperation between different authorities.
- (62) Describe your national situational picture established for EUROSUR, including information on used sources, incidents, assets and analytical products.

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<sup>2</sup> International Civil Aviation Public Key Directory.

- (63) Does the national coordination centre share the situational picture of neighbouring border sections with the national coordination centres of neighbouring Member States? Explain the basic principles.
- (64) Do you exchange data on sea related threats with other national authorities with interests in the maritime domain (e.g. navy, maritime administration, fishery control authority)? Provide a list of vessel traffic monitoring systems (AIS, VMTS, VTMIS, LRIT, SafeSeaNet, VMS) accessible for the border guard authorities. How is this data exchanged and what is the role of the national coordination centre? Are third countries included in the data exchange, and what data is exchanged with them?
- (65) What is the reaction capability in routine and in emergency situations at national, regional and local level? Describe the concept, the communication channels and the relevant technical equipment used for fulfilling the given tasks. Explain the role of the national coordination centre and regional, local or other relevant authorities. If additional forces from other law enforcement bodies can be requested in emergency situations, describe the deployment of such forces and their cooperation with the border patrols.
- (66) What kind (type) of aircrafts (helicopters, airplanes) and how many do you have at your disposal for border surveillance (sea/land)? What is their surveillance capacity (incl. night vision)? Are these aircrafts used solely for border management tasks and who is the owner of this equipment? Are they capable to communicate directly with border patrols and operational centres?
- (67) What kind of ships, vessels (OPV), patrol boats or other equipment (hovercrafts etc.) do you have at your disposal for sea border surveillance in terms of quantity and quality? What is their surveillance capacity (incl. night vision)? Are these equipment used solely for border management or are they used also for other purposes (e.g. fishery control, detection of oil spills, defence)?
- (68) What other and how many technical or other means do you have for border surveillance (e.g. portable technical surveillance systems, surveillance vehicles, patrol cars, night vision goggles etc.) used for border surveillance purposes at different type of borders. How many patrol dogs do you have? For what kind of tasks and how do you use patrol dogs for border surveillance?
- (69) What mechanisms are in place for a proper maintenance or the necessary upgrade of the technical equipment used for border surveillance? Mention all on-going procurement procedures, as well as all procurements which are being prepared this year.
- (70) Are all your external borders defined by agreements demarcated and clearly marked? If not, how do you guarantee proper border surveillance in these areas?
- (71) Do you have first reception facilities/temporary holding facilities at the external border area and how do you cater for the essential needs of persons apprehended when crossing the border irregularly?
- (72) What are the procedures for referring third-country nationals apprehended when crossing the border irregularly to the appropriate protection mechanisms, in particular as regards persons seeking international protection, suspected victims of trafficking in human beings, children at risk and other vulnerable persons? In particular, where border guards or other officials who first come in contact with persons seeking international protection, are not competent under

national law to register applications for international protection, are they provided with the relevant information and the necessary level of training which is appropriate to their tasks and responsibilities to enable them to recognize applications for international protection and instructions to inform applicants as to where and how applications for international protection may be lodged?

## **Sea borders**

- (73) What procedure is followed when sea craft carrying suspected irregular migrants is intercepted at sea (territorial waters; high seas)?
- (74) What arrangements are in place to rescue irregular migrants in distress at sea and disembark them in accordance with the principle of non-refoulement? Provide a list of operations where migrants have been disembarked in third countries over the last year? How do the national coordination centre and the maritime rescue coordination centre cooperate in such a situation?
- (75) What measures have been taken to prevent unauthorised persons entering and leaving the reserved areas at seaports? Are the perimeters of seaports fenced in and monitored by cameras and sensors? Who is checking the data recorded by the camera taken outside opening hours? How long do you keep the recorded data? Which authority (authorities) are responsible for access control and monitoring of the perimeters of seaports? What is the reaction capability in routine and in emergency situations?
- (76) For the different kind of maritime transport where checks only need to be carried out if there is a risk related to internal security and illegal immigration, how and by whom are the assessments made?
- (77) What is the frequency of checks of cargo vessels, fishing vessels and pleasure boats (ratio of boats checked/not checked)?
- (78) What measures have been taken or are you planning to take in terms of infrastructure to guarantee the separation between Schengen and non-Schengen ferry connections (physically, administratively, use of equipment)? How many ports have or plan to have a physical separation between Schengen and non-Schengen destinations? Provide statistics from all international ports on the number of departures and arrivals and passengers of regular internal ferry connections and from third countries, if available.
- (79) In which ports do you provide for the separation of lanes for persons enjoying the right of free movement under Union law and for third country nationals?
- (80) Provide statistics for the past five years as regards the number and types of vessels calling at ports from the EU and third countries (e.g. ferries, cruise ships, cargo vessels, fishing vessels and pleasure boats). What is the percentage of physical controls made on board these vessels? How are decisions on such checks made? How are vessels surveyed during their stay in ports?
- (81) Do you make use of advanced passenger data in the process of checking vessels? If yes, how is this organised in practice (who has access and how long is it kept)?
- (82) Are passenger and crew lists submitted electronically using the national single window? How do you ensure that border guards receive these lists? Do border guards have access to the national single window? (Electronic transmission of these lists is mandatory from 1 June

2015).

## **Airports**

- (83) At how many airports is the separation of passenger flows carried out by means of infrastructure? At how many airports is the separation carried out by physical means? Provide statistics from all international airports and aerodromes on the number of flights and passengers from within Schengen and from third countries, if available, as well as a list of scheduled origins and destinations by airport for the period of last five years.
- (84) Do airports have a separate international transit zone for passengers of non-Schengen flights? Provide information on the waiting rooms for non-admitted persons and the available basic services.
- (85) Provide information also on national plans on establishment of new international airports in the foreseeable future (short and medium term) in the period following the Schengen evaluation.
- (86) Describe the cooperation established with air carriers in order to prevent irregular entry. Do airlines companies cooperate covering basic needs of non-admitted passengers who have to wait in the transit zone?
- (87) Are border checks carried out at the aircraft-door or at the gate in the case of flights from risk destinations? Describe how to proceed for facilitating the identification of persons in need of international protection, suspected victims of trafficking of human beings?
- (88) Describe the measures implemented at airports to enable appropriate checks on persons travelling on private flights. How is the general declaration and information concerning passengers' identity (according to Annex VI of the Schengen Borders Code) used in the process of border checks?
- (89) Do you use API in practice? If so, explain how it is organised (who has access and how long is it kept?)
- (90) What measures have been taken to prevent unauthorised persons entering and leaving the reserved areas at airports? Are the perimeters of international airports and aerodromes fenced in and monitored by cameras and sensors? Who is checking the data recorded by the camera taken outside opening hours? How long do you keep the recorded data? Which authority (authorities) are responsible for access control and monitoring of the perimeters of airports? What is the reaction capability in routine and in emergency situations? What fundamental rights do private service providers have to respect according to the contract?

## **Land borders**

- (91) Which border crossing points are provided with separate lanes for border checks on persons enjoying the right of free movement under Union law and on all passengers? Is the vehicle traffic separated into different lanes by vehicle type?
- (92) How are the perimeters of border crossing points guarded? Do you use technical surveillance equipment, including video, for monitoring? Is the surveillance of border crossing points

carried out outside their fixed opening hours and who is monitoring it then? How long do you keep the recorded data? In case of an incident what immediate steps are taken to examine the situation? What is the procedure in case of a hit, i.e. recording of an incident?

- (93) Describe in detail methods applied for border checks on-board of an international train and, in particular, what kind of equipment is available for border guards carrying out such checks? Do you cooperate with railway companies on passengers who are about to arrive at the BCP? If so, provide the legal act on which such cooperation is based, if any. Which common undertakings and activities are being organized together with border guard service of the neighbouring country?
- (94) Do you cooperate with international bus companies on passengers who are about to arrive at the BCP? Are API sent to the border guards in advance?
- (95) Are there any agreements between your country and neighbouring third countries for the purpose of implementing the local border traffic regime according to Regulation 2006/1931/EC of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention? Provide the underlying legal act. Submit relevant statistical data for the past five years including cases of abuse of the local border traffic regime and penalties imposed. What is the procedure for submitting and processing the applications for LBT permit? Are the LBT beneficiaries registered in a database and do they need also travel documents when crossing the border?

#### **Detection of illicit drugs at the external border:**

- (96) Which authorities are responsible for combating drug trafficking? What specific organisational measures have been adopted at the external borders to combat drug trafficking?
  - (a) new structures,
  - (b) staffing measures, including the necessary training,
  - (c) creation of customs services or other services specialised in surveillance at the external borders,
  - (d) intelligence and risk analyses,
  - (e) diversion of drugs precursors,
  - (f) use of aircraft (planes, helicopters) for detecting illegal shipments and irregular migrants.
- (97) What strategic, tactic and operational steps do you undertake to effectively combat drug trafficking at the external borders? In particular:
  - (a) What specific measures and tactical methods have been adopted at the external borders to combat drug trafficking?
  - (b) What special operative measures have been taken to guarantee that controls are effectively targeted (targeted controls)?
  - (c) What new methods have been introduced to obtain relevant information?
  - (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)?
  - (e) Could you give more information on the national and international controlled deliveries carried out?
- (98) What results have you attained in terms of seizures of drugs for the last five years at the

external borders? Distinguish according to the type of border.

- (a) nature and volume for drugs, individual crossings, crossings in groups (with or without the trafficker),
- (b) country of origin,
- (c) destination,
- (d) means of transport,
- (e) means of concealment used by the trafficker, where applicable.

## **Specific legislation**

- (99) What administrative and criminal-law penalties have been introduced under your national legislation for
- (a) persons entering the national territory irregularly (the maximum and minimum sentence/amount of the applicable penalties/sanctions)?
  - (b) persons involved in assisting/facilitating irregular migration (the maximum and minimum sentence/amount of the applicable penalties/sanctions)?

Provide the relevant extracts from the legal acts.

- (100) Indicate whether your national legislation implementing Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence and Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit, provides for derogation from sanctions in cases of humanitarian assistance and how the non-penalisation provisions in Article 31 of the Geneva Convention relating to the Status of Refugees and in Article 8 of the Directive 2011/36/EU on preventing and combatting trafficking in human beings and protecting its victims are implemented with regard to persons entering with false, forged or counterfeit documents.
- (101) Provide the statistical data on criminal prosecutions and convictions related to smuggling of people and the trafficking of human beings for the past five years, including specific reference to channels for exchange of information under Article 7 of Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit, into the national legal system.
- (102) Provide information on how many penalties and respective amounts were imposed on carriers based on Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 (referred to as CISA), and how many of them were effectively applied during the last five years. Break it down to air, land, sea borders. Which authority takes the decision in such cases? What measures are in place to ensure carriers' rights of defence and appeal?
- (103) Provide information on how many penalties and respective amounts were imposed on carriers based on Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data and how many of them were effectively applied during the last five years. Which authority takes the decision in such cases? What measures are in place to ensure carriers' rights of defence and appeal?

## **Statistics**

- (104) How many third country nationals applied for international protection at BCPs during the last five years? How many applications were examined at the border ("border procedures") and how many of those examined at the border were granted or refused international protection? How many of those who applied at BCPs were allowed to enter to the territory to have their applications examined in the territory?
- (105) How many decisions on refusal of entry have been taken (total number, breakdown by main nationalities concerned and breakdown by type of border – land, air, sea – BCPs) in the past five years? On what grounds were they refused entry?
- (106) Provide statistics on detection of unauthorized border crossings for the last five years broken down by border type (air, land, sea).
- (107) Provide statistics on detection of illegal stay (external borders/inside country) for the last five years broken down by nationality.
- (108) Provide statistics on counterfeit travel documents/falsifications over the last five years detected at BCPs, broken down by types of the border (air, land, sea) and by per border crossing points, entry to/exit from the territory and types of falsification (travel documents, permits, visas, stamps).
- (109) Provide statistics on detection of facilitators (external border/inside country) during the last five years.
- (110) Provide statistics on detection of stolen cars at the external borders for the last five years broken down by type of border (land/sea).

## **2. RETURN AND READMISSION**

### **Organisation and responsibilities**

- (111) Which authorities are responsible for imposing a return decision and, if necessary, enforcing this decision? Explain the actors involved in the different steps of the procedure, including consideration of the primacy of voluntary departure. Specify if possible the number of staff involved.
- (112) What is the legal basis and which authorities are responsible for the apprehension of irregular migrants? How is the apprehension procedure organised (active search, random checks, targeted actions etc.). Is there any specific stationary or mobile equipment (e.g. surveillance systems) used for these tasks? If yes, describe shortly. Describe the different steps of apprehension and the role different actors play. Do you take into account in this context the 2012 Fundamental Rights Agency guidance document "apprehension of migrants in an irregular situation – fundamental rights considerations"?
- (113) Which authorities are responsible for imposing detention? Explain the actors involved in the different steps of the procedure in detail, including consideration of alternatives to detention and involvement of judicial authorities.
- (114) Provide details of your forced-return monitoring system. Who ensures this function? How

does it work? How many forced return operations have been executed and how many of them were monitored? Is the entity in charge independent from the authorities in charge of carrying out the return? Specify if possible the number of staff involved?

- (115) Which authority is responsible for formulating readmission requests to third countries?
- (116) How do your authorities organise assistance by appropriate bodies before deciding to issue a return decision in respect of an unaccompanied minor? Are these bodies different from the authorities enforcing return? How do they ensure promotion of the best interests of the child throughout the whole return procedure? Describe nature and tasks of these appropriate bodies in the return process.
- (117) Which authorities/entities are responsible for organising travel documents for the purpose of removal or readmission? How do the different actors involved ensure coordination between them? Do you co-operate with other Member States in this field? Do you use the assistance of immigration liaison officers posted in third countries? Specify if possible the number of staff involved. In case of non-issuance of travel documents by third countries what measures/actions do your authorities undertake?

## **Equipment**

- (118) How many specialised detention facilities are in your territory and where are these located? How many irregular migrants can be kept in detention in these facilities and which facilities may be used in case of unforeseen increases of number of detainees?
- (119) What are the substantive detention conditions for detained migrants both inside the territory as well as at the border? Provide details on:
- (a) hygienic standards,
  - (b) right to receive visits,
  - (c) health care,
  - (d) separation of men and women, separation of families with minors,
  - (e) separation from ordinary prisoners,
  - (f) addressing the special needs of vulnerable persons (minors, unaccompanied minors, disabled, elderly, pregnant women, traumatised persons) who are detained or subject to alternative forms of detention.
- (120) Do you dispose of specialised detention or reception facilities for unaccompanied minors? What special provision do you apply in these cases?
- (121) Do you dispose of open facilities/reception facilities for returnees? How many persons can be housed in these facilities?

## **Procedures**

- (122) Describe the process in general to reach the conclusion that a returnee poses a "risk of absconding" and the objective criteria defined by your national law which are taken into consideration, as well as the most typical cases. Are statistical data available on the total number of cases in which a "risk of absconding" has been concluded?
- (123) Does your legal system foresee imprisonment as a criminal law sanction for mere irregular stay or entry? How often are these sanctions applied in practice?



- (124) Describe which other sufficient but less coercive measures than detention (alternatives to detention such as reporting requirements, residence restrictions, special facilities or electronic devices etc.) are envisaged under national law and in which cases they are applied in practice.
- (125) What is the maximum period of detention established in your national system? How do you handle cases where the maximum duration of detention is reached? Is it possible to re-detain released returnees? If yes, in which circumstances?
- (126) Describe the procedure a detainee has to follow in order to establish contact with legal representatives, family members and competent consular authorities. How long does it take? Is there any limit for this kind of contact?
- (127) What are the legal safeguards for a person who is detained (right to appeal the detention order, regular review of the detention decision etc.)? What is the interval of (judicial) review of detention?
- (128) How do your authorities ensure third-country nationals' right to obtain legal assistance and/or representation and linguistic assistance? Can this assistance be obtained free of charge and under which conditions?
- (129) How do your authorities provide translations of the main elements of decisions related to return?
- (130) In which cases do your authorities accompany return decisions by an entry ban? What is the maximum length of an entry ban decision? Describe the assessment process. Are you offering the withdrawal of an entry ban in case of compliance with a voluntary departure obligation?
- (131) Have your authorities encountered problems when searching information on entry bans issued by other Member States on the second generation Schengen Information System (SIS II)?
- (132) Are there any arrangements in place for irregular migrants who, for various reasons, cannot be expelled ("non-removables") in relation to: family unity, health care, education, other issues (accommodation etc.). Do you take into account the special needs of vulnerable persons? If so, specify. What are the conditions for these arrangements? Do these apply also to persons who have entered the country irregularly without having applied for international protection?
- (133) Is immediate forced return a legal possibility in the case of migrants detected just after crossing the borders? If so, is it used in practice and what are the safeguards for persons seeking international protection, suspected victims of trafficking in human beings, children at risk and other vulnerable persons? What measures are in place to prevent a repetitive attempt by these persons to enter the territory of the Schengen area irregularly in the near future?
- (134) How do your authorities organise voluntary departure? How is the effective exit from the Schengen territory controlled/verified? Do you make use of the standard form for recognising a return decision for the purposes of transit by land (Annex 39 of the Schengen Handbook)? In how many cases has that standard form been used? How is voluntary return promoted? Do you have a programme of assisted voluntary return? Is there cooperation with NGO's?
- (135) What measures, if any, do your authorities take to assist third country nationals, who are required to leave the country and who are willing to voluntarily return, to obtain travel documents (or are such steps left entirely to the third country national)? What is the maximum

period of voluntary departure and under which circumstances do you extend it?

- (136) How are persons identified with a view to return and readmission in case of doubt regarding their identity or nationality or in case identity papers are unavailable? In how many cases a person could be identified based on checks of fingerprints? Is the VIS used for this aim as well? Indicate all bilateral readmission agreements that your authorities have with:
- (a) other Schengen States,
  - (b) other MS of the European Union,
  - (c) third countries.
- (137) Are readmission agreements with third countries effective instruments for realising returns? Specify the experiences in relation to EU readmission agreement, separate bilateral agreement, or other arrangement.
- (138) Is the EU standard travel document for return, i.e. the EU 'laissez-passer', used for readmission? If so, in relation to which country and what authority is issuing it?

## **Statistics**

- (139) How many irregularly staying third-country nationals (returnees) are currently subject to detention? What is the maximum detention capacity available? How many irregularly staying third-country nationals (returnees) are currently subject to each of the alternative measures available? How many third country nationals absconded in total in the past five years? How large was the absconding rate when alternatives to detention were applied? How large was the absconding rate when neither detention nor alternatives to detention were applied?
- (140) How long, in average, are returnees kept in detention under application of return rules/return law by your authorities?
- (141) How many returnees were kept in detention in prisons or in police stations?? Are all of them separated from ordinary prisoners? If not, how many are kept with ordinary prisoners? What are the average costs of detention (per day)?
- (142) How many irregular migrants have left the country voluntarily over the past five years? Provide data for assisted voluntary returns and voluntary returns without assistance.
- (143) How many return orders have you issued and how many returns have you effectively executed? Provide statistics over the last five years and indicate the top three reasons for failed return. Specify if readmission agreements (EU or bilateral) are used for voluntary return as well. Indicate the top three reasons for forced return.
- (144) What is the average length of a readmission procedure (from the point of submitting a request until the effective return of the person)?
- (145) How many persons have been sent back each year over the last five years under bilateral (non-EU) readmission agreements and how many under EU readmission agreements? Break this down by country to which persons were sent back.
- (146) How many third-country nationals have you taken back in accordance with Article 6(3) of the Return Directive?

(147) Indicate the top five countries of origin of readmitted persons and outline what cooperation you have, or you aim to have, with those countries in order to prevent a further influx of irregular migrants.

### **3. SCHENGEN INFORMATION SYSTEM II**

#### **General**

- (148) Describe the legislative and regulatory provisions setting up the national system of SIS II.
- (149) Give a general presentation on the organisations that are responsible for the management and supervision functions in relation to SIS II. If your country foresees or has implemented since the last evaluation changes in the division of responsibilities or organisational structures provide also clear information on such changes, including the period since when they applied or will apply. What coordination mechanisms are in place between the different bodies from the central down to the operational level?
- (150) Give a list of services or authorities which are authorised to process SIS II data including access to them. (This can be the list forwarded to eu-LISA for annual publication. Indicate if any changes have subsequently been made.) Distinguish the form of access, i.e. direct, indirect. Indicate which authorities have read only access and to which types of alerts and which also issue the alerts (and which type of alerts). Indicate the competences which justify the need for access to such data.
- (151) Describe the geographical location of the access points or national interfaces currently used by SIS II.

#### **National Source-Systems**

- (152) Give a high level overview of the system and network architecture of national systems (without technical details) which are connected to SIS II (for both the main and the backup site, if the latter is available). This should include technical copies, an explanation of why technical copies are necessary and their synchronisation with the N.SIS II and test systems.
- (153) Describe the functioning of the national information systems for the purpose of issuing and accessing the following categories of alerts:
- (a) alerts on third country nationals who should be refused entry to the Schengen area;
  - (b) alerts on persons wanted for arrest (for surrender or extradition purposes);
  - (c) alerts on missing persons who need to be placed under protection and/or whose whereabouts need to be ascertained;
  - (d) alerts on persons sought to assist with a judicial procedure;
  - (e) alerts on persons and objects for discreet checks or specific checks;
  - (f) alerts on objects for seizure or use as evidence in criminal proceedings
- This should include the source systems for alerts and whether the data transfer to SIS II is automated or manual. Include the default settings for each alert (e.g. are all missing person records at national level automatically sent to SIS II? Are all lost/stolen objects automatically sent to SIS II? Include also a description of tools and procedures for checking data quality.
- (154) Have the source systems been set up with the data structure and all the alert categories of SIS II in mind? If yes, what is the level of progress achieved? If not, describe the relevant projects/plans including dates and/or timescales.

- (155) Are national system accessed via a unique interface or do they exist as separate applications?  
In case of the latter, do searches access all of the systems required and how are the results of the search (hit / no hit) presented to the end-users?

## **SIS II Alert Management**

- (156) Describe the way SIS II queries are carried out in your country. This refers specifically to whether the queries are directed to the CS-SIS or to a national copy.
- (157) How are data from these national systems entered into, updated in and deleted from SIS II? Describe communication, data entry procedures and quality control. Show the data flows between national systems and SIS II in relation to the input of data according to each category of alert.
- (158) Are some alerts introduced in batches? If so, describe in detail the alert types, the frequency of the batch execution and the volumes typically expected in each batch.
- (159) Explain the procedure to be followed by an end-user in the field to consult the SIS II database. Are SIS II and the national system consulted at the same time or do both systems have to be consulted separately? Are other databases consulted at the same time (e.g. Interpol)? Is the SIS II database search automatic and mandatory in all cases or are end-users able to disable it per case?
- (160) Do the national systems provide data in a format which directly supports the data structure of the SIS II?  
Can the national systems display all data provided by SIS II?
- (a) Can the national system search on a part of a name (i.e. partial queries)?
  - (b) Can the national system search both the person and the document when a check on the person is carried out?
  - (c) What happens in cases of multiple first or last names?
  - (d) Can the national system display binary data (photo and fingerprints)?
- (161) When a search is carried out on an object does the end user only have the possibility to search one category of an object or can a search be carried out on multiple categories or all categories (for example, carrying out a search on a serial number across all categories of objects)?
- (162) Can N.SIS II search for a name using phonetic or “sounds like” algorithms? If so, has it been evaluated to test its effectiveness at finding names of foreign nationals, particularly those where special characters appear in the name or those nationalities which have a different base alphabet (e.g. Latin, Cyrillic and Greek) or contain letters not used in the end-user alphabet or on the keyboard (e.g. letters with umlaut, wedge etc.)?
- (163) How do the competent authorities in the field have access to end-user terminals (e.g. is this by radio, by telephone, via mobile terminals, only in person, only in writing etc.)? Are there differences between the various national authorities?
- (164) Where different search methods are available (e.g. mobile devices) are there any differences in the amount and layout of information displayed to the end user? If yes, what are the procedures to overcome this situation?

- (165) Do you use the ANPR systems to query the national databases equivalent to the SIS II? Do you use ANPR systems also to query the SIS II? How do you proceed in case of hit?
- (166) Do you exchange fingerprint data via SIS II and/or SIRPIT? If so, explain how in practice this is carried out. If not, explain how fingerprint data are exchanged. Is 24-hour access by the SIRENE Bureau to fingerprint data possible?
- (167) Describe the national procedures for comparisons to be carried out on fingerprints obtained from SIS II. Which authorities are empowered to open the fingerprints attachment?
- (168) Which authority is responsible for attaching fingerprint data to SIS II alerts?
- (169) Can end users see on the search result screen that fingerprints are available attached to an alert?
- (170) Can end users see on the search result screen see that photographs are available attached to an alert?
- (171) What is the procedure to attach a European Arrest Warrant to an alert for arrest?
- (172) If a European Arrest Warrant is attached to an alert, which authorities at the national level can see the attachment on the search result screen? Which authorities are empowered to open the attachment?
- (173) Describe where on the end-user screen the person and object related marks (warning markers) are displayed. Where there are differences introduced by the search method used (e.g. mobile devices) describe these differences.
- (174) With regard to alerts for discreet or specific checks does the end user screen display the reason for alert as Article 36 of the Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) or does it specify whether the alert is under Article 36 (2) or Article 36 (3)?
- (175) Describe the processes for the creation of alerts and links in your country. This should include a description of who is authorised to create alerts and links and an indication of typical timescales for the creation of alerts following the decision which leads to the alert (describe the process for each category of alert). Include also how links are created in obvious and routine cases such as a missing and an abductor, an alert for refusal of entry and the related revocation of a residence permit or visa.
- (176) Can end users see on the search result screen that there are links to other alerts? Can they open the links? Where there are differences introduced by the search method used (e.g. mobile devices) describe these differences.
- (177) What are the procedures following a hit on national territory? Which services and/or authorities have the competence to follow-up on a hit?
- (178) Describe the national procedures for defining responsibilities following a hit abroad.
- (179) Are the actions taken after a hit recorded (e.g. the results of an investigation)? If so, is it done centrally or locally? For how long are the results of an investigation or other action taken on

your territory retained?

- (180) At what stage 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)? Break this down per alert category and describe the national procedures.
- (181) How do you ensure that alerts are deleted when they are no longer required? Describe the process and the authorities involved.
- (182) What checks are carried out to ensure that alerts no longer required are deleted? If the alerts are not deleted on time what measures are taken to manage cases where this has not been done?
- (183) What steps are being taken by the end user to prove the identity of a subject where there is a case of misused identity?
- (184) Is the existence of the misused identity extension of an alert prominently visible to the end user on the screen? Can the end user open the extension in order to rapidly ascertain whether they are dealing with the victim or the suspect? Is this facility available to end users via all methods of searching SIS II alerts (e.g. mobile terminals)? How are the personal particulars and consent of the victim collected? Who is the competent authority for attaching the misused identity part to the national alert in the SIS II?
- (185) Describe the procedures in case of a hit on an alert with the remark "suspicion of clone"? In which circumstances do you enter to your alert remark "suspicion of clone"?
- (186) Where an alert for arrest has been flagged what steps have been taken at the national level to ensure there is no confusion for the end user when the "reason for the alert" and the "action to be taken" do not appear to be in conformity due to the existence of the flag?
- (187) How do the consular posts of your country access SIS II? Describe the procedure for updating data in consular posts including the frequency.
- (188) Describe the procedures to enter refusal of entry alerts under Article 26 of Regulation 1987/2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) concerning persons who are subject of restrictive measures on the basis of a Council Decision. Has your Member State entered the said alerts when it held the Presidency of the Council of the European Union? If not, explain the reasons.
- (189) Describe the process whereby the services responsible for issuing vehicle registration certificates carry out checks in SIS II. This should include the procedure if a hit is achieved.
- (190) Describe the measures in place to ensure that all alerts migrated from SIS 1+ to SIS II will satisfy the provisions of the SIS II legal instruments (be made "SIS II compliant") within three years of the entry into operations of SIS II. In particular, what is the time-scale to upload the EAWs to the migrated alerts on persons wanted for arrest?
- (191) Are any problems experienced with the alerts that were migrated from SIS 1+ to SIS II?

## **N.SIS II Office**

- (192) Describe the structure, hierarchy, functions and organisation of the N.SIS II Office.
- (193) Describe the maintenance regime in place for the N.SIS II to ensure 24/7 operations and security measures related to maintenance interventions. Describe the set of procedures for technical update of operational systems, regular system backup, testing updates and prior approval and documentation procedures.
- (194) How are incidents (e.g. unplanned downtime) handled by the N.SIS II Office? Describe the set of procedures in place to inform end users and other stakeholders of the incident, as well as provide progress reporting until resolution (if needed).
- (195) Have you had any incidents that resulted in too long response times for the end users? If so, how many, how long did they last, and how did the end users cope until the issues were resolved?
- (196) Have you had any incidents that resulted in downtime (unavailability of the national copy or the system) for the end users? If so, how many, how long did they last and what procedures were followed by end users while the system / national copy was not available?
- (197) How often do you run data consistency checks (DCCs) between your national SIS II reference copy and the technical copies, if any)?
- (198) Is there / will there be an Automatic Number Plate Recognition system already installed in your country that is or will be linked to SIS II? If so, is there / will there be the impact on your capacity planning and what are the counter measures you have taken / will be taking?
- (199) Do you maintain audit logs locally? If so, what is the retention policy? If not, do you access CS-SIS logs?

## **Security**

- (200) Describe the process for adopting and updating the security plan and related measures as required by common Article 10 of the Regulation 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) and of the Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II).
- (201) Describe your user management and password policies.
- (202) If technical copies are in use are they subject to the same rules as the national copy regarding security (logical and physical), synchronisation, user access etc.?
- (203) Describe the security measures implemented for the national systems (for all aspects of security as covered by sub sections a) to k) of common Article 10 of the Regulation 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS



II) and of the Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II)). This should individually address sub sections a) to k) and should cover in particular:

- (a) the level of protection, the protection measures and security organisation applied to computerised national applications having access to, or processing SIS II data (this should include reference to security measures implemented to control access from the outside world (firewalls, intrusion detection etc.); as well as access by contractors);
- (b) the implemented methods to control physical access to the premises of the national SIS systems where applicable, including paper archive storage rooms;
- (c) the security measures in place to control access to SIS II data (describe the measures and the reviews implemented to ensure that each user has access only to the categories of data for which s/he is authorised and for purposes which are authorised);
- (d) the protection rules in place to be applied for the processing of SIS II data in the national system (this should include what will happen to paper files relating to SIS II alerts, their archiving, retention period and destruction);
- (e) the logging of all access and transactions by end users, technicians and SIRENE staff, including printing and “print screen” transactions.

(204) Which supervisory authorities are involved in the security audit of N.SIS II?

### **Business Continuity**

(205) Describe the national emergency plans and escalation procedures to ensure business continuity. This should include the steps for testing such plans and procedures. Mention also whether there is a consolidated Business Continuity Plan that documents the aforementioned emergency plans, escalation procedures and testing steps, as well as who has access to it and how.

(206) Describe the contingency centre/backup centre, its location, capabilities and functions.

(207) Has the switchover between the contingency and the operational system been tested and if so, when was the last time? What was the result of testing the contingency and operational system?

(208) Describe the measures in place ensuring 24/7 operation. How is engineer support organised. Is engineer support provided internally or by contractors?

(209) How are the system backups organised?

- (a) Do you take daily backups (incremental or full)?
- (b) On what media are backups kept?
- (c) Describe the location and protection of all backup media.
- (d) Is the backup media transported to other locations?
- (e) How is the backup media labelled and protected during storage and transport?
- (f) Are system backups regularly checked?
- (g) Are restoration procedures checked and tested? If so, how often?

(210) What kind of emergency plan do you have in place relating to situations where it is impossible for users to search SIS II due to a problem with a national system or network inaccessibility?

(211) What arrangements have been made to enable the uninterrupted operation of the SIRENE Bureau in exceptional situations such as a force majeure event, power cuts, disturbance or

interruption of traditional telecommunications systems, etc.?

## **SIRENE Bureau**

- (212) Describe the legislative and regulatory provisions setting up the SIRENE Bureau.
- (213) Describe the geographical location of the SIRENE Bureau, including its location in respect of surrounding offices and buildings.
- (214) Describe the security measures at the SIRENE Bureau (e.g. logical and physical security, security organisation, authorisations for access to SIRENE Bureau premises, including paper archive storage rooms).
- (215) Describe the level of protection and protection measures applied to computerised applications related to the SIRENE Bureau.
- (216) Describe the structure, hierarchy and administrative organisation of the SIRENE Bureau and its practical organisation (e.g. staff, authorities represented, day and night teams, specialisation of operators, availability of legal advice and/or translation service). Is there regular review of SIRENE staff numbers in comparison of workload and work practice? What are the outcomes of the last review?
- (217) Describe the language skills available in the SIRENE Bureau. Is English covered during the night time and on weekends? If not, what procedures are followed to process urgent information in foreign languages at those times?
- (218) Are you planning to hire/have you hired civilian contractual staff (i.e. persons not belonging to any national authority)? If so, what kind of security certificates are required from these persons?
- (219) Describe the limits of the respective spheres of competence of operators and end users.
- (220) Concerning the SIRENE Bureau's position and competences at national level:
  - (a) Does the SIRENE Bureau have the possibility to directly consult and enter data in the national police system(s) or other law enforcement IT systems when running SIS II searches, or initiate procedures for this to be done (such as records 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/or enter data into other databases (vehicle registration databases, aliens' registers, population register, criminal records register, prisoners register, property register etc.)? Is there coordinated and effective cooperation with the corresponding departments?
  - (c) Does the SIRENE Bureau have the possibility to give instructions to end users and those entering the alerts or is it in any other way involved in alerts management? Does training carried out by national authorities' cover the role of the SIRENE Bureau?
- (221) What is the system in place to ensure that the SIRENE Bureau keeps a reference to the national decisions giving rise to all the alerts issued by your country in SIS II?
- (222) Does a website with the information relevant to SIS II and the SIRENE Bureau exist? If so, who operates this website and who has access to it?
- (223) Concerning the relationship between the SIRENE Bureau and the judicial authorities:

- (a) Do judicial authorities have direct access to SIS II? If yes, describe the types of transaction carried out in SIS II. If no, describe how the judicial authorities carry out, create, update and delete alerts in SIS II or describe why, under national procedures, this does not take place.
  - (b) Which tasks under national law necessitate access to SIS II by the judicial authorities?
  - (c) What practical steps have been taken to issue alerts on persons wanted for arrest (in view of surrender or extradition)?
  - (d) Do agreements exist with the judicial authorities, particularly with a view to ensuring that SIS II alerts take priority over Interpol circulations?
  - (e) What powers does the SIRENE Bureau have? Can it insert a flag or does it need an order from the judicial authorities for this purpose?
  - (f) Are those working with SIRENE involved in the surrender/extradition process?
  - (g) Are there any other procedures, such as repatriation of seized objects that fall under the responsibility of SIRENE staff?
- (224) How are other Member States informed when your authorities authorise a third country national to enter your territory even though there is a SIS alert for the refusal of entry (Article 5(4)(c) of the Schengen Borders Code)?
- (225) What measures are in place to ensure the 24/7 availability to the SIRENE Bureau of up-to-date background information on immigration decisions (e.g. a decision on expulsion/ban on entry/revocation of residence permits or visas)?
- (226) Which national authorities are responsible for consultation under Article 25 of the CISA (in view of the issuance of residence permits)?
- (227) Does the SIRENE Bureau have direct access to the national immigration system?
- (228) Do the immigration authorities have a 24-hour service? If not, how is access to the data justifying the issuing of an alert pursuant to Article 24 of the Regulation 2006/1987/EC of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) ensured outside working hours?
- (229) Does the SIRENE Bureau also process Interpol searches?
- (230) Describe the organisational relationship between the SIRENE Bureau, National Central Bureau Interpol (NCB) and Europol National Unit (ENU)? Are these bodies close together from a physical, organisational and administrative point of view? How is the exchange of information between SIRENE, Interpol and Europol National Unit ensured?
- (231) Describe the SIRENE Bureau work-flow system, especially its specific functionalities for management of SIS II alerts, dealing with SIRENE forms and statistics, its continuity (back-up solutions), technical support and further development. Describe the procedures from receiving the SIRENE form to reply to it. Describe the management of the SIRENE mail-boxes. Describe the ways of communication of SIRENE Bureau with end users? Are any electronic forms (e.g. for reporting hits) implemented?
- (232) Taking into account the various channels of cross-border cooperation (typically SIRENE, Interpol, Europol, Prüm, law enforcement information/intelligence exchange under Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the

European Union) describe how such cooperation is managed at the national level, including the cross-referencing of cases when more than one channel has been used? Describe how access is managed and data protection measures implemented (e.g. to ensure that information cannot be sent to an incorrect recipient).

- (233) Are there any problems with complying with the time limits to response as described in SIRENE Manual? How does the SIRENE Bureau prioritise daily work?
- (234) Describe the national policy on retention of supplementary information.
- (235) Describe the measures taken to ensure that SIRENE files are destroyed at the correct time after the deletion of the alert to which they relate. Who is responsible for ensuring that this occurs? For Member States with no national copy describe the process of ensuring the receipt of alert delete notifications from CS-SIS.
- (236) Is the SIRENE Bureau capable of sending and receiving SIRENE forms on alerts which have expired and / or been deleted?
- (237) If the victim of a case of misused identity withdraws consent for the holding of his/her personal information in an alert and that information was received from another SIRENE Bureau by Q form, will the SIRENE workflow permit deletion of that form whilst the alert is still alive?
- (238) What procedure is applicable for flagging?

## **Statistics**

- (239) What are the tools for collection of statistics concerning the number of accesses to N.SIS II, concerning the number of hits and the number of forms sent?
- (240) Are hits recorded manually or automatically? If they are automatically recorded, how is it done? Given that some Member States do not wish to be informed of hits on their refusal of entry alerts describe how you are assured that hit statistics provided by your country are accurate. If you have systems such as Automatic Number Plate Recognition linked to SIS II are you able to provide a differentiation between the searches carried out by law enforcement officers and those carried out by technical means (ANPR).
- (241) Are there any methods in place for collecting statistics on system down-time?
- (242) Provide statistics on the number of alert creation transactions carried out in relation to the SIS II database for each category of alert per annum. Where there is significant (high) usage describe why this is the case. If there is an obvious disparity (low use or a difference between what might be expected and the reality) and explain the reasons.
- (243) Describe the process in place for recording statistics about the number of alerts the retention period of which has been extended (in accordance with Article 44(4) of the Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II).
- (244) Are statistics on unauthorized access and access attempts available?

## **Training and Information**

- (245) Which authority is responsible for providing training to end users?
- (246) Describe the specific training for technicians, operators and those responsible for the national systems in the N.SIS II and SIRENE Bureau.
- (247) Describe the specific training for SIRENE Bureau staff members (knowledge on national and international legislation, language skills, in-house training or other training courses etc.).
- (248) Describe the training and information for end users, in particular:
- (a) How are law enforcement officials in the field (end users) informed about the SIS II and the SIRENE Bureau (e.g. by specific training, in the course of ordinary police training, "cascade" training from trainers, articles published in police journals, through specific brochures, through general public relations work, intranet)?
  - (b) Are newly-recruited users (e.g. police and other law enforcement officers) given training in the use of SIS II? If so, what will the content of this training be and how many hours will it last?
- (249) Does continued training take place in the form of courses, seminars, conferences etc? If so, how many hours?
- (250) Does a specific website exist that gives information on SIS II and SIRENE?
- (251) Is e-learning available to all end users?
- (252) How are judges and public prosecutors informed about the SIS II (e.g. by specific training, in the course of ordinary training, "cascade" training from trainers, publications, through specific brochures, through general public relations work, intranet)?
- (253) How are they (made) aware of the SIRENE Bureau, its role and differences between SIS II and Interpol searches (e.g. by specific training, in the course of ordinary training, "cascade" training from trainers, publications, through specific brochures, through general public relations work)?
- (254) Are they informed regularly, just once or not at all? Are there regional differences?
- (255) Is the SIRENE Bureau involved in providing information and training for the judiciary?
- (256) Is the SIRENE Bureau involved in providing information and training for the customs and immigration authority?

## **4. THE COMMON VISA POLICY**

### **Organisational structure**

- (257) Which authorities are involved in the decision making on visa applications in your country? Which ministry or ministries are they subordinated to? Describe the structure of these authorities, the division of responsibilities between them and provide the latest organisation chart. If your country foresees changes in the division of responsibilities or structure of the organisation chart provide also clear information on such changes, including the period since when they will apply. What coordination mechanisms are in place between the different bodies from the central down to the local/operational level?

### **Human resources management and training**

- (258) Indicate the quantity of the human resources responsible for the processing of visa applications. Provide a breakdown of the number of the personnel at central level and consular level. At consular level make a distinction between expatriate staff and locally hired staff (nationals of host country/nationals of EUMS), as well as temporary staff versus permanent staff. Submit the visa policy related budget plans for the last two years and next two years at the national level.
- (259) Under what circumstances do you reinforce the staff at consulates? How long are such temporary secondments to specific consulates? How is such temporarily seconded staff trained?
- (260) Is it foreseen to reinforce the available staff by recruiting new consular staff entrusted with tasks related to the processing of visa applications? If so, provide the plan broken down by consulates that will receive new posts. What are the reasons for such a step?
- (261) Is it foreseen to reduce consular staff entrusted with tasks related to the processing of visa applications? Provide a detailed plan and clarify the reasons for this decision.
- (262) How is staff (consular officers and local staff) at consulates informed about and trained in (the practical implementation of) the common visa policy and other relevant information?
- (263) Do you have a special training programme for consular officers before their posting/local staff before taking up a post, particularly in view of methods to detect and prevent human trafficking and irregular migration? Describe its content and duration. Does the training cover fundamental rights aspects (in particular treatment of visa applicants with dignity, protection of personal data and respect of non-discrimination) and EU rules on free movement of EU citizens and their third-country national family members (rights of entry, facilities to be granted for obtaining visas, conditions for waiving the visa requirements etc.)?
- (264) Do you provide follow-up training for consular officers and local staff? Is any specialised training given in the detection of false and falsified travel documents and supporting documents? Do you have specific training on the collection of biometric data which includes respect of the dignity of applicant?

(265) How many special training courses have been organised in the last two years? How do you identify the needs for the organisation of special training courses? What financial and human resources are available to meet the demand on training with the offered courses?

### **Specific legislation and implementation**

(266) Do you have a strategy or action plan in view of improving your visa issuing presence (e.g. via representation, use of external service providers, common application centres)?

(267) How do you ensure proper feedback from consulates and monitoring of consular work with special regard to the correct application of the relevant Union legislation?

(268) How are complaints (e.g. on procedural aspects, staff behaviour) received by consulates or central authorities handled? Is there a system of regular reporting and statistics on, and the follow-up given to such complaints?

(269) How do you ensure in general that fundamental rights are respected when consular staff or external service providers perform their duties (e.g. supervision etc.)?

(270) How do you ensure the implementation of the provisions regarding information to be provided to the general public? Do you have a "communication strategy" in this regard? How do you ensure that the websites of individual consulates are updated?

(271) Under which circumstances or in which specific cases are your consuls obliged to consult the central authorities?

(272) Cooperation with external service providers (ESPs): Provide information on the monitoring of ESPs (monitoring methods used (e.g. spot checks or systematic checks), frequency, compliance with data protection rules, security of transmission of (encrypted) data from external service providers (where applicable), problems encountered.

(273) Describe electronic handling of visa applications (e.g. on-line application), if applicable.

(274) Describe any 'fast track procedures' or other facilitations for specific categories of persons applied by your country. Are these procedures linked to the applicants profile and/or to his country of origin?

(275) Describe the IT infrastructure (hardware) in place in consulates, including dataflow in the national visa system.

(276) How are data transmitted from your country's consulates to the respective central authorities (notably as regards prior consultation and national consultations)? Are data transmitted in encrypted form?

(277) What means are used to check the authenticity of documents presented (travel documents, supporting documents, etc.)? Do you have document experts available?

- (278) Are visa issuing-tailored risk analyses elaborated at central level?
- (279) What activities are being engaged at your consulates to combat irregular migration?
- (280) Extension of visas inside the Schengen area: Describe the way your country applies the Visa Code provisions on extension.
- (281) How many cases of extension of the period of validity and/or the duration of stay for visa holders are carried out per year?
- (282) What are the main reasons for such extensions?
- (283) What security measures are in place with regard to the transmission of blank visa stickers from the central authorities to diplomatic missions and consular posts?
- (284) What are the security measures in place in consulates for the handling, storage, distribution for daily use of stickers?
- (285) Is electronic registration of visa stickers in place covering all steps of the visa sticker handling (including at the external borders) until and including the affixing of the sticker in the travel document? If such an electronic handling system is not in place describe the system in place.
- (286) Provide statistics on appeals lodged against visa refusals (number of appeals, rejected appeals, accepted appeals and outcome of appeal case (refusal maintained or decision revised)).



## **5. POLICE COOPERATION**

### **Organisation/responsibilities**

- (287) Present a general overview of the authorities executing law enforcement tasks in your country, their most important competences and the frameworks for cooperation among them. Provide an organisation chart for each authority, including the Ministry or Ministries they are subordinated to.
- (288) Present a general overview of bilateral and multilateral international (including EU) cooperation regarding cross border police cooperation.
- (289) Do you have a Single Point of Contact (SPOC) – encompassing inter alia the central authority responsible for Schengen matters – for cross border law enforcement information exchange? What are its competences, tasks and how is it organised (which law enforcement authorities are represented, yes/no 24/7 presence etc.)?
- (290) Do you have dedicated cross border teams for specific criminal or public order phenomena, if yes elaborate?

### **Human resources**

- (291) Indicate the quantity, availability and permanency of the human resources responsible for cross border police cooperation (more dedicated to cross border police cooperation). Provide a breakdown of the number of the personnel between relevant levels of the police organisation. Identify staff in joint cross border teams, Police (Customs) Cooperation Centres, staff at the central Single Point of Contact (SPOC), including a breakdown of staff at the SIRENE bureau and staff at the Europol national unit and Interpol central bureau.
- (292) Do you have police liaison officers in other Schengen countries and if so in which countries and what are their tasks?
- (293) Based on which considerations is a liaison officer posted in another Schengen country? Do your liaison officers in one or several countries represent the interests of another Schengen country? If yes, of which countries?
- (294) Has the quantity of human resources increased in terms of real staff and vacancies (provide numbers for both categories) between this year and three years prior to this date?

### **Training**

- (295) Describe the training curriculum for police officers, as regards their training on the application of the provisions of the Schengen acquis and related legislation to support the implementation of the Schengen acquis, in particular on police cooperation and the related Handbook(s). Is the training embedded in entry level or promotional level training or organised on an ad hoc basis? Which handbooks are available and in use in all police units to

fulfil the requirements of Schengen acquis, if they are not, why?

- (a) Which Schengen acquis elements are covered by a training curriculum?
- (b) Which national instructions, administrative provisions, etc. are in place with regard to the implementation of the Schengen acquis?
- (c) Describe the mechanism for updating this information?
- (d) Does police intranet play any role in your system of training and education on Schengen police cooperation issues?
- (e) Do you use any specific ways of training and education such as e-learning, CD-roms, USB-sticks etc.?

(296) Are officers participating in joint missions required to have a basic knowledge of the other relevant language(s)? Are there language trainings available for the police personnel, if yes at what levels?

(297) In what way are public officials implementing the Schengen acquis instructed on the respect of fundamental rights, on the right of an effective remedy, as well as on the necessity and proportionality of force or coercive measures when applying law. How is their knowledge maintained throughout their career?

### **Information Exchange / Equipment**

(298) Regarding police data, is there one general police records database or are there several databases, i.e. either general databases set up by a particular police force or alternatively specific databases (at national, regional or local level) that are accessible by various police forces?

- (a) If there is only one database do all police forces have access to this database?
- (b) If there is more than one who has access to which database and under which conditions (full access or hit no hit)?
- (c) Which police forces have the right to edit the data/information in this/these database(s)?
- (d) Is there any universal tool to query all these databases in one query, if so elaborate how it works?

(299) Which dedicated databases (e.g. DNA, weapons etc.) do you have at a national level and to what extent do all officers responsible for policing have direct access to them? Are there access restrictions and on which criteria are they determined – for example is access through a national unit/central bureau required?

(300) Describe the channels of information exchange between your competent authorities and other Member States in the area of law enforcement cooperation?

(301) Which assessment mechanism (criteria) do you use in cross border cooperation to determine what (type of) information your law enforcement authorities exchange through which communication channel and under what legal regime? Is there a consistent approach based on clear rules?

(302) In which cases is information channelled via central authorities / national contact points, in which cases by direct communication between local law enforcement authorities?

- (303) Explain transposition and implementation of Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union into national law?
- (304) What additional measures, if any, are your police authorities authorised to take without the involvement of the judicial authorities, other than those covered by the Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union?
- (305) Explain transposition and implementation of Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences into national law? What safeguards against unlawful use of the database have you put in place?
- (306) Explain transposition and implementation of Regulation 603/2013/EU of 26 June 2013 into national law which enables Member States' competent law enforcement authorities and Europol, under specific circumstances and strict conditions, to request comparison of fingerprint data with data stored in the EURODAC database
- (307) Is Article 46 of CISA and article 7 of the Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union used to exchange information to prevent offences against or threats to public policy and public security and is this information processed by SPOC (encompassing inter alia the central authority responsible for Schengen matters)? Could you in relation to this article sum up the five types of information which are considered the most important to obtain from other Member States for law enforcement purposes?
- (308) Which rules must be observed regarding the use of technical means in cross-border surveillance?
- (309) What kind of direct links will be used to facilitate cooperation and communication, as meant in Article 44 of the CISA, in particular to ensure cross-border interoperability for radio telecommunications systems?
- (310) What other technical equipment is available to the authorities responsible for cross border police cooperation, for instance vehicles, boats, helicopters, integrated technical surveillance systems as well as surveillance cars?
- (311) What safeguards are in place for a proper maintenance or the necessary upgrade of the technical equipment used?

## **Procedures**

- (312) Does your national law qualify an attempt to commit a crime as sufficient ground to take measures pursuant to Article 40(1) and (2) of the CISA?
- (313) Do the applicable rules on judicial assistance and/or data protection allow information that is obtained from non-Schengen countries through police channels to be passed on to judicial authorities, and if so, under which conditions?
- (314) Can it be used as evidence in criminal proceedings or does its use as evidence require the explicit consent of the judicial authorities in your country, similar to Article 39(2) of CISA or Article 1(4) Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union?
- (315) With which neighbouring States have your authorities concluded agreements or are your authorities preparing agreements on matters of police cooperation, including:
- (a) arrangements or declarations referred to in Article 40(6), 41(9), 41(10) of the CISA,
  - (b) police cooperation as referred to in the provisions of Article 39(4) of CISA and Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union.
  - (c) mixed patrols in the border area in the framework of direct cooperation,
  - (d) police Cooperation Centres (and if applicable incl. Customs),
  - (e) exchange of liaison officers.
- (316) Describe the contents of these agreements or submit copies of the agreements. To which extent do provisions of these bilateral agreements go beyond the Schengen requirements and of the Prüm decisions 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime and 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime?
- (a) What rights do foreign officers have on your territory?
  - (b) Can they act independently?
  - (c) Do they have the right to apprehend?
  - (d) Do you have police and customs cooperation centres or joint police stations? If so, provide the number of PCCC's, their location, operational regime and which forces are present at the PCCC? If not, are there plans to set them up?
  - (e) How are (will) relations between such joint centres and the SPOC (inter alia the central authority also responsible for Schengen matters) (be) organised?
  - (f) In addition to cooperation on land, are there (will there be) other forms of cooperation (waterways, sea, air, etc.)? Elaborate on their organisation, conditions, area of competence.
- (317) Do you have an overall risk assessment strategy on serious and organised crime as a basis for risk analysis at national, regional and local level? If yes, describe it in a concise way (including the collaboration between various responsible law enforcement authorities).
- (318) Do you conduct crime risk analysis to support cross border police cooperation? If yes how have you organised this (at what level, how do you gather data, which authorities are involved, do you conduct these analyses together with your neighbour country/countries and will these analyses be shared with the responsible operational authorities)?

(319) What measures have you taken in order to transpose Article 45 of CISA? Are there any arrangements concluded between police authorities and the owners of establishments?

## **Statistics**

(320) How often are the registrations forms, mentioned in Article 45 of CISA used by the competent authorities to prevent threats, conduct criminal investigations or to clarify the circumstances of missing persons or victims of accidents?

(321) Do you have available statistical material on the cross-border exchange of information over the three previous years? If so, provide statistics (e.g. broken down per year), regarding the cross-border exchange of information:

- (a) the requests sent and received by SIRENE, Europol (ENU and Country Desk), Interpol and Police and Customs Cooperation Centres (if in place in your country) channels;
- (b) Prüm hits which were followed-up by a request for further personal data or other information and those which did not.

(322) Sum up five types of information exchanged most often with other Member States?

(323) Provide statistics on the number of and operational results over the last three years with regards to all neighbouring states on:

- (a) requests pursuant to the Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union and Article 39 of the CISA to the extent it was not replaced by Council Framework Decision 2006/960/JHA,
- (b) operations pursuant to Article 40 of the CISA,
- (c) operations pursuant to Article 41 of the CISA and
- (d) exchanges pursuant to Article 7 to the Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union and Article 46 CISA to the extent it was not replaced by Council Framework Decision 2006/960/JHA.

(324) Specify statistics with regards to individual neighbouring states. As regards b) and c), distinguish between statistics relating to operations into the country and out of the country.

## **6. DATA PROTECTION**

### **Schengen Information System (SIS II)**

- (325) Has any general or specific legislation on the processing of personal data with respect to the SIS II legal framework been adopted and are any exceptions or specific rules foreseen with regard to the processing of SIS II data for law enforcement and migration purposes?
- (326) Which data protection laws are applicable to the processing of personal data by the Schengen Information System II?
- (327) Is the national competent authority for supervising data protection in the Schengen Information System also competent to supervise data protection in law enforcement authorities?
- (328) Provide a list of authorities entitled to access the Schengen Information System II.
- (329) Who is the data controller for N.SIS II? Is the data controller also competent for the SIRENE Bureau?
- (330) Which national authorities are competent for the supervision of the Schengen Information System II in order to ensure compliance with data protection requirements?
- (331) Give an overview of the national supervisory authority's organisation, independence, budget and staffing.
- (332) Give a more detailed description of human, financial and technical resources of the competent national supervisory authority(ies):
- (a) providing figures inter alia on the number of legal and IT experts etc., including the development of the last three years and planned changes,
  - (b) providing figures on the budget including the development of the last three years and planned changes,
  - (c) including training plans.
- (333) Is the N.SIS, including the SIRENE Bureau, supported by an internal Data Protection Officer (DPO)? (If so, describe his competences, tasks and cooperation with other national the data protection supervisory authorities)
- (334) Does (do) the national supervisory authority(ies) inspect the content of the SIS II periodically?
- (335) Give an overview on the supervisory authority's obligations and competences in general and in cases of data breaches in particular and data abuse (i.e. the right to launch an investigation, including competences like the right to enter all premises of the N.SIS and the backup premises, if any, to access all data bases and issue binding decisions, etc.).

- (336) How does/do the national supervisory authority(ies) cooperate with the N.SIS, SIRENE Bureau, competent ministries and internal DPO of SIRENE Bureau in order to monitor the processing of personal data by the N.SIS?
- (337) What exactly does (do) the national supervisory authority(ies) check in cases of individual complaints concerning their personal data included in the SIS II?
- (338) Regarding the access of individuals to their own personal data, can this right be exercised directly or will the national supervisory authority also play a role? In the latter case, what is the scope of the task of the national supervisory authority? When the right of access is exercised directly, are there legal time limits to grant access? How are data subjects informed about their rights accordingly to data protection (i.e. flyer, internet etc.)? Are there any legal limitations of the right of data subject to request access to own personal data (please provide details)? When is the request denied? How are data subject s' right of recourse ensured (please provide details)? What is the wording of the reply which you provide to the applicants concerning access requests in cases the communication of information shall be refused?
- (339) What technical and organisational security measures are in place to protect SIS II data?
- (340) How are security incidents (affecting the confidentiality and/or integrity of SIS II data) handled by the N.SIS Office?
- (341) Indicate whether a national audit of N.SIS II pursuant to Article 60 (2) of the SIS II Decision and Article 44 (2) of the SIS II Regulation has been carried out and if so, describe the results of the audit.
- (342) Do you use outsourcing of any services related to the Schengen Information System? Describe in detail which services are outsourced? How many outsourcing entities are involved? Are they public or private? Is there a written contract between the data controller of the N.SIS II and the outsourced entity with data protection clauses? Please describe the kind of requirements inserted in the contract. Are the outsourced services provided remotely or in-house? Provide details. Do the outsourced entities have database administrators privileges? What measures do you have implemented to guarantee the control of the actions of the outsourcing entities?

### **VIS - Visa procedures**

- (343) How is access to VIS data supervised in consulates, central visa authorities, external border crossing points?
- (344) What technical and organisational security measures are in place to protect personal data related to the VIS?
- (345) How do you ensure the right to obtain communication of personal data recorded in the VIS (Article 38(1) of the VIS Regulation (767/2008/EC)? How are data subjects informed about their rights accordingly to data protection (i.e. flyer, internet etc.)?

- (346) How do you process requests to correct inaccurate personal data or to delete unlawfully recorded personal data (Article 38(2)-(6) of the VIS Regulation)?
- (347) What kind of remedies are available (Article 40 of the VIS Regulation)?
- (348) How do you cooperate with other Member States to ensure individuals' right of access, correction and deletion of VIS data (Article 39 of the VIS Regulation)? Is this specific international cooperation regulated in national law?
- (349) How does the national supervisory authority monitor the lawfulness of the processing of personal data stored in the VIS (Article 41(1) of the VIS Regulation)?
- (350) Has the audit of the VIS data processing operations (required every four years) been carried out (Article 41(2) of the VIS Regulation)? If yes, what were the results? If not, for when is it planned?
- (351) On average, how long does it take the national supervisory authority to handle a case (complaint) related to the processing of data in the national systems?
- (352) Are statistics on the number of complaints and the outcome of the proceedings available?
- (353) What procedures are in place to ensure the implementation of the decision taken by the authorized body of another Schengen state taken in accordance with Article 43(1) and (2) of SIS II Regulation and Articles (1) and (2) of SIS II Decision? Have court decisions of another state been executed and if not, why?
- (354) How do you ensure that only authorised users access VIS and that such an access complies with legally authorised purposes?
- (355) What technical and organisational security measures are in place to protect VIS data?



## **7. JUDICIAL COOPERATION**

- (356) How many requests for mutual assistance on issues relating to the areas covered by Articles 49 and 50 of the CISA has your country received and/or made?
- (357) How many requests for mutual assistance on issues relating to the areas covered by Article 51 of the CISA has your country received and/or made?
- (358) Has the application of Article 51(a) of the CISA caused problems of any kind? What are the conditions for the application of Article 51(a) and (b) of the CISA?
- (359) 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 Schengen Convention? Do the judicial authorities have access to the European Judicial Network instruments (in particular the Atlas utility)? Are the contact points of the EJN known to all relevant judicial authorities?
- (360) Have any extradition requests been authorised under the Simplified Extradition Convention in accordance with Council Decision 2003/168/JHA? How many have been authorised to date?
- (361) How are the forms for requesting the transmission of extracts from judicial records (the Council Decision 2005/876/JHA of 21 November 2005 on the exchange of information extracted from the criminal record) distributed and used?
- (362) In the event of a conflict between a European Arrest Warrant and a request for extradition presented under article 66 of the Schengen Convention, how is the decision taken on whether the EAW or the extradition request takes precedence? Did you note some difficulties on conciliation?
- (363) How many requests for mutual assistance on issues relating to the areas covered by Article 68 of the CISA has your country received and/or made?

## **8. LEGISLATION ON FIREARMS**

- (364) Have the contents of the Council Directive 1991/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons been transposed without particular difficulty into national legislation? Do the forms that you exchange with other MS for the intra-Community transfer of firearms contain all the information on firearms as requested by Council Directive 1991/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons? Provide a sample form used for this purpose.
- (365) How many categories of firearms does your legislation distinguish? Describe them.
- (366) How does your legislation treat "essential components" described in Annex I, Part II. B of the mentioned Directive? How are they defined? Are they considered as firearms?
- (367) The definition of firearms in the Council Directive 1991/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons includes convertible alarm weapons and replicas as well as deactivated weapons which could be reactivated. Which is the definition of convertible weapons in your legislation?
- (368) Have you introduced in your legislation license requirements, marking and registration of those replicas that "in construction or material can enable them to be converted"?
- (369) 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 Council Directive 1991/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons or the corresponding national legislation?
- (370) How is information on firearms purchases, if required by the Council Directive 1991/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons exchanged with other EU Member States?
- (371) What firearms, if any, may be brought into your country without prior permission, solely using the European firearm pass?
- (372) Which firearms, if any, do not require consent within the meaning of Article 11(4) of the Council Directive 1991/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons by your competent national authorities in order to be transferred into your country?

## **9. FUNCTIONING OF THE AUTHORITIES APPLYING THE SCHENGEN ACQUIS**

- (373) What measures have you taken at the national, regional, local and practical level to ensure the functioning of the authorities that apply the relevant parts of the Schengen acquis and the integrity of the officials/officers in service of those authorities? Is the socio-economic situation of the officials/officers regularly reviewed as part of these measures?
- (374) Describe the selection procedure and criteria for the recruitment of officials/officers (break down per specific profession if there are differences, e.g border guards, police officers, visa officers etc.). Are there specific procedures for the selection and recruitment of officials/officers involved in the application of the Schengen acquis, e.g. screening of personal (criminal) records? Elaborate per type of authority including used criteria and who is conducting the screening? Are such procedures standard? How does the selection process guarantee that the recruitment is fair and impartial? Does the selection include at least one anonymous test?
- (375) Explain the basic principles of the promotion and appointment system of officials/officers involved in the application of the Schengen acquis.
- (376) Is there a policy established in order to prevent conflicts in moral integrity and unlawful influence of the officials/officers in service of authorities applying the Schengen acquis? What are the most important elements of this policy? Does it include a system ensuring moral integrity of newly-recruited officials/officers and regular re-screening of officials/officers in service? If yes, describe the applied screening methods, procedure, persons/bodies involved. In what way are public officials responsible for policing duties instructed on issues relating to integrity and how is their knowledge kept up to date?
- (377) What mechanism do you have in place for detection of abuses of public power/governmental means when applying the Schengen acquis? How many disclosed breaches of abuse of public power/governmental means do you have in the past five years (broken down per year)? What specific anti-corruption measures are in place for officials/officers responsible for border surveillance, border checks and processing of visa applications at the consular sections/BCPs?
- (378) Who is carrying out the investigations into allegations of corruption or integrity breaches against officials/officers of authorities applying the Schengen acquis (the authority of service or an independent authority)? How do you assure independency, professionalism and integrity throughout the investigation? How many corruption cases were brought before the authorities since the last evaluation (broken down per year and per authority)? What is the result of the investigations?
- (379) How many cases of suspension of service of officials/officers convicted of corruption or of conflict have you had since the last evaluation (broken down per authority and year)?
- (380) What special training is provided for officials involved in the prevention, control, investigation and enforcement of measures to combat corruption within organisations involved in applying the Schengen acquis? What mechanisms are in place to evaluate the effectiveness of the training?

- (381) Explain statutory rules, codes of conduct or similar instruments governing the behaviour of officials/officers involved in the application of the Schengen acquis (including measures aimed at preventing undue influence from being exercised on the public officials/officers)? Describe the consequences of failure to meet obligations set therein. Make distinction per type of authority, if need be, and provide the documentation. If there are no such instruments explain why.
- (382) What rules are applicable to the receiving of gifts or other advantages that officials/officers must comply with in the course of their duties? What sanctions are foreseen in case of infringements?
- (383) What measures are in place to ensure that persons or bodies in charge of preventing, investigating, prosecuting, and adjudicating corruption, conflict of interest or organised crime offences enjoy the necessary independence and autonomy to perform their functions; notably in order to avoid undue pressure from superiors or the (local) political power? Are there safeguards for officials/officers reporting such pressure to their superior, to the police, to the prosecutor, to other authorities or to the public?
- (384) What measures are in place to ensure an effective judicial and legal system dealing with the outcome of the work of the authorities directly implementing the Schengen acquis? Take into consideration aspects such as the workload, the capacity constraints for prosecutors and judges.
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