

Slovenia, a new Schengen member

(some basic information on Slovenia and its integration into the Schengen system)

The group of Eastern and Central European countries, members of the European Union, that are joining the Schengen area (which so far had 15 members – 13 old MS and Norway and Island) also includes Slovenia, which was very much in favour of the lifting of internal border controls. Slovenia is very well prepared for the full implementation of the Schengen acquis.

With our entry into the EU on 1 May 2004 we took on all the obligations of EU membership, one of which was the setting-up of the adequate Schengen regime.ⁱ Already then Slovenia started partially implementing the provisions of the Schengen acquis, i.e. in the field of visa policy and prevention of illegal migrations.

Slovenian nationals, as EU citizens, had – already before the full implementation of the Schengen acquis – enjoyed facilitated crossing of the border along with other EU member states. Austrian, Italian and Hungarian border authorities only checked the validity of the travel documents and at airports in the EU countries we could use the part of the border crossing point intended for EU citizens, where only the validity of documents was checked and not other conditions for entry in the EU that apply to third country nationals.

As part of the preparations to join the Schengen area we had to establish security control of our part of the external border with Croatia and ensure it was carried out in accordance with the Schengen standards. To this end we have and will adopt a number of measures in accordance with the Schengen Implementation Planⁱⁱ: implementation of bilateral and other agreements (e.g. on cross-border police cooperation with Austria, Italy and Hungary), personnel and organisational measures (e.g. redeployment of staff from border police stations along the future internal Schengen border, which is being abolished), training (for the surveillance of the state border we employed and trained additional police officers) and further training of police officers for the surveillance of the external Schengen border (various specialist courses, language courses, courses on the EU acquis, etc.), purchase of technical equipment, provision of adequate infrastructure at border crossing points, airports and seaports (e.g. separation of passengers at the Ljubljana Jože Pučnik Airport).

In addition, with its joining the Schengen area Slovenia will establish six police stations for compensatory measures.ⁱⁱⁱ They will be set up in areas with internal state border and responsible especially for the prevention of cross-border crime and illegal migrations. They will supplement the Specialised Unit for State Border Control, which was established in 2002 at the national level. These units will accept police officers from units that will be abolished with the accession to the Schengen area. This is one of the ways to ensure additional forces for policing in the interior of the country.

One of the main compensatory measures to ensure an adequate level of security in the common Schengen area after the lifting of controls at internal borders is the setting-up of the Schengen information system.^{iv} Slovenia, as a candidate for accession into the Schengen area, carried out the integration of the national system with the SIS and on 1 September 2007, after successfully performing all the prescribed testing, became integrated in the first-generation Schengen information system SIS I+. In that the Portuguese transitional solution SISone4ALL, which is based on their implementation of the national part of the Schengen information system, was used. After the integration into the SIS, Slovenia has had its first hits and response times in queries have been good. Slovenia considers the introduction of new information support as successful.

The decision for the project SISone4ALL was adopted in December 2006 at the meeting of interior ministers of the EU member states based on a Portuguese proposal and initiative of some new member states, including Slovenia, in order to avoid an even longer delay in their

accession to the common Schengen area due to technical difficulties in setting up the second generation Schengen information system. From 16 to 20 September, 16 experts from the member states, European Commission and the EU Council evaluated the preparedness of Slovenia for full implementation of the Schengen acquis in the field of SIS. The assessment of the evaluation group was positive and we expect that the decision on Slovenia's entry into the Schengen area will be taken in December, as we successfully passed the SIS – Sirene evaluation and a re-evaluation at Slovenian international airports. Positive evaluation, of which the European Parliament is informed as well, is a precondition for the decision on the lifting of internal border controls. The decision on the lifting of internal border controls is expected to be adopted at the December meeting of the Council of Ministers of Justice and Home Affairs, along with the exact date of the lifting.

Special care has been devoted to the implementation of the Schengen agreement provisions in the field of data protection as the data on individuals is subject to thorough protection. Each individual has the right to have access to information about them in the SIS and can lodge a request to access it in any country in the Schengen area as all the national databases are identical to the central database in Strasbourg. The body responsible for the supervision of the central part of the SIS as regards personal data protection is the joint supervisory authority and for the supervision of national databases the national supervisory authority in each Contracting Party. In Slovenia it is the Information Commissioner.

Slovenia has also already established the Sirene bureau, which is part of the Criminal Police Directorate and is the central authority in the country for communication with the Schengen Information System and systematic police cooperation. It covers exchange of data and alerts for persons and objects, which are constantly and promptly updated by the requesting state on the principle of mutual trust in the same way as the information would have been dealt with within the national legal framework.

To summarize, Slovenia has been performing all the measures of Schengen border control for two-and-a-half years and with the integration into the Schengen information system we only added the necessary information part. Preparations for the enlargement of the Schengen area are running smoothly. A lot of effort has been put into them,^v as we had to meet the requirements set by the Schengen acquis. The evaluators were strict but we were getting signals we were on the right track. The enlargement of the Schengen area to include nine new members is nearing completion now. The final decision on the lifting of internal border controls will be taken on 6 and 7 December this year by the Council of Ministers of Justice and Home Affairs. We can expect this to happen in practice at the end of 2007 at land and sea borders, and in March 2008 at airports as the opening of borders at airports is connected with changes in timetables. In addition to Slovenia, the following countries are to join the Schengen area with the enlargement of the existing Schengen Information System: Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland and Slovakia.

With Slovenia joining the Schengen area, border controls at borders with Austria, Italy and Hungary are being abolished and controls at the border with Croatia, being the external Schengen border, stepped up. This means basic border checks for nationals of EU member states, EEA, Switzerland, and their family members and thorough border checks for third country nationals. The control includes border checks at border crossing points and border surveillance outside border crossing points.^{vi} For citizens living in direct vicinity of the border not much will change. Nationals who have land on both sides of the border have special permits where places for crossing the border are specified. We also wanted to facilitate crossing the border to Croatian nationals, who will be considered third country nationals, and achieve that residents of border areas should not find themselves in an unenviable situation. We managed to negotiate that the Agreement of Local Border Traffic and Cooperation

between Slovenia and Croatia should remain in force. We believe that such an arrangement is the best possible compromise.^{vii}

We are taking on a very responsible and strategically important task – to protect the common external border in accordance with the Schengen standards on behalf of all member states. We will provide security for all citizens of the European Union in accordance with standards valid for all countries bordering with third countries. Efficient performance of tasks at the state border is in Slovenia's interest as with measures at the external border and with compensatory measures inland we will prevent illegal migrations and – which is especially important – cross-border crime, which is not limited only to a narrow area along the state border.

Additional information:

Ministry of the Interior's website: www.mnz.gov/en

evrofon@gov.si , telephone 080-2002

NOTES:

- ⁱ **The basic idea of the Schengen area** is to ensure the right to free crossing of internal borders. On the other hand, strengthened border control at external borders of the European Union is set up as a counterweight to lifted border controls at internal borders. When a person enters the Schengen area, they can move freely where ever they want to for a period of time. Therefore checks at the external borders must be strict enough to stop illegal immigration, drug trafficking and other illegal activities.
- ⁱⁱ **Measures from the Schengen Implementation Plan**, which Slovenia must carry out for its full implementation of the Schengen acquis, and technical standards for the control of the future EU external border, are planned in all competent segments: home and foreign affairs, public administration, finance, traffic and justice. Inter-agency coordination in setting up the EU external border and the execution of the Schengen Implementation Plan is the responsibility of a special Inter-agency Coordination for the setting-up of security and customs control and inspection at the EU external border led by the Minister of the Interior. Working groups were established at individual ministries tasked with preparing Slovenia for a successful entry in the Schengen area.
- ⁱⁱⁱ What are **compensatory measures**? In addition to uniform rules for the control of common borders the Schengen member states carry out a series of other (i.e. compensatory) measures and technical solutions lest lifted controls at internal borders reduce security in the Schengen area. Organisation of police work to ensure the same level of security, protection of lives, personal safety and property of people in Slovenia as well as to provide security within the EU must be adapted to the planned lifting of border controls at the internal border. These accompanying measures are carried out both at the external borders of the Schengen area as well as inland. They include cross-border police cooperation and cooperation with customs and judicial authorities in the fight against terrorism and organised crime, common visa policy and practice, use of the database in the central Schengen Information System, etc.
- ^{iv} **The Schengen Information System** is a common electronic database. If we want to carry out border control at the external borders on behalf of all member states successfully, we must have access to other countries' data on certain individuals and objects; persons who have been banned entry to the Schengen area, persons who are wanted for arrest or extradition, missing persons, and stolen vehicles and documents, money, weapons, marked banknotes deriving from criminal offences, etc. Bodies with access to the SIS are the police performing border checks and procedures involving foreigners, customs, administrative units when issuing permits to foreigners, consular missions when issuing visas. Countries also enter data into the common database or make queries in the database via their national systems.
- ^v As the introduction of the Schengen standards at the EU external border was a great financial burden, the EU provided financial support to new members by means of a provisional instrument of assistance called the **Schengen facility**. This is where the majority of funds came from, and the other sources of funding were regular budget sources and funds from pre-accession assistance (PHARE, Transition Facility). The external-border fund is being planned for the financing of the EU external border control and it should finance the control of the border during the period from 2008 to 2013. The surveillance of the external border is a joint burden of all member states and as such it has to be shared, also from a common budget.
- ^{vi} At the EU external borders **control of persons, phytosanitary and customs control and inspection** are stepped up and are carried out at specially designated control points. There are six such points in Slovenia, three at the land border (at border crossing points Gruškovje, Obrežje, Jelšane), one railway point (Dobova), and at the Ljubljana Airport and Port Koper.
- ^{vii} **Croatian nationals** will be able to enter Slovenia, Italy and Hungary with the identity card together with a separate sheet containing: the name, surname and identity card number. The sheet will be stamped at entry to and exit from the countries referred to above. To enter any other country Croatian nationals will continue to need the passport.