

Working Group X

Working document 10

## **Working group X « Freedom, Security and Justice »**

Subject : Speaking Note of Col. Marek Adamczyk, Border Guard Unit (Poland), at the Group meeting of 29 October

*The meeting of the JHA Working Group of the European Convention,  
October 29, 2002*

I. *The Border Guard of the Republic of Poland regards the invitation as expression of particular interest of the European Convention in border issues, including the Polish model of state border protection and control management. I treat the participation in the meeting as an honour and opportunity to give active contribution into the discussion on perspectives of development of border services in the future enlarged European Union.*

**I. Poland is (will be) ready to take over the tasks related to protection of the external border of the enlarged Europe.**

II.

- *The system actions undertaken by the Border Guard of the Republic of Poland in recent years have caused limitation of the transit migration tide to the Western Europe and destination one to Poland. They have played important role in, among others, the positive evaluation of Poland's preparations towards meeting the EU/Schengen standards and completion of negotiations in the area of Justice and Home Affairs in July this year. We are aware of the fact that monitoring of implementation of the EU acquis by Poland will be continued. We are also fully aware of the importance of tasks that the BG still faces in this respect. It means: completion of the programme of staffing and making the force professional, realisation of the time-table of construction of border patrol stations, providing transport and special equipment.*
- *In 2001 and in the first half of this year the Border Guard has continued actions aimed at limitation of illegal migration and results of organised crime of border character. The achievements authorise use to state that the force fulfils its tasks well. The effectiveness of reconnaissance, border, control and administrative activities has been improved. Significant increase of effectiveness of apprehensions of migrants crossing the border to Poland illegally, including the eastern border and in particular the section with Ukraine, was recorded. Significant decrease in numbers of aliens readmitted from Germany has been achieved.*

- *The Border Guard enters into the crucial period of adjustment preparations to the EU standards and it'll meet the conditions for effective protection of the external border of the EU by the end of 2003. The works aimed at sealing the state border protection and control system at the eastern state border section are continued. In 2001 5 new border patrol stations have been introduced to the system. In the current year further 5 were introduced. By the end of 2004 additional 5 stations will be constructed. The end effect will be shortening of the average section protected by one border patrol station to ca. 20 km. The state of equipment of the BG in transport, information and special technique equipment is systematically improving. Preparatory works related to launch of technical system of border surveillance are ongoing. Development of the Automated Radar System of the territorial sea and internal waters has been launched. We have completed works on development of an integrated information network.*
- *In order to ensure performance of tasks that would be in line with the EU's expectations the force has been subject to the process of changes in the area of competencies, organisational structure and human resources. The basis for these changes was the act on amendments to the Border Guard act. The legislative changes are followed by organisational changes. In relation to the power to operate on the whole territory of the state, given to the Border Guard, BG structures are being established inland. On 1 January 2002 organisational changes in the BG have been initiated. Their aim is to define the precise area of competencies and responsibilities of individual departments. We are developing a model of fully integrated system of management through joining the border traffic control and border protection services into one border unit. By the end of this year we expect to achieve improvement of effectiveness of action of the Border Guard through better co-ordination and supervision of realisation of all tasks in the direct state border protection, border zone area and inland.*
- *We've reformed the training system. Philosophy of the new training system, which was introduced in May this year, is to prepare to the service an inter-disciplinary professional officer.*
- *Further improvement of mobility of effectiveness of actions in state border protection is also related to improvement of effectiveness of co-operation with border services of other states. A model example of such co-operation can be the interaction with BGS. It*

*covers, among others, continuous information exchange, organisational of joint patrols, alternative planning of border patrols, operation of three contact points and liaison officers. A significant step within the process was the signature on 18<sup>th</sup> February this year of the Polish-German agreement on co-operation of the Police and Border Services in border areas.*

- We aim at transferring selected forms of co-operation, verified within contacts with BGS, into actions with other border services of the neighbouring states. In March this year we've added new form to the already worked-out model of co-operation – realisation of tasks by officers of both services in a contact point. The initiative shows that that model of border protection at the Polish-Lithuanian border is based on modern solutions, verified in the EU and already known to the Polish Border Guard from Polish-German experiences. We count that in the near future similar contact points will be also established at the border with Czech, Slovakia and Ukraine. We've also undertaken efforts aimed at establishing contact points at the border with Belarus.*
- Poland is vitally interested in further development of the good co-operation with Czech and Slovakian border services. We all see the challenges that we are facing in the period preceding enlargement of the EU. We are aware of the needs which are related to gradual change of philosophy of management at common borders upon accession of our countries into Schengen.*
- The plans of development of interaction with border services of: Russia, Belarus and Ukraine are very important for the Polish Border Guard. We understand the difficulties that they are facing in connection with the complicated migration situation in the region. We are aware of the challenges that the EU enlargement brings also to border services of these countries. We are ready to deepen the co-operation. We declare our will to undertake a partner dialogue – even on the most difficult issues. It is the more important that the threat posed by illegal migration from these countries to Poland and EU member states remains at high level.*

### **III. II. Need to strengthen co-operation in the enlarged EU**

- *The need to strengthen co-operation in the field of external border protection in the enlarged EU is undisputed. Measures to achieve this goal are already being sought for. It is difficult to mention all the initiatives. Gradual inclusion of the candidate countries into permanent bodies of the EU, dealing with issues in which border services are competent, should be mentioned here. An example of this is the last week's meeting of the Strategic Committee for Immigration, Frontiers, Asylum – SCIFA+, with participation of heads of border services of the candidate countries.*
- *The following important factors can be listed:*
  - a. *elaborating mechanisms of exchange of experiences in the field of best practices in border protection;*
  - b. *establishing effective border protection systems;*
  - c. *trainings for border services;*
  - d. *co-operation between border, customs and police services in combating border crime;*
  - e. *need to seek for further possibilities of joint actions of border services of the EU states and candidate countries.*

#### ***Ad a. Elaborating mechanisms of exchange of experiences in the field of best practices in border protection***

- *Modern border management and border protection can be fully achieved through, among others, bilateral co-operation between states, exchange of experiences, as well as co-operation of wider – regional character. A condition sine qua non of this co-operation, apart from the will of countries concerned, is direct contact between services responsible for its protection.*
- *The best solution is to establish an effective system of exchange of experiences at the bilateral level between border services of neighbouring states on their own legal solutions and the state of their implementation. It should operate at the central level – between management of these services – through regular organisation of meetings, working visits, consultations and exchange of correspondence. Such contacts are an opportunity to exchange information on the current situation at the common state border section, to evaluate the co-operation and – which seems most important – to define*

*strategic directions of its further development. The increasing importance of such exchange should be underlined both in the period directly preceding the enlargement and after the enlargement before full implementation of the Schengen standards at new external and internal borders as well. Particular importance is given here to contacts between border services of the candidate countries and of member states. One cannot forget the challenges the border services of candidate countries are facing at border section with other candidate states and countries which do not apply for membership in the EU. The expected gradual change of “philosophy” of the system of border protection and control management at all sections in the candidate countries has to be remembered. The process requires continuous consultations at the central level. Their frequency will be set by development of the situation (political decisions, legal changes, need to implement new regulations, new threats, trends and tendencies).*

- *For obvious reasons it is important to establish a similar, efficient system of exchange of experiences at the regional and executive levels in bilateral contacts.*
- *In the period preceding the EU enlargement and taking the decision on full implementation of the Schengen acquis in new member states, the regional contacts gain very significant importance. The EU enlargement will not finish the need of consultations and co-operation between border services at the regional level.*
- *It is also necessary to aim at establishing mechanisms of exchange of experiences on best practices in protection of the borders with countries that do not apply for membership in the EU and/or countries, where the system of state border protection is still at the stage much differing from the level achieved in the EU/candidate countries. Particular role of border services of the candidate countries appears. They have overcome their own difficult path of reorganisation of their system of border protection and are ready to pass their experiences to other partners. In connection with the assistance given by the EU, undertaking such actions has to be treated as an obligation.*

***Ad b. Establishing effective border protection systems.***

- *Safety at state border requires its physical, competent securing. Unquestionable role in this respect is played by relevant investments, use of modern teleinformation instruments, systems of security and protection, technological development.*

- *The EU acquis sets here an unambiguous requirement: high level of protection and control of the external border and possession of a system which is adjusted to the threats. It means meeting two key elements: all persons crossing external borders are subject to controls and effective surveillance of the border between border crossings has to be ensured.*
- *The requirements are met, among others, by possession of border services by a state, which:*
  - 1) *is an independent border force, that is organisationally separated and having the capabilities to perform tasks on its own on basis of its infrastructure,*
  - 2) *is a specialised police-like force, that is having competencies characteristic for the police and using instruments which are typical for the police,*
  - 3) *has powers to operate at the border, in the border zone area and in the sphere of competencies possessed related to prevention and prosecution of perpetrators and organisers of border crime on the whole territory of the state,*
  - 4) *co-operates with other services and national entities that participate in realisation of the state's migration policy,*
  - 5) *co-operates with border services of neighbouring states on basis of such forms of co-operation as: operation of contact points, joint patrols and task groups, alternative planning of patrols, efficient information exchange system,*
  - 6) *is capable to perform tasks on basis on flexible forms of actions which will be adjusted to needs and threats (patrolling of the border, monitoring of the endangered spots, undertaking chases, organisation of ambushes, control activities in the border zone, organisation of permanent and mobile patrols, co-operation with local inhabitants, intelligence and reconnaissance activities, active investigative operations, use of criminal analysis, possession of contact points and network of liaison officers, management of data flow, capability to react fast on changes in trends in border crime, control actions, preventive and intelligence activities on the territory of the state etc.),*
  - 7) *has fully professional staff, is at disposal of modern technical equipment, transport, information and special technique equipment and proper logistic support,*
  - 8) *has access and uses certain information system with proper system of data protection.*

***Ad c. Trainings for border services;***

- *Training programmes should be adjusted to the current situation at borders and threat analysis.*
- *Attention should be given to the need of trainings at various levels of professional responsibility. Trainings for experts for the management officers should take into consideration the need to exchange experiences at the international level in similar fields.*
- *Apart from extremely important programmes of special trainings, the language trainings are of equal importance.*
- *The importance and topicality of twinning programmes has to be underlined. There is need to elaborate internal mechanisms enabling proper use of these officers who participated in such trainings – they should play the role of multipliers in order to pass on the knowledge gained to other officers.*
- *Taking into consideration the objectives of the initiative on European Border Police, it is worth to undertake the issue of harmonisation of training programmes and methodology of trainings. To larger extent it is necessary to consider establishing training specialisations on basis of national training facilities of border services. Border services of candidate countries which have gained good experiences in training of officers and have also good trainers and training bases should be taken into account.*
- *The Polish BG welcomes the invitation from Austria, which is a co-ordinator to the project of “Core Curriculum for Border Guard Training” launched by the decision of the SCIFA+.*

***Ad d. Co-operation between border, customs and police services in combating border crime***

- *Border services are not able to ensure tightness of border and fully perform the tasks set on their own – without interaction with other services and national institutions. Cross-border crime has no homogeneous character. Apart from actions of regional character between states, it is necessary to use a multidisciplinary approach to the issue in internal sphere. It requires to undertake and co-ordinate actions of over-sectoral character, consisting in using the potential and powers of respective bodies and national forces to the largest extent possible.*



- *The direct and immediate information exchange between border services, immigration and police forces, customs and other services, institutions and organs of state administration that perform tasks in the field of widely-understood state's migration policy has to be found the most important form of co-operation.*
- *It is very important to establish working, regular meetings at the central, management and medium and executive levels.*
- *Basis for the co-operation should be agreements which will cover, among others:*
  - 1) *rules and forms of interaction,*
  - 2) *precise division of competencies in issues related to border protection and control,*
  - 3) *warning and communication systems,*
  - 4) *possibility to use common data bases,*
  - 5) *organisation of joint operations, tasks groups,*
  - 6) *elaborating common threat analyses.*

***Ad e. Need to seek for further possibilities of joint actions of border services of the EU states and candidate countries.***

- *Particular attention should be given here to: possibility of participation of candidate countries in the process of developing the common core curriculum for Border Guard training, developing a uniformed, for member states, standards of border protection and unification of procedures of operation of BG, or participation in analyst works over the concept of European Border Police.*
- *In order to facilitate implementation and application of the EU/Schengen acquis, border services of the candidate countries should be included into practical activities and works related to co-operation within Schengen to the largest extent possible. One of concrete forms is the signal on follow-up to the operation organised under the Belgian Presidency. That is the "High Impact Operation" (operation at eastern land border section – future external border, joint patrols, co-ordination of border actions, information exchange). The candidate countries welcomed the offer of member states to participate in other projects which are to be co-ordinated by SCIFA+.*
- *Taking into consideration the time-table of the EU enlargement, it is the highest time to more and more often include representatives of these services into permanent bodies which in the EU are competent in border issues.*

- *Further intensification of information exchange has to take place, and the scope of this information has to be extended.*
- *Continuation of regular information session, twinning programmes and technical assistance is of extreme importance. It is necessary to continuously inform border services of the candidate countries on best practices and recommendations worked-out by the present Schengen member states.*
- *Border services of the candidate countries have their own good experiences. The results achieved authorise to state that they can also share with the EU partners with their own practices and recommendations – if these fit the EU acquis. Taking into consideration, among others, the geopolitical conditions, the services have good reconnaissance of the migration situation in states established after the collapse of USSR. They have collected professional knowledge on travel documents of nationals and their officers are much better prepared than the colleagues from the EU to detect forgeries and abuse in this respect. Furthermore, they know the customs and cultural norms of inhabitants of this region of the world – it facilitates realisation of professional proceedings.*
- *The question of the present SIS structure and works related to development of SIS II are also of importance. As it is known, the objective of these works is to achieve a solution which will enable to increase the number of states and users of the system. Particular importance of the need of close co-operation with border services of the candidate countries has to be underlined. From the point of view of tasks of border services the question is very important –effectiveness of achieving the guidelines of “repression philosophy”, which characterises SIS, depends on them to large extent.*

**III. Is establishing a common border service a better solution than considering a “mid-advanced” proposition such as gradual transformation and reinforcement of co-operation?**

- *The Polish Border Guard is in possession of basic information on the assumptions and plans related to the initiative of setting up of the European Border Service. With great interest we follow the discussion which is ongoing in the European Union in this respect, including in individual Member States. We analyse the decisions taken at SCIFA+ in this respect with attention.*

- *The Polish Border Guard, as a border service of a Candidate Country, fully supports the concept of integrated protection of the external border. Today – as the Candidate Country, and tomorrow, as the Member State – we opt for and will support the need for common actions and practical solutions, that aim at improvement of protection and controls at external borders. We also understand that, in the light of current and foreseen migration problems, the citizens of our states expect, among others from border services, more security. Common and clear concept is therefore needed. We welcome the invitation to co-operate with future Member States in this respect.*
- *We are interested in development of co-operation with our counterparts from the EU states both within the co-operation based on twinning projects and bilateral contacts. At the same time we declare active participation in drafting the unified procedures of a training system for European border services practitioners. We have a good training base in Poland and we are ready to develop common project with EU partners in this area.*
- *It is necessary to support the proposals contained in the report presenting the feasibility study on the European Border Service which are aimed at:*
  - *improvement of border services capabilities in strengthening the state borders security,*
  - *actions aimed at supporting and assisting introduction and dissemination of unified regulations and procedures on controls,*
  - *drafting common training system for border services,*
  - *unification of requirements relating to equipment used in border protection and border traffic controls,*
  - *support in the field of investments and modernisation,*
  - *burden-sharing related to border protection and border traffic controls among EU Member States.*
- *Experts of the candidate countries should participate in development of the initiative in character of observers with the right to raise their initiatives. We are ready to share our experiences and achievements which are to serve the improvement of security level at borders of EU Member States and Candidate Countries.*

- *We welcomed the information that one of the recommendations of the European Commission within the common acquis is to draft a new version of the Common Manual on External Borders. There is need to join the experts from border services of the Candidate Countries into the works. The possibility to participate in these works is of essential importance not only to the present EU Member States. It has to be remembered that in the foreseeable future the “verified practices” contained in the Common Manual will have to be also met by border services of the present Candidate Countries.*
- *It is necessary to discuss widely and openly on the proposition of establishing the European Border Police. There is no need to hide that some assumptions and solutions are controversial and difficult to be imagined in practice today. There are various opinions, including the ones that are eagerly undertaken by the media, that distort the initiative. It doesn't serve the development of the initiative. Therefore in the first row it is necessary to focus on those objectives that are to be achieved in the first, short-term period. The dynamics and level of development of these ideas should indicate further priorities to be achieved. It'll be also an occasion to verify and assess the feasibility of these proposals that at present have been indicated as mid-term and long-term period objectives.*

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