BORDER MANAGEMENT - Montenegro

JUNE 2017

EXECUTIVE SUMMARY

Several legal instruments are under the revision process: Law on Ministry of the Interior, Law on border control and Law on Police Academy. This would enable to remove obstacles which are hampering the progress in developing the integrated border management.

The streamlining of the Border Police's organisational structure has been completed. Organisational structure with three regional headquarters has released officers to field, but not remarkable. The regional headquarters have been strengthened but not enough.

Some developments are implemented or are ongoing: The mobile unit will be soon operational, and train-the-trainers system has been improved and officers' skills on detection of false documents are improving. The installation of cameras to booths at border crossing points is still pending due to legal concerns.

The IBM strategy is based on old European Union IBM concept, and therefore has to be revised, but only after the EU processes are clear in this regard. The Schengen Action Plan includes needed developments and source of funds. However, it relies too much on external funding and clear prioritisation is missing.

The level of sea border surveillance has decreased during the last years. There is not cooperation in sea border control with Croatia, Albania and Italy. Since last year there has not been progress in blocking of alternative routes at Serbian border and having Local Border Traffic agreement with BiH and Croatian. Most of the current border crossing points are too small and not adequately equipped in order to face Schengen requirements.

Bureaucracy in procedures for participating Frontex meetings and other activities, as well as lack of coordinating unit in the Border Police Headquarters hampers substantially development of cooperation with Frontex.

In development process and in planning the use of the EU funds, the focus should be put especially to technical border surveillance system, devices for thorough border checks, implementing anti-corruption measures, and support of enhancing train-the-trainer system. Establishing functional regional headquarters with full RCC functions, improving sea border surveillance and increasing patrols for land border surveillance is paramount.

1. Introduction

The peer review mission took place from 26 to 29 June 2017. The task of the mission was to evaluate the level of implementation of border management in Montenegro.

During the mission, visits were arranged to Ministry of the Interior (Border Police HQ),Regional Centre South (Bar),BCP Kotor, BCP DebeliBrijeg, BCP Sukobin-Murićani, BCP Luka Barand and RCC South. Moreover, sea border surveillance was studied and patrol boat crews were met. During the visits, discussions were held with local heads and representatives of the Border Police, as well as with other authorities met.

Montenegro is implementing Integrated Border Management (IBM) strategy for 2014-2018. The strategy is in line with the previous EU IBM concept (Council conclusions December 2006).Montenegrin authorities are implementing Schengen Action Plan (SAP) that was drafted in 2016 with the help of IPA 2013 Twinning Project "Support the adoption of the Schengen acquis" and adopted by the Government in February 2017.

Several legal instruments are under the revision process: Law on Ministry of the Interior, Law on border control and Law on Police Academy. This would enable to remove obstacles which are hampering the progress in developing the integrated border management.

2. Integrated Border Management (IBM)

Regulation on European Border and Coast Guard entered into force in October 2016. The regulation includes a new definition for European IBM concept. The new concept included eleven strategic components. It is based on four tier access control model, and the four tier access control model is also the main tool for implementation of the European IBM concept.

In the EU, the implementation is planned gradually. Firstly EU institutions (Commission, Council and Parliament) agree on the IBM strategy. This is a political level document, the Commission Communications prepared together with institutions and later endorsed by the Council and the Parliament. The Communication is foreseen in October 2017. Secondly, the Frontex will prepare technical and operational IBM strategy which is anticipated to be adopted by the Frontex Management Board in February 2018. After that the Member States should finalise their national IBM strategies in due time, probably within six months. The Commission is planning to carry out a thematic Schengen evaluation in autumn 2018 in which all national strategies would be evaluated.

The SAP has clear aims and goals, for each measure has been identified responsible body and cooperating authority, deadline, reference point, budget and success indicator. The Action Plan gives a very good basis for development. However, it relies still too much on external funding and priorities are not clearly defined. Also maintenance and operational activities should be covered by national funding.

The Border Police's organisational structure has been changed. Former 8 regional headquarters (HQ) (7 land + 1 maritime) have been merged into 3 regional HQs (Centres); North (BijeloPolje), Central (Podgorica) and South (Bar). The reorganisation has released officers to the field but at the same time the number of the Border Police staff has been decreased. Therefore, the total number of staff in the Montenegrin Border Police can be assessed to be still too low. The number of staff in regional HQs is 5 officers (head of region,

3 deputies and 1 officer). This number is still too low and is not enabling fully functional regional HQs. Only duty officer and 24/7 situational awareness (1+1 officers) would require at least 12 persons per RCC.

The European border surveillance system (EUROSUR) has been operational since December 2014. The EUROSUR has tightened operational cooperation and improved the exchange of information between the Member States, the Schengen associated Countries and Frontex. Each state was obliged to establish a single NCC (National Coordination Centre) and to start exchange information according to the requirements stipulated in the EUROSUR regulation. The same obligation concerns Montenegro upon the accession.

Effective IBM system requires functional situational awareness at all levels of the authority that is responsible for border control. According to recommendation number 15 in Schengen Catalogue, there should be constantly update comprehensive situational picture at national level covering all information related to national border management. Furthermore, according to recommendation number 16, there should be situational picture at regional and local level, as near to real-time as possible, to increase reaction capability, to enhance situation awareness and to improve capability to coordinate operational activities.

National border management situational picture should consist at all levels information of:
- border crossing traffic (total and each BCP, nationalities, number and reasons of II-line checks, refusal of entries, detected illegal actions, modus operandi, queues etc.)
- situation along blue and green border (number of illegal border crossings, their nationalities, modus operandi, identified routes, etc.)
- illegal immigrants detected inside territory, expelled persons, asylum seekers etc.
- pre-frontier picture (border management situation in neighbouring countries and countries of transit and origin)

and additionally at regional (or at local level):
− available resources; number and location of patrols, vessels, aircrafts and technical means
− names and duties of shift managers, etc.
− targets at maritime domain
− other relevant issues.

The Border Police have established, based on the decision of the Ministry of the Interior, a Mobile Unit at the national level and it has become operational. It was planned to consist of 16 officers, but the recruitment is still partly pending. Currently the Unit consist of 9 officers. They have concentrated for training and preparatory works. The unit will operate under the Border Police HQ. The Mobile Unit will be used according to risk analysis for re-enforcing border control at different borders. The Unit can also be used as a tool for anti-corruption operations. This is a welcomed progress.

The Border Police have already a lot of international obligations; with neighbouring countries, with Frontex, and with IOM and other international organisations. Last year, there was a plan to nominate three specialised persons for international and Frontex cooperation. However, currently there is only one person for this purpose. It would be better to establish a unit for international cooperation ("Frontex unit") within the Border Police HQ.

The Border Police have implemented some measures in order to increase its participation to the criminal investigations and to transfer responsibilities for investigations to the Border

Police. The Border Police regional centers and border police stations are collecting data and information on all types of cross-border crime (trafficking, human smuggling, illegal border crossings, vehicle, drug and arms trafficking, forged documents, etc.), the perpetrators of these criminal acts, and modi operandi. The Border Police often carry out investigation on cases it have detected and then give these cases to the Criminal Police. The Border Police also take part in investigations conducted by the competent prosecutor, together with the Criminal Police, thus contributing to obtaining the necessary evidence for various crimes that have cross-border character. Border Police have established INFOSTREAM system which is used for intelligence sharing both within the Border Police, and the Criminal Police. The Border Police officers are also contributing to the Criminal Police's investigation teams. The Montenegro Border Police have also conducted several courses in order to improve border police officers' skills and knowledge to detect cross-border crime.

The SAP includes a measure that the Border Police officers should conduct investigations of the basic crime offences with the deadline in 2017-2020. This development is under the assessment of the working group for amending the Law on Ministry of the Interior.

When assessing this topic, it should be taken into account, that while carrying out their duties, border police officers are facing border related crimes, inter alia trafficking and smuggling of human beings, goods, drugs and weapons, forged and counterfeit travel documents, stolen property and stolen vehicles. To add value to Montenegrin internal security, and to enhance the capability to reveal illegal actions, the Border police should have a role in investigating the aforementioned types of crime. Participation in such investigations will increase the Border police's knowledge regarding modi operandi and illegal immigration routes, as well as facilitates the production of risk indicators and profiles. Especially, the Border police should participate fully in investigations of illegal border crossings, false travel documents and of human smuggling and trafficking. Ways to cooperate in this field are, for example, sharing intelligence and setting up joint investigation groups, common databases and flexible exchange of information. According to Montenegrin authorities there are no legal obstacles in the Border Police participation in criminal investigations.

The anti-corruption action plan is under the implementation. For instance, announced visit to the operational units have been increased and some corruption cases have been detected.There are still legal obstacles to install camera surveillance in the booths at the first line.

Recommendations:

- *Implementation of the Schengen Action Plan should be continued.*

- *Revision of the National IBM Strategy should be started only 2018 when the development process in EU is clear enough. Planning of the new national IBM strategy should be started by TAIEX workshop.*

- *Regional HQs should be strengthened. There should be necessary personnel for risk analysis, training, technical support and situational awareness.*

- *Since there are no legal obstacles for the Border Police participation in investigations of cross-border crime, it should be started without delays.*

- *The Schengen Catalogue's recommendations and best practices for prevention of corruption should be implemented as completely as possible. Especially installation of cameras in the first line border police and customs booths is important. In general, the Customs should implement similar anti-corruption measures as the Border Police.*

3. Human resources and training

The Border Police is undermanned. According to the SAP the lack of personnel is around 600 officers. There is shortage of personnel especially in patrolling activities at land border and in staff of regional HQs.

The need to increase the total number of staff in the Border Police is evident and should be done in any case. However, there are also other possibilities to increase personnel for patrolling.

There are still quite many points which are manned 24/7. Therefore, the number and necessity of posts related to situational awareness, such as duty officers and dispatch desks, should be reassessed. The main rule should be that the regional HQs (RCC) maintain situational awareness (situational picture) on their respective areas. The situational picture should be established electronically. The situational picture should include incidents, location of own assets, alarms from technical surveillance, etc. The RCC, based on the situation, should i.a. redirect the patrols in case of incidents.

For the security reasons it is understandable that Border Police stations are kept constantly manned. However, instead of having obligatory 24/7 dispatch points, the security of a station (building) could be covered by a patrol, which could stay most of the time at the station but could be sent to check technical alarms, and it could also conduct patrolling in the surrounding area. Precondition to this is that border police's buildings would be monitored by burglar alarm systems.

All border crossing points (BCP) in Montenegro are open 24/7 (except one seasonal BCP). There are several BCPs where the annual number of passengers is less than 10 000, and in some months the figures are under 1000; e.g. at BCP Čemerno from January to March. In some BCPs the number of passengers is even lower; e.g. BCP Šula, where the number of passengers is every month under 500 totalling only 2492 in 2015. By limiting the opening hours of the smallest BCPs more personnel could be released for patrolling.

The age structure of the Border Police personnel is problematic since the vast majority of the personnel are between 40-50 years. The same problem concerns other Montenegrin law enforcement structures. Furthermore, there are also challenges with gender balance.

The Police Academy is not under the Ministry of Interior and there is not correspondence between the 18 months police studies and the future employment in the different fields of Police. Therefore, graduates from the academy are not directly offered work posts, while police units have to organise competitions to hire new officers. And after recruitment there is need for specialised training. This is the case for the Border Police, too.

Several years' experiences of the current system show that the police officers training and recruiting is not working. Situation could be improved by taking the Police Academy under the supervision of the Ministry of the Interior. There should be yearly quotas for each police

branches including the Border Police. This would enable to organise necessary specialised training already in the Academy and graduated officers could start their work directly in their units. These experiences should give an impact to ongoing revision of Law on Police Academy.

The progress in training has been continued. The train-the-trainer system is ongoing and it is gradually developed. There are positive results e.g. in detection of false documents.

Recommendations:

- *The Police Academy should be subordinated to Ministry of the Interior.*

- *There is a need for a comprehensive recruitment and training plan for whole Montenegrin Police Forces. This plan should take into account the Border Police needs. There should be clear link between trainees' selection and recruitment to different Police rectors (i.a. to the Border Police).*

- *Special attention should be paid to gender balance.*

- *Maintaining and developing a comprehensive and systematic train-the-trainer system should be a priority. Special focus should be put on training of detecting false and falsified travel documents for first line officers.*

4. Border checks

Montenegro has 28 BCPs, out of which 26 are at its future external borders (two BCPs are at the Croatian border).There are 19 road, 2 railway, 2 airport and 5 port BCPs. One of the port BCPs, Budva, is open only during summer season. There are preliminary plans to open five new BCPs, two with BiH, two with Albania and one with Kosovo[1].

Traffic via Montenegrin border crossing points has been increasing during last years' totalling 16.8 million in 2016 (14.9/2015 and 13.6/2014). Most of the passengers are probably neighbouring countries' inhabitants. However, more detailed statistics were not available.

According to the bilateral agreements between Montenegro and its neighbouring countries, except Croatia, the border can be crossed by using an ID card as a travel document. The possibility to use ID cards decrease security since ID cards are easier to falsify than passports. Nevertheless, after the Montenegro's EU accession, this regime cannot be applied. In addition to Montenegrin national visas also Schengen visas and visas issued by United Kingdom and USA are accepted.

Assessments of staff and devices needed should be based on reliable statistics and full awareness of the current and future situation. Applying the Schengen Catalogue's recommendation number 52, records should be kept in order to improve situational awareness and to facilitate analysis at the BCP. These records should include passengers' nationalities, average waiting times, detected false documents, apprehended facilitators, basic information

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[1]* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

from the other authorities working at the BCP, irregularities, other relevant information and information needed for the Frontex. It would be very useful i.a. to know the division of passengers between Montenegrins, EU/EEA/CH citizens and third country nationals.

Systematic border checks are made by the Border Police. The Customs is carrying out systematic checks on cargo traffic, as well as risk analysis based and random checks on passenger traffic. The Border Police make an entry check first and an exit check last. One-stop control principle is not in use. Cooperation between all the authorities operating at BCPs is told to be smooth, but the authorities are i.a. working in different rooms and booths, and they do not have access to each other's databases.

Border checks on cruise passengers are carried out against passenger lists. This means that passengers' names are checked against national and Interpol databases. More thorough checks are done for visa obliged passengers.

According to national law pleasure boats can navigate to any border crossing point at Montenegrin coast, or if pleasure boats do not go near vicinity of the coast line there is no need to go BCP at all. This makes it very hard if not impossible to monitor whether boats are avoiding border checks.

The number of officers available for border checks can be assessed to be sufficient, but only outside of peak times and holiday seasons. During holiday seasons, there are lot of border crossings of tourist busses especially at BCPs at Croatian and Albanian border. The tourist busses border check procedure is different and smoother than checks on other passengers.

According to the Schengen Catalogue's recommendation number 41, the adequate number of officers depends inter alia on: constant control of passenger flow, night time, border situation and threat level, available equipment, environment (threat of pandemic etc.). There should also be officers with appropriate language skills in every shift.

A shift at a BCP should normally include:
- shift manager,
- first-line officers
- second line officers
- crime intelligence officer
- other specialized personnel (document experts, outdoor controllers, vehicle experts, dog handler, transportation identification specialist, video surveillance operator etc.)
- both male and female officers

During the low traffic, some of these tasks can be combined that two or more tasks are carried out by the same officer.

The first line checks are supported by passport readers (scanners). The Border Police use national databases in border checks. These databases are called "Border", which is a national entry-exit system, and "Search", which is a register of Montenegro's citizens. Moreover, passengers are checked against the Interpol hit lists.There is limited number of technical devices for fingerprint reading. The roll-out of automatic license plate reading devices has started, and currently these devices have been installed for two BCPs.

Advanced information system (API) for international flights is not in use. National legislation, namely Border Control Act provides legal framework for API system. However,

it is not specific enough on retention time and what data should be collected. According to SAP the API system should be implemented in 2018 but it is not certain whether it will feasible. Montenegrin authorities have requested help from OSCE. In spring 2017 was hold a work shop on API/PNR with various international lectures. OSCE will draft a road map for Montenegro how to implement API.

The "Border" system provides automatic consultation with both the national and the INTERPOL databases. The "Border" stores the entry-exit information of a passenger. Retention time of passengers' data is five years. All hits are registered in a log. All BCPs have an on-line connection with central servers in Podgorica. Nevertheless, in some places the connections are unreliable due to the use of different types of connections (satellite link, radio relay link, optics) and therefore local backups are used. Some BCPs have problems with electricity, and they are using automatically starting aggregates.

Stamping procedure differs from the EU one. Montenegrins' passports are stamped upon exit and third country nationals upon entry and exit. However, in practice, most of the third country nationals' travel documents are not stamped since they are citizens of neighbouring countries and are travelling with ID cards.

At the beginning of each shift, a shift leader informs the staff about relevant information provided by the Border Police Directorate. This is according to the EU's best practices; however, the special attention should be given to quality of the information.

The number and level of devices at first and second line do not meet the Schengen requirements. Technical equipment needed at BCPs is defined in the Schengen Catalogue of External Borders, Return and Readmission, particularly in its recommendations number 44, 46 and 62. The equipment needed for the first line checks is defined in the recommendation 44 and the recommendation 46 describes devices needed for the thorough second line checks. A second line office with inter alia both stereo zoom microscope and video spectral comparator (e.g. VSC-4) is required at a BCP with extensive traffic. There is a possibility to organise common second line document verification for a couple of small BCPs when they are located close enough to each other, and the traffic flow is not extensive.

The number of detected false and falsified documents in border checks is increasing but can be assessed still very low. The main reason for low detection rate is probably combination of lacking training and proper devices.

Reconstructions of the BCPs have been continued, and therefore some premises are already at a sufficient level. According to the Schengen Catalogue's recommendation number 35, infrastructure at border crossing points, inter alia the number of booths and lanes, premises (including facilities for persons refused entry), etc. should be tailored according to passenger flow (quantity and quality), and taking into account the assessment of future developments. In the Catalogue there are also recommendations regarding facilities for persons refused entry (number 39) and facilities for asylum seekers (number 40). In addition to that, there are recommendations for road BCPs (numbers 57-65) and for railway BCPs (numbers 67-72).

For carrying out border checks fully in line with Schengen Borders Code, and bearing in minds the requirements and procedures of the envisaged Entry-Exit system, the capacity (infrastructure, staffing and equipment) of most of the BCPs is inadequate (i.a. DebeliBrijeg and BCP Sukobin-Murićani).

Checks on vehicles are not at an adequate level, especially as regards devices used. The Border Police and the Customs have detected drugs and illicit goods, but i.a. very seldom persons hiding inside vehicles. Devices for checks on vehicles are inadequate, and if exist, often not used. The Border Police have about 25 dogs in total, out of which 13 for detecting drugs and 2 for detecting explosives, but none for detecting persons hiding inside vehicles. Younger ones of these dogs could be trained also for detecting persons. This is commonly used practice in EU countries.

Some BCPs have special building for thorough checks on vehicles. This has been improved remarkably especially the detection rate of illicit drugs.

According to the Schengen Catalogue's recommendation number 62, and the best practices related to that, vehicle checks should be based on updated risk indicators and profiles, and carried out also on a random basis by using mobile/stationary X-ray machines, Heart Beat Detectors (HBD), carbon dioxide detectors, sniffer dogs for revealing persons hiding inside vehicles, and radioactive, drug and other detection equipment as well as other state of the art devices. More technical devices are needed in order to improve checks on cargo traffic, busses and lorries. Nevertheless, any device alone is not sufficient for checks on vehicles, but devices should be used in turns, in parallel and in unexpected ways as well.

The BCP Sukobin-Murićan is a shared border crossing point with Albania. It is located on the Albanian territory. The BCP is based on bilateral agreement between Montenegro and Albania, and it has been built with the help of EU funds. The BCP was opened on 18 June 2009. At this shared BCP border control duties are conducted in accordance with a bilateral agreement. In general, border checks are carried out based on national legislation of the performing authority. This means that all national laws and other regulations that are applicable to persons crossing the state border or to import, export or transit of goods are applied in the same way and with the same consequences as if the BCP would be located at the own territory of a country concerned. In other words, the border checks are conducted as the border would lie in the middle of the BCP building. Therefore, e.g. Albanian citizen can be apprehended by the Montenegrin Border Police and an asylum seeker does not have access to Montenegro without passing first the Albanian border checks. In principle, the current procedure is functional, balanced for both counterparts and it does not include any loopholes for misuse. However, it should be born in minds that joint control which is stipulated in Article 17 of Schengen Borders Code (SBC), means cooperation between two EU Countries which are not yet fully implementing Schengen Acquis. Requirements for agreement on shared BCP between an EU and a third Country are found from Annex VI of SBC. Since it is likely that Montenegro and Albania will not join EU on the very same day, there should be readiness to take the agreement on line with the SBC Annex VI when need be.

As regards border checks at land borders, the Montenegrin Border Police have functional cooperation with authorities in neighbouring countries. The chiefs of BCPs meet at least once a month to discuss practical issues related to border traffic. There is also wide ad hoc cooperation on issues such as traffic management. Along the border between some BCPs there is a telephone connection while others use mobile phones. The cooperation i.a. in investigating false documents could still be improved.

There is seldom a camera surveillance at or around BCPs. Cameras would help to provide an overall picture of the traffic flowing through the BCP, enabling pre-profiling of queuing

passengers and preventing travellers from circumventing the BCP. According to the Schengen Catalogue's recommendation number 60 (and 111) BCPs and the immediate surrounding area should be technically monitored, and lightning should be provided for border checks and surveillance. As a general rule, the BCP perimeter should be fenced off (exceptions could be made e.g. for a BCP for local border traffic). The best practice is that green border close to a BCP would be monitored by cameras and by an alarm system.

For instance, there is no thermal vision camera surveillance around the BCP in Port of Bar, even though the need for it is obvious. There is only surveillance with one CCTV camera, which is not enough.

Recommendations:

- *Detection of false and falsified travel documents should be improved.*

- *The "Borders" or other relevant database should provide risk indicators and up-to-date information on false documents for the first and second line officers.*

- *The national law which stipulates checks on pleasure boats should be changed. The pleasure boats should be obligated to go to the nearest BCP after entering Montenegrin territorial waters.*

5. Land border surveillance

Based on threat level the land border is categorised in sectors. The most vulnerable areas are sector I, where should be constantly two patrols. At sector II should be two patrols 12 hours per day and at sector III a patrol 12 hours per day. With current number of personnel these requirements cannot be fulfilled.

Patrols are normally carried out by vehicles and motorcycles. Border surveillance is often organised by using patrols of 2 to 3 officers. During shifts patrols observe from vantage points, drive on roads near the border, control traffic at key points and also patrol on foot along the actual border line. Outside of daylight the night vision goggles are used, and there are also some thermal vision cameras.

Considering the resources available, the tactics used by the Border Police for border surveillance in order to apprehend illegal immigrants and smugglers are reasonably effective. However, the number of patrols is not at an adequate level. The Montenegrin Border Police have got a donation more devices ("Smartdec") for technical surveillance of land border. Currently there are 4 to 6 sets of "Smartdec" per each three regions.

As stated in the Schengen Catalogue's recommendation number 109, border surveillance and apprehension of illegal immigrants should be carried out with mobile and fixed patrols supported by technical means. Technical means include fixed and portable camera and alarm systems, and tracking dogs in forest areas.

The SAP includes introduction of comprehensive technical border surveillance systems at sea and land borders. This should be one of the main priorities. Currently, the most vulnerable places at the border are monitored more often than others, and in some places a patrol has to be present almost constantly. By covering these vulnerable places by fixed surveillance

systems, and using transferable (passive, not carried by patrols) systems in other less vulnerable areas, these patrols could be released for patrolling in other places and to be in readiness (mobile patrol) as a part of reaction capability. The implementation of technical border surveillance systems should be kept as a priority.

There has been an initiative to establish a common dog training centre for all Montenegrin law enforcement authorities' purposes. This would be a welcomed progress since there is an evident need for tracking dogs and dogs for border checks. However, there is no clear plans and timeline for establishment of the centre.

Constructions of TETRA network are ongoing. It is important that the coverage over the whole country will be reached in due time.

Recommendations:

- *The number of patrols at land border should be increased.*

- *The most vulnerable points at land border should be covered by fixed and transferable technical surveillance. Fastest way is to start with cheaper transferable devices (such as "Smartdec".)*

- *Alarms from the technical surveillance should be directed to RCC and NCC. All patrols in the region should be under the command of RCC.*

5.1 Alternative roads

Montenegrin authorities have analysed and defined alternative roads that are crossing the border by establishing Joint Expert Commissions with its neighbouring countries. Currently, some of these roads can be used by cars and even by lorries. Nevertheless, it should also bear in minds that despite of the fact that an alternative road would be blocked, it can be still used for illegal activities. The cargo (humans, goods, drugs) can simply be unloaded and reloaded over a blocked spot. If the road is blocked at two spots with long enough distance between them, that would complicate the use of the road notably. Before the roads are blocked, it should be ensured that that the blocking is not hampering the movements of local inhabitants. If there is a need to allow the movements on alternative roads, it should be provided in accordance of local border traffic agreement.

Alternative roads with Albania and Croatia are blocked, with BiH partly and with Kosovo and Serbia alternative roads are not blocked. Biggest numbers of such roads are crossing the border with Serbia, in total 87. There is an agreement according which Montenegrin and Serbian authorities would block the alternative road by concrete blocks or barriers. The total cost of the works would be 0.5 M€. The works will not start before the external donator is found to cover the costs. However, Montenegrin authorities have got recently information from Serbian authorities that they would start the work by themselves.

Recommendations:

- *The alternative roads should be block without delays. If the external funds are not found, the most vulnerable roads should be blocked by using national funding.*

- *In the second phase the roads should be blocked at two spots with long enough distance between them.*

- *The alternative roads should be surveilled by technical systems and patrolling. The surveillance should be continued also after the roads will be blocked.*

6. Sea border surveillance

The length of Montenegro's coast is around 50 nautical miles. Sea traffic is quite intensive during the summer season consisting of cruisers, ferries, pleasure boats and cargo ships.

Montenegro has a sea border surveillance system which covers part of the coast line, Skadar Lake and Bojana River (between sea and Skadar Lake).The system includes three radars at coast (owned by Ministry of Transport and Maritime Affairs - Maritime Safety Department), 5 medium-range CCTV day-time cameras along the coast, 3 cameras at Skadar Lake and one camera at river Bojana. Moreover, there are two mobile units (vehicles) with local radar, and thermal-vision and CCTV cameras. These units are not currently used, because there no more spare parts for the old vehicles. However, works are currently carried out on their reinstallation to the new VAN and 4x4.The situation is monitored from the RCC South regional communication centre in Bar. The Centre has also access to AIS data. However, the Centre has only watching right to radar and AIS picture without own software.

Situational awareness is very limited. As regards smaller boats radars cover only about half of the coastline. The most crucial sea area near the Albanian coast is only partly covered by radar and not by cameras. Furthermore, the identification capability is poor since there are not night vision cameras. Also Skadar Lake can be monitored only at day time.

Also reaction capability is poor. Currently the Border Police have two patrol boats for whole Montenegrin coast. At Skadar Lake the Border Police are using two patrol boats. The situation have worsened compared to situation in 2013 when there were two patrol vessels and 11 patrol boats for sea border surveillance. There is a project to renovate two patrol vessels, and also tentative promises from Italian Coast Guard and Italian Financial Guard and the Harbour Master's Office to get 4 patrol boats as donation.

When improving and developing comprehensive blue border surveillance system at the Montenegrin coast the Schengen requirements should be kept in mind. According to the Schengen Catalogue, a coastal surveillance system should be backed up by a network of coastguard stations in readiness for rapid reaction. The system should also be supported by an offshore element; meaning offshore patrol vessels, helicopters, and fixed wing aircrafts. The goal is that all vessels coming into territorial waters should be detected and identified. This means in practise that all vessels coming into territorial waters are detected by radars and by use of for example AIS, VTMIS, VMS (Vessel Monitoring System for fisheries), V-RMTC (Virtual Regional Maritime Traffic Centre) or SSN (SafeSeaNet). After that detected vessels should be identified by necessary measures. Identifications can be done by radio connection with the vessel, by air craft, by long-range camera, by patrol vessel or with help of other authorities. Identified vessels (names of vessels) should be checked against background information on risk vessels. Also the behaviour, route and other relevant factors should be assessed. The system should also be able to detect smaller vessels like pleasure boats. These actions are part of the situational awareness and tactical risk analysis. After identification and

risk assessment, the vessel could be intercepted and checked, and then, if necessary, coercive measures are carried out. These measures are part of the reaction capability.

If these actions are done by inter-agency cooperation, the distribution of work could be for example that outside the territorial waters detecting and identification are done by the Navy, and risk analysis, interception, checking and necessary coercive measures are done by the Border Police. In any case, starting from measures that are based on crime intelligence information, like risk analysis, the actions taken must stay in the competence of law enforcement authorities only, not the military force.

The Unit for Electronic Surveillance and Operational Support has drafted on comprehensive plan how to upgrade sea border surveillance system. The plan includes 3 radar stations with integrated long-range thermal vision and CCTV cameras, as well as 11 integrated medium-range thermal vision and CCTV cameras. This plan has not been included in the SAP.

There are regular ferry connection between Bar (Montenegro) and Bari (Italy) but there is not regular cooperation and exchange of information in this regards. Several cruise ships are visiting Montenegrin ports, usually Port of Kotor. Most often the pervious port of call is in Croatia. However, there is not cooperation between Montenegrin and Croatian border polices in this regard. The smuggling of drugs, weapons and other illicit goods by speed boats from Albania to Montenegro is common phenomenon. Nevertheless, there is no cooperation between Montenegrin and Albanian border polices in this. International cooperation cannot be established unilaterally. Therefore, the EU Member States concerned should take proper actions and the Commission should advise Albanian authorities to act accordingly.

Recommendations:

- *There should be a detailed project on establishing a comprehensive network of cameras (thermal vision and CCTV) and radars along the coast. The plan should include long and short term aims, and integrated use of equipment by all relevant authorities.*

- *The Border Police should acquire own IT solution and software for maritime situational picture. The solution could use VTMIS picture as a platform.*

- *As regards small boats, the coverage of radar surveillance should be enhanced by complementing radar coverage by acquiring radars for Border Police purposes.*

  Cooperation and especially exchange of border control and risk analysis information with relevant counterparts in Croatia, Italy and Albania should be started without delays.

7. International cooperation and cooperation with Frontex

Negotiations on border agreements with neighbouring countries are in process but the progress has been slow. The importance of these agreements should be stressed to all the countries in the region from the EU side (DG NEAR and EEAS).

Local border traffic (LBT) agreements with Serbia and BiH are still pending. Concluding these agreements is important also in terms of closing the alternative roads. There is an old LBT agreement with Croatia, but it is not yet taken in line with the EU LBT regulation.

The cooperation with Frontex has been intensified. Frontex has nominated two of its border crossing points as a Frontex Coordination Point (at Albanian border) and there are plans to open 1 or 2 more. This i.a. improves information exchange with EU Member States and gives Montenegrin officers an opportunity to learn from EU border guards. Other important forms of Frontex cooperation are training and risk analysis (WBRAN). The Border Police should also offer its officers as observers to Frontex Joint Operations that are taking place in the region.

The Commission got recently a mandate to launch negotiation with Montenegro on Status Agreement. The Status Agreement is based on European Border and Coast Guard regulation (Article 54) and it would enable Montenegro to receive Frontex coordinated operational support for instance in case of large migration flow through its territory.

The Border Police have still serious administrative problems in sending their personnel to Frontex activities. The financing of deployments and travel to meetings have to be confirmed by financial unit of the Ministry. Due to this confirmation procedure the Border Police representatives have not been able to participate in all necessary Frontex meetings. The procedure is too bureaucratic and is hampering the development of Frontex cooperation, especially when taking into account that Frontex is reimbursing all the travel and accommodation costs to Montenegro. This procedure is not in line with EU good practices.

Recommendations:

- *LBT agreements with BiH and Serbia should be finalised as soon as possible.*

- *LBT agreement with Croatia should be taken in line with the EU LBT regulation.*

- *The bureaucracy in sending personnel to Frontex activities should be decreased remarkably.*

8. EU developments

European integrated border management and its legal bases are developing fast. European Border and Coast Guard regulation entered into force in October 2016 and the implementation of is ongoing. The importance in implementation is put on rapid reaction pools, return activities and vulnerability assessment.

Schengen borders code (SBC) changes for enhanced register checks entered into force in April 2017. According to the amendment it is now obligatory to check all passengers against SIS, Interpol and national registers. Before, it was not allowed to check EU/EEA/CH citizens on systematic bases, and for third country nationals (TNC) it was not obligatory upon exit.

Political agreement between institutions on Entry-Exit system (ESS) was achieved in June 2017 and the regulation will enter into force probably in October. The operational use of the system is envisaged to be started in 2020. The main changes for current border check procedure will be systematic use of biometrics (fingerprints and facial image) for TCN border checks and abolishment of stamping. EES provides possibility for national facilitation programs for often travelling bona fide TCN.

It is foreseen that in 2018 the Commission will give proposals on amending EUROSUR regulation and regulation on interoperability of IT-systems for border checks, asylum and law enforcement. Moreover, the Commission might give proposal on registration of EU/EEA/CH nationals' border crossings.

EU acquis gives lot of requirements for national border management system and especially for border checks procedure. Immediately upon EU accession these requirements have to be applied in full. Before the Schengen accession the burden at the Montenegrin BCPs will be huge since also passengers crossing the Schengen borders (Croatian border and flights from Schengen Member States) have to be checked according to the same rules. Therefore, it would paramount to limit the time between EU and Schengen accession as short as possible. This aim can be achieved only if the most of the Schengen requirements are fulfilled already upon the EU accession.

Recommendations:

- *SBC changes for enhanced register checks and EES should be studied and necessary changes to Montenegrin legislation should be prepared. Special attention should be paid on possibilities of national facilitation program.*

- *Frontex's possibility to coordinate joint operation in Montenegro should be taken into account in contingency planning.*

- *All changes in EU legislation should be followed carefully and should be reflected in national legislation.*

- *It should be taken as a strategic goal to limit the time between EU and Schengen accessions as short as possible*

9. Way forward

The most urgent recommended improvements are the following:
- to strengthen Border Police regional HQs
- to introduce technical surveillance systems for sea and land border, including establishment of the NCC and three RCCs (one combined with NCC)
- to release border police officers to land border patrolling by reducing 24/7 place and by limiting smallest BCPs opening hours
- to continue improvements in prevention of corruption (in the Border Police and in the Customs)
- to continue the blocking of the alternative roads - priority should be put at Serbian border
- to intensify the Border Police participation in combating and investigating of cross-border crime
- to finalise LBT agreements with BiH and Serbia