

**Report on the  
TAIEX online Peer Review Expert Mission to Montenegro on Integrated Border Management  
(IBM)**

**25 – 29 January 2021**

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*I wish to thank the Montenegrin participants for a well-prepared meetings and professional discussions during the **remotely** organised mission. Special thanks also to the European Commission (DG NEAR) whose support before, during and after the mission was of great value.*

**EXECUTIVE SUMMARY**

**Clear and concrete progress has been made in Montenegro in the field of Integrated Border Management (IBM) after the last Peer Review Expert Missions in 2018 and 2019.**

**European Integrated Border Management (EIBM) is constantly and rapidly developing. Especially the practical implementation of the European Border and Coast Guard Regulation 2.0<sup>1</sup> (2019) is a big challenge for the national authorities responsible for border control and return. Therefore, it's important that legal, administrative and operational preparation will be carried out effectively in Montenegro to adapt national system to meet new requirements to extent possible already at this phase of the EU accession process. The implementation of the EBCG 2.0 Regulation is not yet fully integrated in the national planning process in MNE.**

**Current national IBM (NIBM) strategy 2020 – 2024 is relatively well in line with the EBCG 1.0 Regulation<sup>2</sup> and it already acknowledge some elements from the Technical and Operational Strategy for EIBM prepared by Frontex<sup>3</sup>. Strategy is also supported by a dedicated annual action plan and it's connected to the national Schengen Action Plan (SAP/2017). Revision of the NIBM strategy to be in line with the EBCG 2.0 Regulation is recommended to carry out when the results of the ongoing revision process related to implementation of the EIBM multiannual policy cycle for the EIBM is carried out in the EU. Before that, it's reasonable to strengthen the national IBM concept by implementing the current strategy and further developing still missing elements identified in this report. It's also important to actively follow the ongoing development of the EIBM by e.g. using available expertise through TAIEX program.**

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<sup>1</sup> REGULATION (EU) 2019/1896 of the European Parliament and the Council of 13 November 2019 on the European Border and Coast Guard

<sup>2</sup> REGULATION (EU) 2016/1624 of the European Parliament and the Council of 14 September 2016 on the European Border and Coast Guard

<sup>3</sup> Frontex Management Board Decision 2/2019 of 27 March 2019

**There are some concrete risks related to implementation of the NIBM; funding of the strategy is not fully guaranteed; administrative capacity to implement all projects is relatively modest; capability development planning (e.g. long-term development of human resources) is not well established and also monitoring and follow-up related to acquisition of equipment still needed to achieve EU standards is not clear enough. Management of some large-scale development projects (e.g. Border Crossing Points) should also include better planning of human resources to guarantee that it's possible to use new BCPs in full capacity.**

**Establishment of the National Coordination Centre (NCC) in 2019 has improved the capacity at central (national) level to create a better situational picture and more efficient border surveillance. Active development of the NCC's functions has also enhanced co-operation with Frontex and neighbouring countries. National coordination structure has been strengthened by establishing and connecting three Regional Coordination Centres (RCC) to NCC. Further development of NCC is needed to be in line with Schengen requirements. Enhanced cooperation with Frontex and neighbouring countries has also improved reaction capacity. However, there are still clear deficiencies related to functioning of border surveillance system (sea and land borders).**

**Closure of alternative roads at the SRB border has been almost completed.**

**Cooperation with Frontex based on Status Agreement between Montenegro and European Union on actions carried out by the European Border and Coast Guard Agency and working arrangements is very good and active. Initial preparations to align Status Agreement with EBCG 2.0 has already been started.**

**National identification and registration capacity (system) of migrants (illegal border crossers and asylum seekers) is not in line with the EU requirements.**

**There is a lack of human resources needed for border control (surveillance and checks). Staff needed for a rapidly growing cooperation with Frontex is also very limited. Moreover, there's no clear long-term planning for human resources to achieve the level of staff presented in SAP to meet Schengen requirements. Current gap between existing staff and planned staff (SAP) is more than 600 FTEs.**

**It is proposed, that priorities connected to EU funding should be based on clearly established goals and measurable actions related to; development of strategic planning capacity, further development of different components of integrated technical border surveillance system (functionalities of NCC, land border surveillance, sea border surveillance, lakes), modernisation of migration registration system, establishment of PNR system and further development of BCPs (equipment and infrastructure).**

**It is also recommended to organise a normal full-scale peer-review mission covering the whole chain of command (HQ/NCC/RCC/patrols+BCP) when the COVID-19 pandemic situation allows.**

## Introduction

This online peer review mission was implemented remotely by the expert in close cooperation with the European Commission. Implementation was conducted in three phases including 1) preparatory phase (reading and analysing of delivered documentation), 2) 5 days of intensive distance meetings with representatives of Montenegro and other relevant stakeholders like Frontex and 3) reporting phase.

**Montenegro's representatives:** Ministry of Interior, Border Police, Customs, Asylum Directorate, European Integration Office (MFA)

**The objectives** of the mission were to take a stock of Montenegro's capacities on border management at policy, strategy, governance, administrative and (to extent possible) operational level. In addition, expert was also requested to introduce the latest development in the field of European Integrated Border Management strategy and concept. Given the remotely conducted mission the focus was at the political, strategical and governance level and working method was strategic discussion. Connection to more operational situation and reality in the field were covered to some extent by discussions with regional authorities.

Mission was conducted without any technical difficulties and all discussions were held in a very professional manner with all stakeholders. Montenegrin colleagues were well prepared and committed to this mission. Support from the EU COM side was also excellent before, during and after the mission.

### 1. Development of the EIBM and the legislative alignment with the EU acquis;

In the field of IBM, the European legislation is continuously and quickly developing. The most important legal basis is the EBCG 2.0 Regulation (Regulation (EU) 2019/1896) adopted in 13.11. 2019. The implementation of this Regulation is currently ongoing within the EU and it's of great importance to prepare necessary alignments related to national legislation in due time.

**The biggest change** related to EIBM is the establishment of **the multiannual strategic policy cycle for the European IBM**. This 5-year strategic policy cycle will be established by the COM in close cooperation with EP and Council. First step in the establishment is the policy document setting policy level priorities for the EIBM which need to be translated to more concrete operational and technical actions. This policy document will be based on the **Strategic Risk Analysis** prepared by Frontex and it also takes into account the results of the **thematic Schengen Evaluation of the National Integrated Border Management strategies** conducted 2019 – 2020 by the European Commission. First meeting at the expert level took place 25 February 2021 and policy document should be ready in the course of 2021. Next step, based on this policy document is to revise **Technical and Operational Strategy** for the European IBM (TOIBM) by Frontex in close cooperation with COM and MS. According to *Road map on the implementation of EBCG 2.0 (updated January 2021)*, this should be done 6 months after the adoption of the Policy document. Third step is to revise NIBM strategies for EIBM, again 6 months after the adoption of TOIBM. In current planning this means that revised TOIBM should be adopted in the course of 2022.

- *Timetable established by EU gives a possibility for MNE to use results (and lessons learned) of this ongoing process when revising MNE NIBM strategy. Active monitoring related to development of the EIBM concept and different instruments and processes is of great importance for MNE to maintain good readiness to improve national system accordingly.*

**Content** (scope) of the EIBM was also slightly modified comparing to 2016 definition. According to Article 3/EBCG 2.0, EIBM consists of **12 strategic components** and **3 overarching components**. All these components should be covered by the national IBM strategy (one of them mostly relevant for Frontex).

**Second change** was the establishment of integrated planning process (Art. 9/EBCG 2.0). This means that MS need to establish 1) capability development plans based on common methodology, 2) contingency plans and 3) operational planning based on common approach. The only currently available instrument is just recently adopted methodology for capability planning (*MB Decision 2/2021*). Implementation of this methodology is planned to start gradually in 2021.

- *Lessons learned and best practices from this EIBM development process will be useful and valuable information for MNE IBM authorities in the future.*

**Third remarkable issue** related to IBM is the integration of EUROSUR regulation into the EBCG 2.0 Regulation. Very important legal document related to EUROSUR is **COM implementing regulation on the situational pictures of the European Border Surveillance System (EUROSUR)** prepared together with MS experts in the EBCG Committee. EUROSUR is the framework for information exchange and cooperation between the Member States and the European Border and Coast Guard Agency.

- *It's important that MNE is also taking into account the latest development and legal requirements when further developing NCC and adapt national legislation accordingly. It's recommended to continue well-established cooperation with Frontex in the development process.*

Establishment and operationalization of **European Border and Coast Guard Standing Corps** has also been very challenging process for the Agency and MS. From MSs point of view, it's important to adapt national legislation to 1) enable the use of standing corps (hosting capacity and competencies) and 2) to guarantee that all prerequisites related to participation of different standing corps categories is possible.

- *Lessons learned from MS related to development of national contributions to standing corps and also the use of standing corps to strengthen national capabilities would be again valuable source of information for MNE.*

Current cooperation between Montenegro and Frontex is based on **Status Agreement prepared in line with EBCG/2016 Regulation**. Changes in **EBCG 2.0/2019 Regulation** broaden the scope of the cooperation and therefore there is a need to revise the current agreement and to align it with the new legal basis and the model status agreement referred to in Article 76(1) of the EBCG 2.0 Regulation. Status Agreement together with working arrangements agreed between MNE and Frontex are the main basis for the implementation of this component of EIBM.

- *Experience of the active implementation of the Status Agreement has created very good basis for the revision of the agreement in line with EBCG 2.0. Revision of the agreement should be one of the priorities when further developing MNE IBM concept.*

## **2. current state of implementation of the IBM strategy, including the European IBM concept:**

The revised *national IBM Strategy for 2020 – 2024* was adopted by the Government session on January 16, 2020. Revised strategy is better aligned with the requirements related to implementation of the EIBM based on EBCG/2016 Regulation including to some [limited] extent also Technical and Operational Strategy for the EIBM adopted by Frontex Management Board in 2019. Moreover, revised strategy already acknowledges some elements based on the EBCG 2.0/2019 Regulation.

Implementation of the IBM strategy is supported by the revised **Action Plan for 2020**. Action plans are updated annually and this action plan is an excerpt from *the Framework Action Plan for the Implementation of the IBM Strategy for the period of 2020 – 2024 [not available for the expert]*. Monitoring of the action plan is covered by annual implementation report prepared by the Ministry of the Interior. Monitoring report covering the implementation of 2020 was not yet available during this mission.

**National IBM concept** is described in the Strategy. Concept is based on **4-tier access control model** and it contains most of the **11 strategic components** defined in the **EBCG Regulation/2016** version. Strategy also covers three horizontal topics (fundamental rights, education and training, research and innovation) which were not yet legally binding in EBCG/2016 version of the IBM. However, concept contains also some national specialities which are out of scope (e.g. equipment used for customs control) and some strategic components belonging to the EIBM concept are not fully covered or they are still relatively fragmented (e.g. fundamental rights, return, capability planning).

Clear improvement related to implementation of the **IBM concept** has been achieved. Establishment of the NCC has been implemented effectively. New functionalities have also improved situational awareness at the national level. Cooperation with Frontex based on the Status Agreement has been actively implemented and joint operations has been organised successfully and concrete results have been achieved.

Current IBM strategy and AP are relatively well aligned with the EBCG/2016 Regulation and EU standards. Even if there is clearly room for improvement, there is no immediate need to revise the whole strategy. The short-term development and continuous alignment of the NIBM with EIBM can be done when updating the annual action plans. Next full revision of the NIBM could be reasonable to carry out when the results of the revision process of EIBM strategy process is finalised in the EU. This would be a logical way to align the MNE IBM strategy with the consolidated results of the ongoing EIBM strategy process (including political guidance, revised TOIBM and lessons learned from NIBM revision process).

- **Respectively, regular updates related to development of the EIBM concept should continue to guarantee by using expertise available from the MS.**

Concerning the implementation of NIBM some **potential risks** were identified. These were related to limited **administrative capacity** to manage all development projects and lack of sustainable

**funding** needed for the implementation (costs related to technical systems and staffing costs) of the strategy. Funding described in the MNE IBM strategy was also not clear for the expert. References made to **Schengen Action Plan (2017)** were also not very clear since it was not possible to figure out what was the concrete level of implementation and what elements (equipment, staff) was still missing. There is neither a cost estimation, nor an earmarked budget allocation for the implementation the IBM strategy, which relies to a large extent on Donors' funds. For 2020, the border police has requested €8 million from the State budget but does not expect to get more than €5 million (the 2021 budget law has not been adopted yet due to the change of ruling majority).

- **It is recommended to strengthen the administrative capacity needed for the implementation of the national IBM strategy (and SAP), to guarantee sustainable and clear funding for the strategy and to establish clear situational picture concerning the missing capabilities needed to achieve EU requirements.**
- **Related to recommendation above, it's also recommended to consider establishing a vulnerability assessment type<sup>4</sup> of baseline assessment (data collection) system to enable creation of a comprehensive and up-to-date situational picture of existing capabilities (staff, equipment)**

### **3. current state of implementation of the Schengen Action Plan (including the Schengen catalogue): achievements and remaining gaps;**

SAP 2017 was prepared by the Interdepartmental Working Group composed of experts from the Ministry of the Interior, Police Directorate, Customs Administration, Ministry of Justice, Ministry of Transport and Maritime Affairs, Ministry of Foreign Affairs and European Integrations and the Police Academy. Schengen Action Plan is a kind of "umbrella" covering all Schengen policy fields which should be aligned as a part of the whole EU accession process. SAP is therefore also very important document related to implementation of the NIBM strategy and IBM concept at the practical level. Governance, coordination and monitoring of SAP and NIBM should be well integrated since there are several cross-references. This coordination is done at the ministerial level.

Since SAP is from 2017 it does not include the latest EU Schengen based acquis and it's therefore naturally incomplete and partly obsolete. One of the most important missing legal instruments related to IBM is EBCG 2.0 Regulation.

Based on the discussions with the MNE authorities, the legislative alignment with the EU acquis is in principle working well and any critical gaps related to IBM were not mentioned. However, e.g. the status of the Police Academy is still pending and national training concept is therefore not yet fully established. Moreover, the implementation of Carriers' liability and obligations of carriers to communicate passenger data (API directive) at the technical level is not yet finalised. PNR Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data is not aligned in the national legislation and implemented in practice.

<sup>4</sup> Common Vulnerability Assessment Methodology based on the Article 32 of the Regulation on the European Border and Coast Guard/2019 and adopted by Frontex MB in 2019.

- **It is recommended to fully implement API directive and align PNR Directive in the national legislation and implement it in practice.**

It's important to have a good **monitoring tools** to follow the level of implementation e.g. related to purchasing of equipment and integrated surveillance systems (incl. also quality of all equipment). SAP includes very detailed lists (annexes) of equipment and also gradual development of staffing level needed to fulfil Schengen requirements. However, it's not possible to assess what is the current implementation level and where are the biggest remaining gaps. A detailed list (in excel form) of existing capabilities (equipment) was told to be available but it was not delivered to the expert.

**According to MNE authorities**, the procurement of the equipment is harmonized with the need assessments contained in the Schengen Action Plan, for **all 28 border crossings**. In that sense, for the first line check the alignment is over 80%, but we lack magnifiers with a magnification of more than 10x with the light sources. For the second line check at the BCPs, the alignment is lower, up to 60%. There is a lack of devices needed for the stopping of the cars by force (spike strips for cars), fingerprint readers, CO2 detectors, equipment to detect drugs and explosives and heartbeat rate detectors.

- *It would be important to conduct a field mission to see how different equipment are functioning and used in practice.*

#### **4. functioning of the National Coordination Centre (NCC) and the Regional Coordination Centres (RCC) and their role in the overall IBM architecture;**

NCC has been officially established in 2019 and it's an independent unit in the Border Police structure directly under the Chief of Border Police. The Head of the NCC is appointed, the equipment are partly delivered and most of its planned 23 staff members are recruited. Given the enhanced technical capabilities the capacity to maintain and create national situational picture is better and situational awareness has improved accordingly. NCC is also actively implementing and further developing cooperation at national and international level.

The national situational awareness has substantially improved since the establishment of the National Coordination Centre (NCC). The NCC follows in real time life pictures delivered from the aircraft and Italian helicopter (provided under the Status Agreement) and from 9 BCPs (4 remaining BCPs are still to be connected to the NCC). NCC exchanges the information with regional centres, coordinates and when needed performs interventions. However, some equipment (capabilities) and information from other national surveillance systems are still missing to ensure a full connection and coverage of critical areas (sea, Skadar lake). The NCC is currently situated in a small premise, operational on a 24/7 basis and technically interconnect to the three Regional Border Police Centres established within the MNE Border Police. Current technical solution enables livestream videos as a part of the national situational picture at the green and blue border. There are future plans to have images from the MNE Navy surveillance system and from the Maritime Administration managing the VTMS to create more comprehensive national [maritime] situational picture.

Cooperation with Frontex is very well organized. Role of the NCC in FX coordinated joint operation is also clear and functional. 2 representatives of NCC are deployed to FX HQ in Warsaw as a part of

JO MNE SEA concept. Further development of NCC is well described in the IBM action plan. By implementing planned measures it's obvious that some core functionalities will be further enhanced. One concrete development plan is to create NCCs own surveillance capacity by establishing a special unit within the NCC to operate UAV system as a part of national surveillance capacity. There are also plans to move NCC to new premises together with the Border Police HQ. New and more spacious premises would also allow creation of new capacities and the expansion of the current functionalities (e.g. analytical capacities).

NCC is also tasked to support operational (patrol) level activities by delivering information from surveillance systems to RCC and also direct patrols to respond detected border incidents. However, the powers that are currently given to NCC do not allow to give any direct orders to the regional level. Role of the Regional Coordination Centres in the overall national IBM structure and division of work between them and NCC need to be further clarified. In the current system RCCs do not have a comprehensive situational picture at their disposal and therefore they are relying to information received from the NCC.

*Commission Implementing Regulation on the situational pictures of the European Border Surveillance System (EUROSUR) based on EBCG 2.0 Regulation should be take into account in full when further developing NCC. This is necessary to guarantee that development is going to right direction from legal as well as technical point of view. There may be also a need to do some changes in the national legislation (e.g. related to exchange of information).*

- **Further development of the NCC should be one of the priorities for the national IBM concept. It is recommended to continue close cooperation with Frontex when planning and implementing this development process.**

## 5. Governance and organisation of the border police

There should be a clear and effective coordination and commanding structures of the authorities implementing the integrated border management concept at national, regional and local level, including clearly defined border-control budget, to the extent possible. In Montenegro, the Border Police is one sector within the MNE General Police structure responsible for border control (border checks and surveillance) and return tasks. The BP does not have an independent budget. Annual priorities for the Border Police are defined by the Head of Police and by the Ministry of the Interior. There's only a limited capacity needed for the strategic level planning e.g. related to technical surveillance systems within the BP.

Representatives of BP participates in the planning of BCPs together with other relevant authorities and stakeholders. This guarantees in principle that the needs of BP are taken into account when a new BCP is constructed and established. However, it was mentioned that there is not enough staff to use some new BCP's in their full capacity. For example, 20 additional Border Police officers are needed at Debeli Brijeg BCP (border with the Republic of Croatia); and 10 needed at Božaj BCP (border with the Republic of Albania) and 6 Border Police officers at Vračenovići BCP to make it possible to operate these BCP at full capacity. *This indicates that there has not been a full coordination in the resource planning when BCP's has been prepared.*



According to given information, the Montenegrin side will initiate amendments to the Agreement on border crossing points for international traffic between the Government of Montenegro and the Council of Ministers of Bosnia and Herzegovina, in order to re-categorise the BCP Vračenovići into the first (1st) category border crossing point

The total number of staff in the border police is **1365**, for a 840 kms-long borders (including 137 kms at sea, 81 kms of rivers, 50 kms of lakes).

Based on the given information, the lack of human resources needed for the border control (border checks and surveillance) was identified. Staff is insufficient both on border surveillance and border control (BCPs). For example, 60 additional officers are needed at Debelli Brijeg BCP (border with Croatia); and 18 needed at Bozaj (border with Albania). More resources are also needed for the increasing strategic and operational cooperation with Frontex which is currently managed (coordinated) by a one official only.

Long term capability development planning system is rather weak and there is no e.g. sustainable long-term plan related to development of human resources (recruiting, training, budget). Due to lack of new recruitment, the average age (47) of border guards is also relatively high. According to given information, there is a lack of 650 border guards comparing the needs assessment used as a basis in SAP. It would be important to update this assessment and to establish concrete plans how to achieve this (revised) goal.

To compensate the lack of staff, **MNE Army is regularly supporting BP in border surveillance**. Possibility to use of Army for border surveillance is based on the legislation regulating the tasks of the Army. The Army units are under the command of Border Police when conducting border control tasks. Border control in the EU is by nature a civilian task and it should be conducted by specially trained professionals. However, in some cases also army units can be used to support competent authorities for border surveillance but it should be clearly limited in exceptional cases only and it should be regulated by national legislation. According to Montenegrin authorities, the national legislation (Law on the Army, Law on Internal Affairs, etc.) regulates that the use of units of the Army of Montenegro is clearly limited and it can be used to secure the state border only in exceptional cases.

**National training concept** for Border Guards should be thoroughly analysed to guarantee that it meets the EU requirements. Training concept (curriculum, training staff, training methods and training infrastructure) should cover different managerial levels, basic and advance level trainings and also specialises training e.g. for document advisors and return experts.

- *It is recommended to establish (revise) a long term plan for human resource management and strengthen the administrative capacity needed for a strategic planning and project management*
- *It is recommended to cooperate with FX when further developing and establishing the national training concept in line with the European standards.*

**6. improvements in the equipment of border police** since the implementation of the IBM budget support programme (and possible other donations)

The 2017-2019 EU Budget Support programme (€ 20 mln) has brought much-needed funds into equipment and infrastructures. With the EU budget support, important infrastructure projects have started and conditions have been created for more efficient border control, faster transport of passengers and goods. A new Joint Border Crossing Point Vračnovići-Deleuša was built on the road Nikšić-Bileća. Regarding equipment the following were purchased: motor vehicles for the purpose of controlling foreigners and illegal migration, terrain vehicles for state border surveillance, ATVs, snowmobiles, night-vision binoculars, Buster detectors, stereo microscopes, laser rangefinders, metal detectors, optical endoscopes, radioactivity detectors and etc.

A number of other donations were received or are being prepared, including from EU MS (boats from IT, 22 “smartdec” surveillance sets from DE), but also the US (two air boats to be donated), the UK, China (5 scanners to be donated).

**As a result, equipment used for border control has been improved** by using both IBM budget support programme and also by other donations. However, without having a possibility to see and test equipment in practice it is not possible to assess whether technical equipment for border control meet the technical requirements and that they are sufficiently used. However, based on the delivered information it seems that number of basic equipment needed for border control has increased.

**The national sea border surveillance system** should be able to detect and identify all vessels coming into territorial waters. If needed, the system should trigger the interception of any vessels suspected of irregular migration or cross-border crime activities coming into territorial waters.<sup>5</sup>

**The national land border surveillance** system should be able to detect all illegal border-crossings and intercept everyone crossing the border illegally in high-risk areas under any conditions. Border surveillance and apprehension of those who have crossed the border illegally should be carried out by mobile and fixed patrols.<sup>6</sup>

MNE sea border surveillance or land border surveillance systems are not yet fulfilling the above-mentioned requirements. Capacity to conduct **border surveillance** is still partly modest given the limited coverage of the integrated technical surveillance system. Night vision capacity at the patrol level has improved due to night vision goggles. Night vision capacity of the current stationary surveillance systems is very limited. **Reaction capacity** especially at the lake Zadar is still very limited due to current patrol boats technical limitations and fuel restrictions (one patrol boat and only one-hour daily patrolling is possible).

**Basic border surveillance concept has been established.** Risk analysis-based border surveillance is conducted by mobile and stationary patrols. Border surveillance is planned and patrols are managed normally by RCC’s (commanding centre). Surveillance is supported by technical surveillance. Given the lack of staff, also MNE Army is supporting Border Police in border surveillance. Legal basis for the usage of Army units for border surveillance are coming from the Army law. It was confirmed, that the Army is under the command of competent authority (Border Police) when participating to border surveillance. Army units are not patrolling alone but together with the BP. Soldiers do not conduct border checks at the BCP’s.

There are only few dogs (6) used as a part of land border surveillance system. In practice this important element of the surveillance system is almost totally lacking. This means that there is no

<sup>5</sup> Objective criteria of Common Vulnerability Assessment Methodology

<sup>6</sup> Objective criteria of Common Vulnerability Assessment Methodology

capacity to trace illegal border crossers after they have disappeared from the area covered by technical surveillance systems.

- *It is recommended to increase the detection and interception capacity by more active use of tracing dogs as apart of the border surveillance concept.*

Comprehensive capability development planning (plan) including equipment and technical systems should be elaborated. Full understanding of existing capacities (incl. equipment) should be created.

- *Priorities for further development should be 1) the national border surveillance system (land border (incl. lakes) and sea borders) including mobile and stationary integrated technical surveillance systems and enhanced reaction capacity and further development of RCC functionalities and 2) border crossing points should be equipped in line with Schengen requirements and by taking into account also development related to Entry/Exit system and Interoperability Regulation to extent possible.*

#### **7. overall operational efficiency (including investigation capacities) of the border police, in particular on borders with BiH and Albania;**

With the closing of borders and restrictive international traffic in many countries, **migration has slowed down**, so there has been a decrease in the movement of migrants from economically affected and war-torn countries compared to 2019 by 60%, which was especially due to the Covid-19 pandemic and restrictive measures of international traffic. During 2020, 3149 (7978) migrants were registered, out of which 2506 in the interior and 643 at the border. MNE register 229 (285) persons in illegal crossing of the state border, outside the border crossing points, were prevented and prosecuted by the officers working in the surveillance of the state border, and 3858 (6249) persons gave up on illegal crossing of the state border at the entry to Montenegro

Illegal migrants in order to enter Montenegro most often used the area of the green border near the border crossing point Božaj, less often Sukobin on the border with the Republic of Albania, while in most cases they illegally tried to leave Montenegro on the border with Bosnia and Herzegovina, less often in the Republic of Croatia and Serbia.

**The number of patrols increased** in line with risk analysis, region vulnerabilities and the State Border Surveillance Strategy. From the day 26/03 intensified measures of state border surveillance were introduced, due to the closure of most border crossing points due to the corona virus, and decisions made by the Government's National Coordination Body for the Prevention of Communicable Diseases.

There should be a **constant capacity** to prevent and detect cross-border crime at the external borders, related to border control. Border-control activities should be carried out taking into account cross-border crime, in particular migrant smuggling, trafficking in human beings, and terrorism.<sup>7</sup>

Upon the detection or suspicion of a threat, at or along the borders, **procedures should be in place to effectively and swiftly refer the case to the relevant law-enforcement or security authority**. A feedback information loop should be established in order to ensure **continuous situational**

<sup>7</sup> Objective criteria of Common Vulnerability Assessment Methodology

**awareness** for border-control activities in the field of cross-border crime. This should be reflected particularly in risk indicators, briefings and training.<sup>8</sup>

The BP does not have investigators and investigation function has not been developed within the BP. According to MNE authorities, feedback from investigated cases are not delivered to BP (regional level). The border police share intelligence with the criminal police and accounts for a large part of the investigations into cross-border crimes initiated by the police. Border police officers can be part of investigative teams, but they cannot conduct investigations on their own, they cannot use special surveillance measures (SIMs), arrest and detain suspects; neither can they bring charges. In most cases the border police do not receive any feed-back from the criminal investigations it has contributed to initiate, which hinder the process of intelligence gathering and analytical capacity building.

- *It is recommended to further develop the role of BP in combatting cross-border crime and terrorism to guarantee that the capacity of the border control system is used and further developed to support internal security.*

**8. capacities of the border authorities to perform registration of migrants**, registration system, management and storage of migrants' data, inter-connection with relevant databases (nationally and internationally);

There should be a constant administrative (e.g. trained staff) and **technical readiness** to manage irregular migrants in terms of screening, registration (including fingerprinting) identification, medical checks, debriefing, and the provision of information. Sufficient accommodation capacity with adequate conditions should be available to process migrants during the screening process. All these capacities should be flexible and adaptable for prevailing conditions, in particular to address increased migratory pressure.<sup>9</sup>

Registration capacity of the asylum seekers and illegal border crossers is one of the main elements in the efficient border management. Current (manual) registration system does not meet the requirements and there is no connection between different databases. Montenegro's border police do not have a biometric system of registration and identification of migrants. The risk of double registration of migrants following secondary movements, re-entry and subsequent asylum applications remains a concern. Montenegro should establish an IT and communication infrastructure that has the capacity to support an effective identification and registration process of mixed migration flows in line with the EU standards and best practices.

The overall objective of the EU-funded IPA II Project "Regional Support to Protection Sensitive Migration Management in the Western Balkans and Turkey", Phase II, implemented by Frontex, EASO, IOM and UNHCR is to develop and operationalise a comprehensive migration management

<sup>8</sup> Objective criteria of Common Vulnerability Assessment Methodology

<sup>9</sup> Objective criteria of Common Vulnerability Assessment Methodology

system in the IPA II beneficiaries focused on protection, resilience and human rights promotion, in line with EU standards and best practices as part of the individual EU accession processes.

- *It is recommended to continue developing the capacities of the BP to register irregular migrants by establishing a modern registration system in line with EU standards.*

**9. inter-agency cooperation at national level** (e.g. with the Customs, the Directorate for Asylum), international cooperation, cooperation with Frontex,

Inter-agency cooperation is smooth and good with the customs and the asylum authorities. Some of the recommendations of *the Commission guidelines on further development of the cooperation between Border Guards and customs* has been already implemented. However, it is recommended to further develop this cooperation and e.g. consider establishing joint mobile patrols in the spirit of multipurpose operations.

**Cooperation with neighbouring countries is very good** on the spot, with a significant increase of joint patrols with Albania. However, at political level, several issues are still not resolved (e.g. no formal border demarcation with Albania, Serbia, Croatia). Joint patrols with all neighbouring countries were conducted, with a significant increase of joint patrols with Albania. A demolition plan for the 30 alternative cross-border roads with Serbia was signed in March 2019, and started to be implemented. All the 14 alternative roads on the Montenegrin side were closed. In June 2020, an agreement with Bosnia and Herzegovina was signed on joint border crossing points. In 2019, 9,644 joint inspections were carried, 713 requests for information were processed by both joint cooperation centres of Plav and Trebinje.

Cooperation with different **maritime stakeholders** is based on the Agreement from 2015 by the three ministries (MoI, Ministry of Transport and Maritime Affairs and MoD) and implemented by a Joint Task Force including the Border Police, the Navy, the Administration for Maritime Safety and Port Management, the customs, inspection authorities, etc. Based on the Technical Agreement on possible joint activities within the Joint Task Force, in the beginning of this year (on January 12, 2021) regular working meetings have been organised. These meetings concentrate on cooperation with relevant units responsible for the surveillance of the sea, rivers, lakes, ports and the littoral.

According to MNE authorities, the cooperation and jointly conducted surveillance between the Border Police Sector, the Montenegrin Navy and the Maritime Security and Port Management Agency has been very functional. Based on this cooperation the border police has managed to prevent attempts of illegal activities along the state border, primarily through the use of existing surveillance systems of the Maritime Security and Port Management Agency and the Navy of the Army of Montenegro.

**Cooperation with Frontex** is active and well established. The Status Agreement with the EU, providing for the deployment of European Border and Coast Guard teams with executive powers along Montenegro's borders with the EU, was ratified by both sides and entered into force on 1 July 2020. The agreement paves the way for closer cooperation between Montenegro and Frontex, including more opportunities for the transfer of good EU practices. A first Joint Operation under the Agreement and based on Specific Activity Plan was launched on 15 July and started with the deployment of an EBCGA/Frontex officer to a border crossing point on the border with Croatia. Cooperation with FX is based on WA and Status Agreement. Cooperation can be considered as very

good and constructive. Current national cooperation structures (NFPOC is only one officer) need to be strengthened to manage increasing cooperation. Status Agreement is based on EBCG 2016 version and it should therefore revise to be in line with EBCG 2.0/2019 and to make it possible to take all new elements in operational use. Preparatory work is ongoing.

- ***Active use of full potential of the cooperation with FX will be one of the core instruments for the further development of the MNE national IBM concept towards EU compatibility. Therefore, it is recommended to revise Status Agreement without delay.***

**10. implementation of the recommendations made further to the previous Peer Review missions on IBM in 2018 and 2019.**

- a) to develop technical surveillance systems for sea and land border, including establishment of the NCC and three RCCs (one combined with NCC).**

*Recommendation has been partly implemented. The NCC and three RCCs has been established. Surveillance capacity has been also developed. However, further development of the concept and surveillance system is considered necessary*

- b) to strengthen Border Police regional HQs to be fully functional RCCs.**

*According to given information this recommendation has been implemented. However, situational awareness in the RCCs is still limited given the lack of technical surveillance system based situational picture. Without visiting RCC it's not possible to confirm that RCCs are fully functional.*

- c) to continue the blocking of the alternative roads - priority should be put at Serbian border.**

*According to given information 80% is fulfilled from MNE side of the border. Situation is different on the SRB side.*

- d) to intensify the Border Police participation in combating and investigating of cross-border crime.**

*Role of the Border Police in crime prevention has been slightly improved. Representatives of the BP can join investigation team. However, there is no investigation capacity within the BP and there are no plans to develop it but to rely on Criminal Police capacity. According to given information, the BP does not receive much (if any) feedback from the criminal investigations. This may lead to situation where the role of border control system in combatting serious crime and terrorism is not well integrated into the internal security framework.*

- e) to release border police officers to land border patrolling by reducing 24/7 place and by limiting smallest BCPs opening hours.**

*According to given information this recommendation has not been followed. Functioning of adequately resources BCPs is important to guarantee smooth and secure border crossings. Opening hours need to be agreed also with neighbouring countries. In case it is not possible (for political reasons) to adapt opening hours there should be other planned actions and compensatory measures to guarantee enough resources for border surveillance. This is currently not possible due to lack of staff and limited technical surveillance capacity in place.*

- f) to continue improvements in prevention of corruption (in the Border Police and in the Customs).**

*According to given information preventive measures against corruption have been taken. However, implementation of planned and ongoing measures included in the Anti-corruption Strategy should continue at all levels of administration. Functioning of authorities is in the core of IBM system.*

- g) to finalise the amended LBT agreement with BiH.**

*According to given information this recommendation has been implemented.*

- h) to establish a multilateral framework for data exchange and rapid response mechanism at Adriatic Sea.**

Montenegro played a positive role promoting the Sea Gate initiative to address the challenges of the Adriatic high-risk zone for cross-border crime, thus creating a common situational awareness and operational response to common threats. Rapid response mechanism at Adriatic Sea has also improved due to active cooperation with Italy and Albania. Practical cooperation with Croatia at Adriatic Sea does still not exist. Montenegro also continued to cooperate actively with Europol, Interpol and the European Border and Coast Guard Agency (Frontex) on countering cross-border criminal activities.

- i) to amend the legislation on border checks on pleasure boats**

According to Montenegrin authorities this recommendation has been implemented.

- j) to clarify the prioritisation and timelines for the acquirement of equipment - priority should be put to technical sea/land border surveillance, equipping RCCs and NCC, and devices for border checks**

This recommendation is clearly followed but it is still valid. It takes time to implement large-scale technical surveillance system. Priorities should be 1) further development of the

NCC, 2) sea border surveillance system, 3) land border surveillance system and concept (incl. lake Zadar) 4) devices for border checks and 5) registration system.

## Recommendations

1. Further development of national border surveillance system including;
  - a. National Coordination Centre and Regional Coordination centres in line with the EBCG 2.0 Regulation
  - b. Technical land and sea border surveillance system. Sea and State Border Surveillance System should be further developed to adequately cover the Bay of Kotor, Lake Skadar (surveillance cameras including night vision capacity) and the Bojana River
  - c. Development of the detection and interception capacity by developing the use of tracing dogs for border surveillance.
  - d. Development of the reaction capacity (vehicles, speed boats) in line with the strategic objectives
2. Establishment an EU-compliant PNR system (hardware and software)
3. Establishment of a Eurodac-compliant migrant registration system and training on the use of the system;
4. Full operationalisation of the Advance Passenger Information System (API).
5. Further development of strategic capability planning capacity including prioritisation and allocation of resources; develop a long-term plan for the development of human resources for border control, with specific definition of jobs for border control including administrative capacity needed for strategic planning and cooperation with Frontex
6. Review of the legal basis allowing a stronger role and autonomy of border police in investigations;
7. Further developing the cooperation between Border Police and customs by considering the establishment of joint mobile units;
8. Establishment of national training concept for border police (including return function). Assessment of training needs of border police officers and strengthening the capacity of the Police Academy (e.g. train-the-trainer courses) on the needs identified. The needs already identified at this stage include: vessel patrolling (incl. interception, embarkation, disembarkation and SAR); migrant screening, briefing, debriefing, data collection (incl. handling large groups of migrants); police integrity; technical skills (use of special means of transport, second line of border checks, handling and maintaining vessels, detection of stolen boats); English language.



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Annex: Demarcation Status of Montenegro with neighbouring countries

## Annex

## Demarcation Status of Montenegro with neighbouring countries

Neighbouring state	The total length of the state border	Land border (km)	Sea border (km)	Border on lakes (km)	Border on rivers (km)	DEMARICATION STATUS
THE REPUBLIC OF ALBANIA	207,2	113,3	22	38,8 Lake Skadar 38,8	33,1 Grnčar river 2,1 Cijevna river 0,5 Bojana river 24,7 Kravarski potok 5,8	<p>The state border is defined by the Protocol on Demarcation between the Kingdom of SCS and the Kingdom of Albania, July 26, 1926 (Florence Protocol), which needs to be confirmed by the treaty on the state border between Montenegro and the Republic of Albania, because in the territory of the former Kingdom of SCS, i.e. the Kingdom of Yugoslavia, three new states were created – Montenegro, the Republic of Kosovo, and the Republic of North Macedonia.</p> <p>Agreement between the Government of Montenegro and the Council of Ministers of the Republic of Albania on the Restoration, Repair and Maintenance of Pyramids, the Space between Pyramids, and other Boundary marks along the Montenegrin-Albanian Border was signed on November 6, 2009 (“Official Gazette of Montenegro” – International Agreements, No. 8/2010).</p> <p>The Joint Montenegrin-Albanian Commission is identifying the border line from the outer border of the territorial sea in the Adriatic Sea to the tripoint boundary point between Montenegro, the Republic of Albania and the Republic of Kosovo, for the purpose of restoring boundary marks, and concluding an agreement on border state.</p>
THE REPUBLIC OF CROATIA	41,7	19,7	22			The Protocol between the Federal Government of the FRY and the Government of the Republic of Croatia on the temporary regime along the southern border between

						<p>the two states was signed on December 10, 2002. It is in force until the final demarcation between Montenegro and the Republic of Croatia, and in no way prejudices the final demarcation between the two countries.</p> <p>Montenegro and the Republic of Croatia agree, in principle, that if no solution is reached in direct bilateral negotiations, to bring the subject of the dispute before the International Court of Justice in Hague, or before <i>ad hoc</i> arbitration, on the basis of the prior consent of the parties on the text of the special agreement.</p>
THE REPUBLIC OF SERBIA	168,5	161,7			6,8 Lim river 3,5 Sušanski potok 3,3	The Initiative was sent on March, 2013, to conduct negotiations on demarcation, determination of the state border, and the conclusion of the international agreement on the state border between Montenegro and the Republic of Serbia. <u>No negotiations were conducted on the conclusion of this agreement.</u>
THE REPUBLIC OF KOSOVO	75,6	72,4			3,2 Ibar river 1 Šekularska rijeka 1,4 Pećka Bistrica river 0,8	Agreement on state border between Montenegro and the Republic of Kosovo was signed in Vienna on August 26, 2015. Agreement entered into force on June 4, 2018. after mutual confirmation, i.e. ratification. (“Official Gazette of Montenegro” – International Agreements, No. 1/2016).
BOSNIA AND HERZEGOVINA	254,4	204,5		11,7 Bileća Lake 11,7	38,2 Piva river 3,2 Tara river 24,8 Ćehotina river 10,2	Agreement on state border between Montenegro and Bosnia and Herzegovina was signed in Vienna on August 26, 2015. Agreement entered into force on April 20, 2016. after mutual confirmation, i.e. ratification. (“Official Gazette of Montenegro” – International Agreements, No. 1/2016).
OPEN SEA	93		93			
<b>TOTAL</b>	<b>840,4</b>	<b>571,6</b>	<b>137</b>	<b>50,5</b>	<b>81,3</b>	