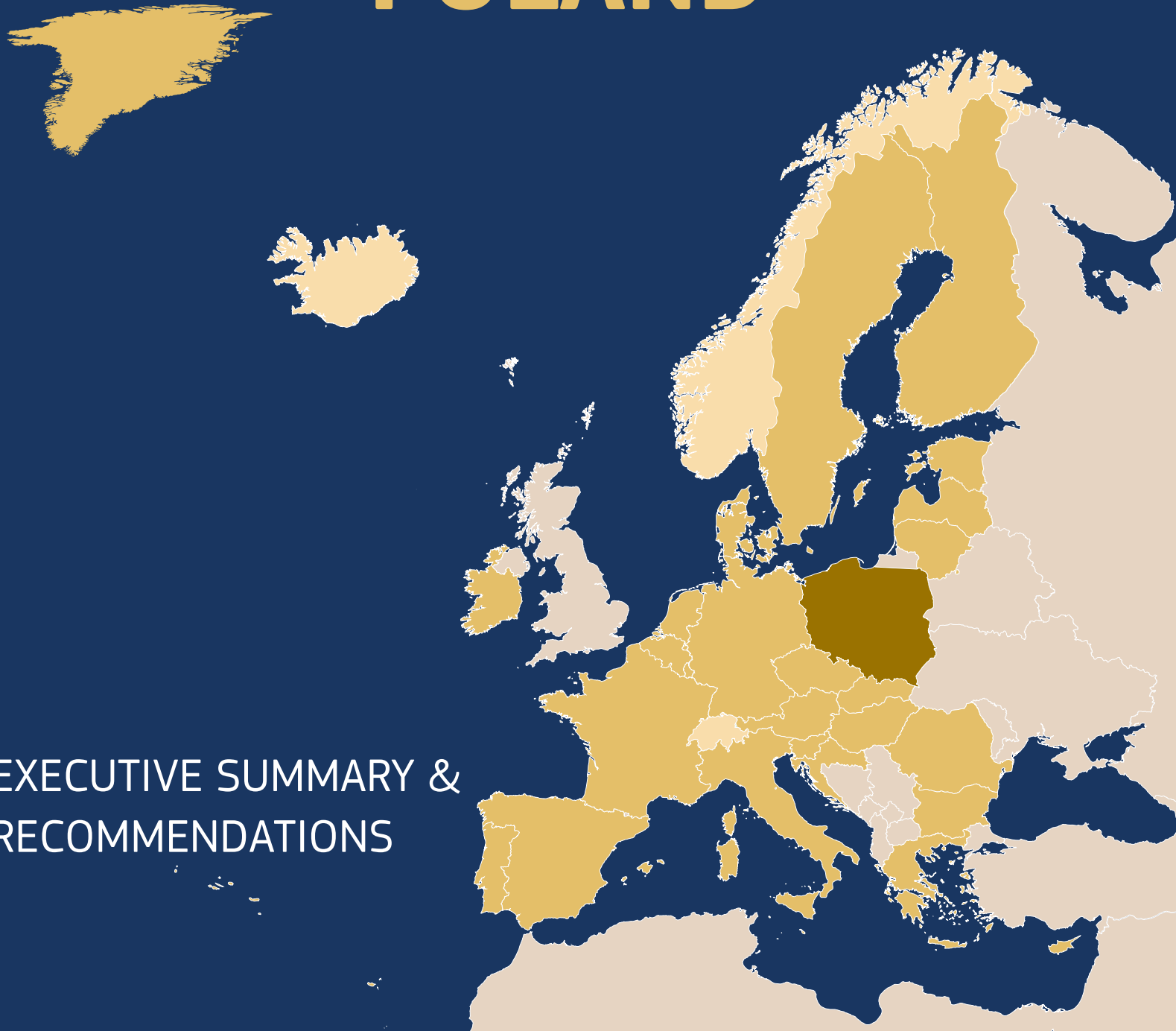




Schengen Evaluation of **POLAND**



EXECUTIVE SUMMARY &
RECOMMENDATIONS

SCHENGEN EVALUATION OF POLAND

EXECUTIVE SUMMARY AND RECOMMENDATIONS

1. EXECUTIVE SUMMARY

A Schengen evaluation of Poland was carried out in March - April 2024 by Commission and Member State experts accompanied by observers from relevant Agencies and bodies¹. It covered key areas of the Schengen acquis including external border management, absence of controls at the internal borders, return policy, police cooperation, the common visa policy, large scale information systems and data protection. Particular attention was also paid to verifying the respect for fundamental rights. This activity results in the report of the 2024 Schengen evaluation of Poland².

The war in Ukraine has an important impact on Poland's implementation of the Schengen acquis, as the country is responsible for securing a border section with Ukraine which is affected by an unprecedented flow of persons seeking international protection and applying a special protection scheme established by the EU. Poland is also facing hybrid threats such as the instrumentalisation of irregular migration at the border with Belarus, and possible evolving military and security threats at the border with Russia (Kaliningrad Oblast). Restrictions of cross-border traffic and closure of some of the border crossing points are applied at external borders. The situation at the external borders of Poland is volatile and unpredictable, therefore the Polish authorities must ensure constant readiness and sufficient response capabilities. As a Baltic Sea State, Poland must also ensure effective preparedness and response to maritime security challenges, including hybrid threats on critical infrastructure. In addition, Poland is affected by cross-border crime, in particular smuggling and trafficking of humans and goods.

Despite the complex environment and notwithstanding the recent challenges, Poland is overall effectively implementing the Schengen acquis and ensures a strong contribution to the functioning of the Schengen area.

The implementation of the Schengen acquis at the Polish borders is at high standards. The performance of the Polish border management system is guaranteed by the Polish Border Guard, the sole national authority responsible for border management, through effective border surveillance, adequate border checks and sound risk analysis, supported by strong national capabilities established in accordance with the National Capability Plan, as well as a

¹ The European Border and Coast Guard Agency (Frontex), Europol, the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) and the European Union Agency for Fundamental Rights.

² The report contains findings and recommendations for remedial actions as well as detailed information concerning the visits carried out between March and April 2024 (enclosure 1) and on national authorities responsible for the implementation of the Schengen *acquis* in various fields covered by this report (enclosure 2).

reliable contribution to the European Border and Coast Guard Agency. Poland's coherent and robust implementation of European integrated border management is based on a national strategy and inter-agency cooperation. Specific elements of cooperation between the border guards and customs were considered a best practice, such as the direct access of customs officers to the information collected by the border guards in the first line of control.

Poland uses military capability to ensure sufficient situational awareness and adequate response capacity to threats, including those of hybrid nature. The cooperation between the border guards and the Armed Forces is effective, based on clear legislation and supported by specific training. Other law enforcement authorities such as the police, as well as the intelligence services are part of the extensive cooperation for effective border management.

The quality of the land border surveillance is at a high level, even though Poland must apply different tactics and operational measures at each border section and the extension of state-of-the-art technical border surveillance solutions, the quality of staff and training and financing for maintenance and running costs, should be constantly guaranteed by using national and EU funding schemes. The team considered the electronic integrated border surveillance system applied at the border with Ukraine and Russia, and the online reporting and management system for border surveillance best practices. The quality of the sea border surveillance carried out by the Polish Border Guard is adequate. However, a centralised national situational picture on sea borders is not visible and the sea border surveillance is not integrated with the land borders when the geographical situation requires it; consequently, the national situational picture is sometimes fragmented on sea borders, a situation which is reflected in the organisation of the National Coordination Centre in Warsaw.

The quality of border checks is adequate, although deficiencies and room for improvement were identified in the refusal of entry and visa procedures, the quality of document checks, the inconsistency regarding the duration of the basic training and regular refresher training, in particular on document fraud and language training. Given the high priority assigned to land borders requiring flexibility in the allocation of resources and frequent redeployments of border guards, the Polish authorities have challenges to ensure constant resources at the sea and air borders during the peak season.

By amending the Act on Foreigners³, the Polish authorities implement certain safeguards related to the respect of fundamental rights in connection to border procedures, asylum, migration referral mechanisms, and return. At the same time, the most significant challenge to procedures applied to third-country nationals apprehended in connection with an illegal border crossing still present room for improvement, especially regarding the respect of the principle of non-refoulement and a number of important aspects of fundamental rights.

Poland has also implemented several measures to adapt its return system at the legal, strategic, and operational levels; Poland has established a structured, coordinated, and

³ Act of 12 December 2013 on foreigners as amended by Act of 17 December 2021 (Journal of Laws of 2022 item 91).

developed approach for the governance of the return system as necessary structures are in place, both legally and operationally, to ensure the effective return of third-country nationals who do not have the right to legal stay. Risks, threats, and necessary responses are clearly identified, as are the responsibilities of the involved authorities. Detention facilities for third-country nationals in return procedures provide adequate conditions and best practices were observed in the detention centres, including the provision of extensive medical care and cultural support tailored to detained third-country nationals, as well as a structured and efficient approach to maintaining detainee wellbeing.

In addition to the improvements needed to respect the principle of non-refoulement, other challenges in the area of return are closely tied to safeguards throughout the return process, including access to legal aid and effective remedies to appeal return-related decisions and the monitoring system for forced returns which also faces significant shortcomings.

In the field of police cooperation, Poland is in general implementing the Schengen acquis adequately. There have not been any remarkable legal or organisational changes in the Polish internal security system since the last evaluation. Participation to different EMPACT activities by Polish law enforcement agencies is very active and well-coordinated and a best practice related to the implementation of one of the EMPACT priorities, including training, was identified. Strategic priorities for internal security are not covered by a specific internal security strategy but they are included in the national security strategy and some specific strategies and ministerial level development plans. Connection to the priorities of the EU internal security was found to be fragmented, and the implementation of the EU legislation in the field of law enforcement cooperation is not adequately planned and resourced. Points of concern are related to the exchange of information between the national law enforcement authorities and with the Member States, especially given the overall functioning of the Single Point of Contact and the capacity to implement respective new EU legislation. The lack of joint national level threat assessment including all relevant law enforcement authorities leads to fragmented situational awareness. Some previous recommendations were not implemented, which indicates persistent problems in some functions.

With regards to large scale IT systems supporting the well-functioning of the Schengen area and information exchange, notably the Schengen and Visa Information Systems, overall, the Schengen Information System (SIS) and SIRENE procedures are sufficiently integrated in border, migration and law enforcement processes in Poland. Best practices were identified, including a well-established procedure for end-users to request the Central authority to create, update and delete an alert in emergency mode in case of unavailability of the direct access; the systematic attachment of the European Arrest Warrant, both in Polish and in English by the Court and prosecutor Office when creating alerts on wanted persons; and the “Digital Border” procedures, put in place between Border Guards and Customs authorities at the border crossing points. However, further improvements are needed to ensure a more effective use of the SIS, in particular the implementation of dactyloscopic searches in the SIS AFIS (Automated Fingerprint Identification System) for all the competent authorities, as well as the systematic attachment of fingerprints to Polish alerts; granting access to all types of

alerts to SIS to the Office for Foreigners as needed for the performance of its tasks, and the use of the established procedures for prior consultation by the SIRENE Bureau; the training on the new possibilities of renewed SIS functionalities; and putting in place the necessary additional human resources to ensure the N.SIS Office is able to address the current delays in the IT projects and upcoming tasks related to Interoperability.

As far as the implementation of the EU visa acquis is concerned, Poland complies with the Visa Code and other relevant legislation. The examination of the applications is solid in the visited Guangzhou and Manila consulates, where the IT system is user friendly and functioning well, and the staffing level is sufficient, and staff is well trained. However, the team identified some deficiencies, including difficulties with granting timely appointments to submit visa applications in some locations; conducting prior consultations and linking of applicants traveling together; the need to strengthen the coherence of decisions so as to limit the necessity for applicants to resort to appeals to be issued a visa; the workflow at the external service provider in Manila.

Poland overall complies with the data protection requirements. Shortcomings are mainly related to the exclusion from the scope of the Polish law transposing the Law Enforcement Data Protection Directive of certain processing of personal data in some fields of national law and regarding certain authorities as far as this also affects the data processed in the Schengen Information System and the Visa Information System (VIS); the lack of staff at the Personal Data Protection Office to ensure the effective performance of its tasks related to the supervision of EU large-scale IT systems; Polish law does not reflect the roles and responsibilities of Central Technical Authority of the National IT System (CTA-NITS) and competent authorities as joint controllers with regards to processing of SIS and VIS personal data with the effect of certain shortcomings in terms of oversight of the whole systems, such as a lack of effective self-monitoring and self-auditing causing security risks; the need to improve the self-auditing and self-monitoring of the management and use of the SIS and VIS in particular by a coordinated approach of log checks; the need to align the retention period of some VIS-logs with the VIS-acquis; several security concerns in the technical management of N.SIS and N.VIS; the lack of indirect access to data in the SIS through the Personal Data Protection Office where the access, rectification or erasure of personal data has been refused and that there is no judicial remedy regarding the reply of the controller to data subjects' requests in the context of the SIS and VIS.

Even though, overall, the Polish authorities implemented most of the recommendations issued in 2019 Schengen evaluation, due to limited resources several important recommendations from the previous evaluation are not yet implemented and there are still several recommendations partly implemented or under implementation.

On the basis of the 2024 Schengen evaluation, the priority areas for Poland are:

- ✓ Guarantee high level of border control by constantly ensuring a sufficient number of trained staff as well as an effective implementation of the state-of-the-art technologies, based on sufficient financial support from the national budget and EU funding;

- ✓ Ensure the respect of fundamental rights, especially in relation to the principle of non-refoulement, in connection to border-policing measures. At the same time, make sure that procedural safeguards are respected throughout the return procedure;
- ✓ Strengthening the exchange of information between the law enforcement authorities within Poland and with Member States, especially by developing the overall functioning Single Point of Contact supported by a fully operational Case Management System interconnected to SIENA;
- ✓ Entry of fingerprints to the SIS also in the view of interoperability and fully use of fingerprint searches in SIS, including access to all types of alerts to the Office for Foreigners as needed for the performance of its tasks;
- ✓ Align the scope of the Polish law transposing the Law Enforcement Data Protection Directive, as far as it affects the processing of personal data in the SIS and VIS and guarantee effective self-monitoring and self-auditing of the SIS and VIS system by the CTA-NITS and competent authorities.

2. RECOMMENDATIONS

The 2024 periodic evaluation of Poland resulted in 105 recommendations for remedial action aimed at addressing the deficiencies and areas for improvement identified in the evaluation report.

Considering their importance for the overall functioning of the Schengen area, the implementation of recommendations 6, 18, 22, 25, 33, 38, 45, 46, 49, 58, 60, 61, 68, 82, 88, 90, 103, highlighted in bold, should be prioritised.

Recommendations 8, 16, 17, 35, 39, 40, 56, 57, 67, 68, 77, 85, 86, 87, 89, 96, 100, 103 relate to persistent deficiencies which have already been identified in the previous Schengen evaluation of Poland.

Poland is recommended to:

NATIONAL SCHENGEN GOVERNANCE

National strategies and quality control mechanisms

1. ensure that the national quality control mechanism covers all authorities involved in border management and return and it is implemented in accordance with the instruction issued by the national authorities;
2. strengthen the connection of EU internal security priorities and the relevant national strategies to guarantee adequate implementation of the Schengen instruments and. establish a national strategy for international law enforcement cooperation;

National capabilities

3. ensure sufficient number of staff at the air and sea border to guarantee effective border control;
4. ensure sufficient numbers of trained vessel crews for staffing sea patrol vessels;
5. ensure that sufficient staff is allocated to the Head Office for Foreigners to avoid delays in the insertion of alerts for refusal of entry or stay;

6. **ensure the appropriate human technical resources to strengthen the current N.SIS IT team and prevent staff turnover and further delays in the implementation of the relevant IT systems and to cope with new challenges in relation to Interoperability;** (*prioritised recommendation*)
7. ensure that the Personal Data Protection Office has sufficient resources to fulfil the tasks entrusted to it under the Schengen acquis, especially given the upcoming start of additional EU large-scale IT systems;

Training

8. develop training need assessment system and improve continuous and refresher training in the field of international law enforcement cooperation, including enhancing language training (especially English)⁴;
9. improve the level of foreign language skills (in particular English and Russian) of the border guards by increasing the availability of trainings, making the attendance obligatory and verifying whether the acquired level is sufficient to carry out the assigned functions properly;
10. establish a set of mandatory basic and refresher trainings related to the nature of tasks conducted by Border Guards in the field of return, especially as concerns tasks related to: detention of third-country nationals, identification of vulnerable persons, issuance of return decisions, forced return and escorting, assessment of the principle of non-refoulement and other fundamental rights issues, especially during apprehension procedures;
11. ensure adequate and regular training for all SIS end-users on the new alerts categories and functionalities of the Schengen Information System;

Functioning of the authorities

12. transpose Directive (EU) 2019/1937 into national law and introduce procedures for the effective implementation of the new framework and ensure, once this Directive has been transposed, the awareness of staff of the Police, Border Guard, and other law enforcement agencies of the reporting procedures in place and the protection afforded to whistle-blowers.

Fundamental rights safeguards

13. take measures to ensure that legislation governing border procedures and its application fully respect the principle of non-refoulement, including by issuing individualised decisions and ensuring that appeals against non-admission actions are available and accessible in practice, while also ensuring that third-country nationals seeking international protection at the border can effectively access protection, in accordance with Articles 3, point (b), Article 4, Article 7(1) and Article 13 of Regulation (EU)

⁴ Former recommendation n.17 of the Council Implementing Decision n. 12869/20 setting out a recommendation on addressing the deficiencies identified in the 2019 evaluation of Poland on the application of the Schengen acquis in the field of the external border management.

- 2016/399, and Article 4(4) of Directive 2008/115/EC, read in conjunction with Articles 19 and 47 of the Charter of Fundamental Rights of the European Union;
14. amend the templates used for issuing the ‘order to leave the territory of Poland’ and the declaration on the lack of intention to seek international protection and precisely include all considerations of the principle of non-refoulement, in accordance with Articles 19 of the Charter of Fundamental Rights of the European Union, Article 4, Article 7(1) and Article 13 of Regulation (EU) 2016/399, and Article 4(4) of Directive 2008/115/EC;
 15. ensure that adequate procedures are in place to detect and refer vulnerable persons and safeguard the assessment of the best interests of the child, in accordance Article 4, Article 7(1) and Article 13 of the Schengen Borders Code, and Article 4(4) of Directive 2008/115/EC, read in conjunction with Article 24 of the Charter of Fundamental Rights of the European Union;
 16. ensure that an effective forced-return monitoring mechanism is in place according to Article 8(6) of Directive 2008/115/EC, especially by⁵:
 - a. putting in place a framework that allows for sufficient financing and programming of the monitoring entities;
 - b. increasing the frequency of the monitoring activity;
 - c. further enhancing the systematic and timely provision of information to the monitoring entities, in particular information on vulnerabilities of third-country nationals subject to a forced-return procedure;
 - d. expanding the scope of the monitoring activities to cover all types and stages of forced-return operations;
 - e. establishing a transparent reporting system;

Large Scale information systems including data protection requirements

17. establish a procedure for the Office of Foreigners to attach biometrics to alerts for refusal of entry and stay, when they are available, in line with Article 20 and Article 22(2) of Regulation (EU) 2018/1861⁶;
18. **establish a procedure to attach fingerprints to alerts when they are available;** (*prioritised recommendation*)
19. implement the technical possibility to insert and search alerts on unknown wanted persons in line with Article 9(2) and Article 40 of the Regulation (EU) 2018/1862;
20. in the creation of alerts in Poby2, implement the procedure to create links between alerts and to add all possible person related remarks to the alerts in accordance with

⁵ Former recommendation n.7 of Council Implementing Decision 9768/20 of 17 July 2020 setting out a recommendation on addressing the deficiencies identified in the 2019 evaluation of Poland on the application of the Schengen acquis in the field of return.

⁶ Former recommendation n.1 of Council Implementing Decision n.5428/20 on addressing the deficiencies identified in the 2019 evaluation of Poland on the application of the Schengen acquis in the field of the Schengen Information System.

- Article 9(2) of Regulation (EU) 2018/1861 and Article 9(2) of Regulation (EU) 2018/1862;
21. ensure the deletion of the alert on return without delay following the receipt of the confirmation of return and, where applicable, the creation of an alert for refusal of entry and stay without delay pursuant to Article 6(2) of Regulation (EU) 2018/1860 and Article 24(1), point (b) of Regulation (EU) 2018/1861, as applicable to alerts on return;
 22. **ensure that the Office for Foreigners has full access to SIS in line with Article 34 of the Regulation (EU) 2018/1861, Article 44 of the Regulation (EU) 2018/1862 and, as applicable to alerts on return with Article 19 Regulation (EU) 2018/1860; (prioritised recommendation)**
 23. ensure that systematic checks are carried out in the SIS before the temporary registration of vehicles and boats in line with Articles 45 and 46 of Regulation (EU) 2018/1862;
 24. ensure that airplane and firearms registration services can carry out checks in the SIS for the purpose of registration in line with Articles 46 and 47 of Regulation (EU) 2018/1862;
 25. **implement the technical possibility and ensure Police and Office for Foreigners to perform fingerprints searches in SIS AFIS in line with Article 9(1) and Article 33(2) of Regulation (EU) 2018/1861 and Article 9(1) and Article 43(2) of Regulation (EU) 2018/1862, and Article 19 Regulation (EU) 2018/1860, as applicable to return alerts; (prioritised recommendation)**
 26. ensure that the Office for Foreigners systematically checks in the SIS the documents belonging to applicants when assessing applications for a residence permit, in accordance with Article 9(1) of Regulation (EU) 2018/1861, Article 9(1) of Regulation (EU) 2018/1862, and Article 19 of Regulation (EU) 2018/1860, as applicable to alerts on return;
 27. implement the necessary technical changes in the single search system (SPP) and command support system (SWD) applications to allow to perform queries in line with Article 9(1) of the Regulation (EU) 2018/1861 and with Article 9(1) of the Regulation (EU) 2018/1862;
 28. ensure the display of all available data contained in the SIS alerts, as required by Article 9(2) of Regulation (EU) 2018/1861, Article 9(2) of the Regulation (EU) 2018/1862 and Article 19 of Regulation (EU) 2018/1860, as applicable to alerts on return;
 29. implement the necessary technical changes in the STBS application to display all available data of the misused identity in line with Article 9(2) and (3) of Regulation (EU) 2018/1861, Article 9(2) and (3) of Regulation (EU) 2018/1862, and Article 19 of Regulation (EU) 2018/1860, as applicable to alerts on return;
 30. ensure that all information contained in the alerts is reproduced in the SIRENE forms;
 31. ensure that the Case Management System STBS Recast has all the necessary functionalities to prevent operators from using two case management systems;
 32. ensure the necessary technical changes in the alert creation process and integration of SIS Powroty with the SIS to guarantee that all information available is added to the alerts and that the SIS is systematically checked before creating an alert in line with

Article 4.2 of Regulation (EU) 2018/1860 read in conjunction with Article 3 of Regulation (EU) 2018/1860, and with Article 23 of Regulation (EU) 2018/1862, and Article 23 of Regulation (EU) 2018/1861;

33. **ensure to implement the foreseen procedures for prior consultations according to Article 31 and art. 35 of Commission Implementing Decision laying down detailed rules for the tasks of the SIRENE Bureaux and the exchange of supplementary information regarding alerts in the Schengen Information System in the field of border checks and return ('SIRENE Manual - Borders and return') - C (2021) 7900; (prioritised recommendation)**
34. establish the correct follow-up in relation to consultation procedures in MIGRENE to timely meet the legal deadlines provided for in Articles 9, 10 and 11 of Regulation (EU) 2018/1860 and Article 27, 28 and 29 of Regulation (EU) 2018/1861;
35. establish a procedure or technical tool within the Polish SIRENE Bureau for the systematic deletion of supplementary information at the latest one year after the deletion of the relevant alert, in accordance with the provisions of with Article 49 of Regulation (EU) 2018/1961 and Article 69 of Regulation (EU) 2018/1862⁷;
36. ensure the regular performance of the test of the Business Continuity Plan;
37. take appropriate measures to physically secure the Data Center to align with security standards and install CCTV cameras inside the server room as well as additional security measures for granting access to the server room in line with Article 10(1), point (b) of Regulation (EU) 2018/1861;

Protection of personal data in the Schengen Information System

38. **ensure that the roles and responsibilities of CTA-NITS and competent authorities regards processing SIS personal data are clarified in law and practice in line with Articles 24 and 26 Regulation (EU) 2016/679 and Articles 19 and 21 of Directive (EU) 2016/680; (prioritised recommendation)**
39. assess in cooperation with the Personal Data Protection Office the rights of the Central Anti-Corruption Bureau to enter alert in SIS related to threats to national security⁸;
40. ensure that all authorities managing and using the SIS proactively, regularly and randomly check logs regarding all user activities based on a coordinated approach⁹;
41. amend the criteria for time-out of computer users' sessions to require shorter time-out periods for workstations in specific work environments e.g. a busy police station with open office spaces;

⁷ Former recommendation n.4 of the Council Implementing Decision n. 5428/20 on addressing the deficiencies identified in the 2019 evaluation of Poland on the application of the Schengen acquis in the field of the Schengen information System.

⁸ Former recommendation n.22 of Council Implementing Decision n. 6426/22 setting out a recommendation on addressing the deficiencies identified in the 2019 evaluation of Poland on the application of the Schengen acquis in the field of data protection.

⁹ Former recommendations nn.14, 15, 18 and 22 of Council Implementing Decision n. 6426/22 setting out a recommendation on addressing the deficiencies identified in the 2019 evaluation of Poland on the application of the Schengen acquis in the field of data protection.

42. ensure that no outdated web-browsers (Internet Explorer) are used on computers in the SIRENE Bureau;
43. implement a technical solution as soon as possible at the National Police in order to manage workstations, group policies and software centrally;
44. implement a technical solution in order to attach USB devices securely to police computers using applications/databases with access to the Schengen Information Systems only when there is a specific work-related need and upgrade any remaining outdated operating systems installed in workstations at the police stations¹⁰;
45. **ensure that data subjects can exercise their rights to access, rectification and erasure of personal data in the Schengen Information System through the Personal Data Protection Office where the access, rectification or erasure of personal data in the context of the Schengen Information System has been refused in line with Article 53(3) of Regulation (EU) 2018/1861 and Article 67(3) of Regulation (EU) 2018/1862 and Article 19 of Regulation (EU) 2018/1860; (prioritised recommendation)**
46. **guarantee that data subjects can exercise their right to an effective judicial remedy against controller's decision on data subjects' rights and are informed of that right in the controller's reply in line with Articles 53(3) and 54 (1) of Regulation (EU) 2018/1861, Articles 67(3) and 68 (1) of Regulation (EU) 2018/1862 and Article 19 of Regulation (EU) 2018/1860; (prioritised recommendation)**
47. ensure that the CTA (controller of NITS) finds an alternative procedure to the Polish electronic platform for administration services (ePUAP) for an electronic data subjects' rights request, so that data subjects without a possibility to enter their request via ePUAP can also exercise their data subjects' rights electronically;
48. provide proactively information to data subjects about the processing of their personal data in SIS and VIS and the exercise of their rights (e.g., flyers, posters), at police offices, airports including at the second line check;

Data protection supervision

49. **ensure that Directive (EU) 2016/680 is fully transposed in relation to the processing of personal data as listed in Article 3 (1) of the Polish Act of 14 December 2018 on the protection of personal data processed in connection with preventing and combating crime. Furthermore, ensure that Directive (EU) 2016/680 is transposed also in relation to personal data being processed on the basis of the Schengen acquis by authorities listed in Article 3 (2) of the Polish Act of 14 December 2018 e.g. processing personal data from the SIS and VIS for the purposes listed in the SIS and VIS acquis; (prioritised recommendation)**

¹⁰ Recommendation n.17 and 24 of Council Implementing Decision 6426/22 setting out a recommendation on addressing the deficiencies identified in the 2019 evaluation of Poland on the application of the Schengen acquis in the field of data protection.

50. ensure that the Personal Data Protection Office conducts sufficiently thorough inspections and audits in line with its obligations to monitor the lawfulness of processing of personal data in the N.SIS and N.VIS;
51. ensure that the Personal Data Protection Office finds an alternative procedure for making a complaint about the CTA's decision on SIS and VIS data subjects' rights requests electronically, so that data subjects without a possibility to enter their complaint via the Polish electronic platform for administration services (ePUAP) can also exercise their data subjects' right to complain electronically;

Activities with Union bodies and agencies

52. in close cooperation with Frontex, ensure that Standing Corps officers when operating as members of the deployed teams can consult relevant databases, the consultation of which is necessary for fulfilling operational aims specified in the respective operational plans;

EXTERNAL DIMENSION

Cooperation with third countries

53. utilise the possibility of common use of liaison officers with other Schengen countries and make full use of the Decision 2003/170/JHA;

Visa policy and data protection

54. monitor the situation closely and prudently increase the slots whenever possible to comply with the two-week deadline for granting appointments to submit visa application set out in Article 9 of Regulation (EC) No 810/2009 ;
55. adapt the national IT-system to grant local staff the possibility (user rights) to verify whether fingerprints are already available in the Visa Information System and instruct local staff to duly check whether fingerprints were already provided during the submission process;
56. ensure that all its consulates systematically link application files of applicants travelling in a group or with a family in the central Visa Information System (grouping) in accordance with Article 9 of Regulation (EC) No 767/2008¹¹;
57. ensure that the prior consultation table is integrated in the national visa processing IT-system so as to ensure that prior consultation is always performed automatically when required¹²;
- 58. monitor the rate of successful first instance appeals (reconsiderations) and introduce further measures to strengthen the coherence of decisions; in Guangzhou, notably by:**

¹¹ Former recommendation n.10 of the Council Implementing Decision n. 15005/19 setting out a recommendation on addressing the deficiencies identified in the 2019 evaluation of Poland on the application of the Schengen acquis in the field of the visa policy.

¹² Former recommendation n.15 of the Council Implementing Decision n. 15005/19 setting out a recommendation on addressing the deficiencies identified in the 2019 evaluation of Poland on the application of the Schengen acquis in the field of the visa policy.

- **instructing the local staff to accept all documents provided by the applicants, irrespective of whether they are required by the consulate**
 - **stepping up the efforts to contact the applicants to clarify inconsistencies (travel itineraries, invitation letters etc.) and record such efforts in the application file (*prioritised recommendation*);**
59. ensure that its consulates make optimal use of the possibility to issue multiple-entry visas with longer period of validity to frequent bona fide travellers, including based on Article 24(2c) of Regulation (EC) No 810/2009 ;
 60. **ensure that the external service provider improves the workflow, namely by:**
 - **separating front-office and back-office tasks to reduce the time that applicants spend lodging an application;**
 - **grouping applicants traveling together, either physically or electronically (or both); (*prioritised recommendation*)**
 61. **instruct the external service provider to refrain from requiring repeat applicants, whose fingerprints were already collected within the previous 59 months, to appear in person at the external service provider only for the purpose of taking a live facial image; (*prioritised recommendation*)**
 62. until the specific barcode generated by the E-Konzulat platform on the visa sticker is not utilised to facilitate data transfer, ensure that applicants can lodge their applications using the harmonised application form, irrespective of whether it was generated by the 'E-Konzulat' system or not;
 63. refrain from using checklists to elicit information going beyond the application form and the harmonised list of supporting documents;
 64. ensure that the online appointment system of the external service provider is adequately supervised, notably by obtaining remote access to the appointment system;
 65. instruct the consulate to systematically use VISMail whenever contacts need to be made with other Member States;
 66. ensure that the national IT-system accurately provides to the consulates the VISMail messages they are concerned by;
 67. ensure that all recommendations on data protection aspects concerning the management of the N.SIS are also being followed up for the management of the N.VIS¹³;
 68. **ensure that the Border Guard adapts the retention periods of N.VIS logs in line with Article 34(2) of Regulation (EC) No 767/2008 and Article 16(3) of Decision 2008/633/JHA¹⁴; (*prioritised recommendation*)**
 69. ensure that all accesses to the server room at the Ministry of Foreign Affairs are logged;
 70. ensure that the Ministry of Foreign Affairs uses a more distant site for the second data center or carries out the backups at a different network;
 71. ensure that the windows at the Office of Foreigners' server room to the outside are taken out or reinforced to protect the perimeter, that the water heating radiators are

¹³ Former recommendations n. 10 and 11 of Council Implementing Decision n. 6426/22 setting out a recommendation on addressing the deficiencies identified in the 2019 evaluation of Poland on the application of the Schengen acquis in the field of data protection.

¹⁴ Former recommendation n. 13 of Council Implementing Decision n. 6426/22 setting out a recommendation on addressing the deficiencies identified in the 2019 evaluation of Poland on the application of the Schengen acquis in the field of data protection.

removed and that CCTV or another system are being installed which are giving alarm in case the door remains open;

MANAGEMENT OF THE EXTERNAL BORDERS

National and European situational awareness, early warning system and risk analysis

72. ensure that tasks related to the National Coordination Centre are designated to regional, local, functional or other authorities only to the extent set out in Article 21(4) of Regulation (EU) 2019/1896;
73. ensure that information on events and operational capabilities from the sea border are included into the National Situational Picture maintained by the National Coordination Centre;
74. improve and align the national methodology to collect and register the statistical data with the indicators established in the common European framework provided by the Frontex Risk Analysis Network (FRAN);

Border surveillance

75. integrate the operational layers of the Maritime Surveillance Centre in Gdansk with the land borders positioning of the assets in the coastal areas to ensure sufficient situational awareness and response capacity;
76. improve the knowledge of the operators in the regional coordination center on vessel identification features to ensure complete situational awareness and adequate decision making on the operational response;

Border checks

77. re-organize the border check procedures in the first line to increase the efficiency of border check and decrease the waiting times by introducing the face-to-face control model for vehicles passengers¹⁵;
78. bring the refusal of entry procedure in compliance with Articles 3, 8 and 14 of Regulation (EU) 2016/399;
79. bring the procedure of issuing visas at the border in accordance with Article 35 of Regulation (EC) No 810/2009;
80. ensure that border guards involved in border checks, in particular the recently appointed ones, have a high and uniform level of knowledge on document checks, including the systematic use of specialized equipment for document examination by improving the quality and number of training increasing the availability of refresher trainings, and making the attendance of border guards in such training obligatory if relevant for their tasks;

¹⁵ Former recommendation n.21 of the Council Implementing Decision n.12869/20 setting out a recommendation on addressing the deficiencies identified in the 2019 evaluation of Poland on the application of the Schengen acquis in the field of the management of external borders.

NATIONAL RETURN SYSTEM

81. ensure that a return decision is issued without delay to any third-country national whose request for a visa, legal stay or international protection has been denied as envisaged by Article 6(1) of Directive 2008/115/EC;
82. **amend the national law to ensure that third-country nationals are afforded an effective remedy to appeal against or seek review of decisions related to return, in accordance with Article 13 of Directive 2008/115/EC; (prioritised recommendation)**
83. ensure an effective notification of return decisions of third-country nationals who have no right to legal stay in Poland within the meaning of Directive 2008/115/EC, detected upon exit, when failing to provide a physical address or contact in Poland, as envisaged by Article 12(1) and Article 13 of Directive 2008/115/EC;
84. ensure that third-country nationals detained at the Warsaw Airport Holding Facility have access to an outdoor area and are provided with recreational activities;
85. ensure adequate privacy for families accommodated in the holding facility at Warsaw airport, and play and recreational activities taking account of the needs of children, pursuant to Article 17(2) and (3) of the Directive 2008/115/EC¹⁶;
86. ensure that the regime applicable to the detention for foreigners placed in the arrest for foreigners in Przemyśl is adjusted to reflect the nature of the administrative detention, and that the appropriate measures are taken to ensure the conditions in the facility guarantee adequate privacy and effective access to leisure activities in accordance with the provisions of the Directive 2008/115/EC¹⁷;

MEASURES WITHIN THE AREA OF FREEDOM, SECURITY AND JUSTICE

National situational awareness and threat assessment

87. establish a national threat assessment methodology including all law enforcement authorities to have a clear situational picture in Poland and share the results of the assessment to extent necessary with the national, regional, and local law enforcement authorities, the neighbouring Member States, and the relevant EU agencies so that the resources can be allocated according to the needs of national and international cooperation¹⁸;

Exchange of information for cross-border and international police cooperation

88. **by 12 December 2024, proceed with the full technical and/or organisational integration into the Single Point of Contact of all national law enforcement**

¹⁶ Former recommendation n. 4 of the Council Implementing Decision 9768/20 of 17 July 2020 setting out a recommendation on addressing the deficiencies identified in the 2019 evaluation of Poland on the application of the Schengen *acquis* in the field of return.

¹⁷ Former recommendation n. 8 of the Council Implementing Decision 9768/20 of 17 July 2020 setting out a recommendation on addressing the deficiencies identified in the 2019 evaluation of Poland on the application of the Schengen *acquis* in the field of return.

¹⁸ Former recommendation n.6 Council Implementing Decision 9767/20 setting out a recommendation on addressing the deficiencies in the 2019 evaluation of Poland on the application of the Schengen *Acquis* in the field of Police Cooperation of 17 July 2020.

authorities that need to be involved in cross-border information exchange to enable it to be a hub for all incoming and outgoing international law enforcement information exchange and ensure that the Single Point of Contact has access to the appropriate operational tools, technical and financial resources, infrastructure, and the capabilities, necessary to carry out its tasks in an adequate, effective and rapid manner; (prioritised recommendation)

89. develop clear written guidelines containing the rules and procedures of cross-border law enforcement cooperation and information exchange (listing for instance practical examples) and dedicated continuous training, including (but not exclusive to), on the protection of personal data, including Directive (EU) 2016/680, and Regulation (EU) 2016/794 for the staff of the SPOC as well as a system to evaluate training effectiveness¹⁹;
90. **by 12 December 2024, improve the case management system of the SPOC by increasing the automation of information processing, the capability to search for and cross-check available information into relevant national, EU and international databases in an automated and simultaneous manner, the function to record, in an automated manner, any relevant communication or exchange of information between the SPOC and the national competent authorities or between the SPOC and the competent authorities of other Member States, including the integration of Europol's Secure Information Exchange Network Application (SIENA); (prioritised recommendation)**
91. ensure that a single search system (SPP) on desktop and mobile devices carries out single searches for objects and individuals, whilst also ensuring that checks into the Schengen Information System and into relevant Interpol databases are mandatory;
92. ensure full implementation and awareness of the access procedure for law enforcement purposes to the Visa Information System established under the Decision 2008/633/JHA;
93. ensure the registration of aliens staying in hotels and other establishments providing accommodation, in accordance with Article 45 CISA and develop a technical solution in order to provide law enforcement officers with computerised access to hotel registers in accordance with national law, should the need arise, subject to adequate data protection safeguards;

Operational cross-border police cooperation

94. strengthen and modernise the cross-border law enforcement cooperation by creating a comprehensive and well-coordinated national concept, based on joint threat and risk assessment and more integrated common planning and interoperable communication;
95. develop a formal review mechanism for bilateral agreements, with the aim to regularly revise them in ensuring their operational effectiveness. Poland should also revise the

¹⁹ Former recommendation n.5 Council Implementing Decision 9767/20 setting out a recommendation on addressing the deficiencies in the 2019 evaluation of Poland on the application of the Schengen Acquis in the field of Police Cooperation of 17 July 2020.

bilateral law enforcement cooperation agreements with all neighbouring countries to extend the possibilities of cross-border cooperation with the aim to align them with current operational needs. The priority should be given to the agreements with the Czech Republic, Lithuania, and Slovakia;

96. continue discussions on cross-border surveillance operations with the Czech Republic with involvement of all relevant authorities of both counterparts and find the compromise solution that will allow a more efficient use of cross-border surveillance operations to combat cross-border crime²⁰;
97. raise the awareness on cross-border surveillance operations including development on comprehensive training on it with involvement of all relevant authorities;
98. raise awareness on cross-border hot pursuit including development on comprehensive training on it with involvement of all relevant authorities;
99. establish a mechanism to collate and assess the need to organise joint patrols with the law enforcement authorities of the countries from which most of visitors come to Poland. improve the situational awareness and coordination of joint patrolling;
100. make a better use of the already existing PCCCs by enhancing their operational role, developing integrated case management system and by connecting them to SIENA²¹;
101. implement, in partnership with the neighbouring countries, a standardized and secure real time communication system compatible with all neighbouring countries and prepare the technology, application eco-system and procedures for the use of the EU Critical Communication System within the BroadEU.net. to improve operational cooperation in the framework of internal security, while exploring also existing funding opportunities;
102. strengthen the institutional and national coordination on the deployment of liaison officers in order to exploit this instrument and incorporate it into national strategies.

Cooperation with Europol

103. **urgently roll-out SIENA to all competent law enforcement authorities in Poland, including PCCCs, integrate it into the officers' main workstations and mobile devices, with automated data transfer into the CMS, to ensure a continuous monitoring and a smooth and efficient handling of all communications²²; (prioritised recommendation)**
104. expand the technical solution for automatically uploading data into the EIS to ensure that all operationally valuable data is inserted in the system;
105. further roll-out QUEST to all investigators of all law enforcement authorities both at the central and regional level and provide necessary training.

²⁰ Former recommendation n.16 Council Implementing Decision 9767/20 setting out a recommendation on addressing the deficiencies in the 2019 evaluation of Poland on the application of the Schengen Acquis in the field of Police Cooperation of 17 July 2020.

²¹ Former recommendation n.4 Council Implementing Decision 9767/20 setting out a recommendation on addressing the deficiencies in the 2019 evaluation of Poland on the application of the Schengen Acquis in the field of Police Cooperation of 17 July 2020.

²² Former recommendation n.8 Council Implementing Decision 9767/20 setting out a recommendation on addressing the deficiencies in the 2019 evaluation of Poland on the application of the Schengen Acquis in the field of Police Cooperation of 17 July 2020.