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## **Organisational and security effects of the accession of the Republic Of Croatia to Schengen**

### **Introduction**

On 9<sup>th</sup> December 2021, the Council of the European Union concluded that the Republic of Croatia fulfilled the necessary conditions for the application of all parts of the Schengen acquis, which allows the lifting of internal border controls<sup>1</sup>. After six months of silence, a meeting of the Justice and Home Affairs configuration of the Justice and Home Affairs Council (hereinafter referred to as the JHA Council) took place in Brussels on 27<sup>th</sup> June 2022 in the "Borders" configuration. At the meeting, Croatia's Schengen accession was on the agenda, supported by Hungary and the other Member States, and the parliamentary consultation was launched. At that time, the political positions of Slovenia and the Netherlands were not yet clear. This was the first event in which the exact target date for Croatia's Schengen accession (1<sup>st</sup> of January 2023) was released and the news was also passed on to the police. The next stage was the JHA Council on 13-14<sup>th</sup> October 2022, where Hungary confirmed its commitment to the strict surveillance of the external borders and its full support for the synchronous accession of the three countries (Croatia, Romania, Bulgaria)<sup>2</sup>.

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<sup>1</sup> The Council concluded that Croatia fulfilled the necessary conditions for the full application of the Schengen acquis (press release)

Source: <https://www.consilium.europa.eu/hu/press/press-releases/2021/12/09/council-concludes-croatia-has-fulfilled-the-necessary-conditions-for-the-full-application-of-the-schengen-acquis/>

Accessed: 16.02.2023

<sup>2</sup> Meeting of Internal Affairs configuration of the Justice and Home Affairs Council (press release).

Source: <https://kormany.hu/hirek/a-bel-es-igazsagugyi-tanacs-belugyi-formaciojanak-ulese>.

On 10<sup>th</sup> November 2022, the European Parliament voted in favour of Croatia's accession, which did not legally bind the Member States (the proposal was adopted by 534 votes to 53, with 25 abstentions)<sup>3</sup>. In Brussels, on 8<sup>th</sup> December 2022, the EU interior ministers finally decided in favour of Croatia's accession with the date of 1<sup>st</sup> January 2023, following a proposal by the Czech Presidency of the EU, but Austria vetoed the accession of Romania and Bulgaria, while the Netherlands, too, did not support the accession of the Bulgarians<sup>4</sup>. Thus, it turned out that Croatia's Schengen accession is less than a month away. From then on, the land border section in Baranya would become an internal border and the border policing branch would be reorganised in a minimum of time.

### **Preliminary plans**

The short-term institutional strategy of the Baranya County Police Headquarters for 2020-2021 and 2022-2023 also identified the reorganisation of the border policing branch in the event of Croatia's full Schengen membership as a key factor generating significant impact. The driving forces for this change were specific factors, such as the sharp increase in the level of illegal migration in the Western Balkans, the simultaneous implementation of external and internal border policing tasks, the focus on inland controls, the obligation to continue to operate some border crossing points fully or partially.

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Accessed: 16.02.2023

<sup>3</sup> Parliament supports Croatia's Schengen membership. (press release).

Source: <https://www.europarl.europa.eu/hungary/hu/aktualis/2022-hirek/2022-november/a-parlament-tamogatja-horvatorszag-schengeni-tagsagat.html>.

Accessed: 16.02.2023

<sup>4</sup> Euronews: Austria vetoes Schengen accession of Romania and Bulgaria.

Source: <https://hu.euronews.com/my-europe/2022/12/08/ausztria-megvetozta-romania-es-bulgaria-schengeni-csatlakozasat>.

Accessed: 16.02.2023

When defining the strategic objectives of law enforcement, the Police Headquarters declared that after Croatia's accession to Schengen, the border security system would have to be operating in two directions at the same time. Due to its geographic location, Baranya County would have some external border control tasks, but internal border policing tasks would have to be carried out with a greater emphasis and with more staff. It was obvious that in order to carry out the remaining external border tasks after the accession (border checks on vessels heading to Serbia and water border surveillance), it would be necessary to keep an independent border policing organisation in the Mohács Police Office. The most recent strategy<sup>5</sup> clearly included the retention of a large number of the border policing staff, needed due to the new internal border policing tasks, the possible temporary reintroduction of border control and the impact of future economic development in the county. This would have been guaranteed by the creation of a multi-stationed Inland Control Unit, planned with more than 100 staff.

It was known that experts had been working on the development of a complex economic zone along the Mohács-Pécs-Szigetvár-Kaposvár axis. This will be accompanied by important road network improvements. The opening of the Mohács Danube Bridge, planned for 2026, which will go hand in hand with the upgrading of the main road 57, from the junction of the M6 and M60 motorways to a four-lane road as far as the river, would open up a new migration route across the county from the Serbian border and provide the possibility for people smugglers to continue their journey north and west. Since then, the government has also confirmed that the development of the Pécs-Pogány Airport is a national strategic goal, which could play a significant role in the development of the Paks-II project.<sup>6</sup> In the short timeframe of 2 years of the strategies, taking into account the level

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<sup>5</sup> Institutional Strategy of the Baranya County Police Headquarters 2022-2023. file no.: 02000/1334/2022. Prepared by Ádám Kalmár, Lt.-Col. 30-31

<sup>6</sup> Based on the Government Decision No. 1211/2023 (VI. 1.) on the possibilities for the development of regional airports.

Source: <https://njt.hu/jogszabaly/2023-1211-30-22>

Accessed: 01.06.2023

of completion of the Croatian and Hungarian sections of the motorways connecting to the European 5/C corridor, the Police did not foresee that it would need to operate a motorway border crossing point in the Ivándárda area. However, if the Croatian accession had been vetoed, this would have required a large number of trained passport controllers from 2024.

### **The organisational structure of the Baranya County Police Headquarters before the Croatian Schengen accession**

The border policing branch of the Baranya County Police Headquarters consisted of two divisions (border policing and aliens policing) at county level, with a staff of 12, in addition to the Head of the Border Policing Service and the staff under his direct control. At the local level, the branch was made up of staff from the Border Policing Divisions of the Siklós and Mohács Police Headquarters.

The Border Policing Divisions consisted of sub-divisions, in which, in addition to the duty commanders, border police officers, chief border police officers and special chief border police officers, there were also dog handlers, boat masters, assistant officers and border policing experts. The number of staff in the Mohács unit was 84/63 (regular/filled) and in the Siklós unit 107/102. The number of vacant professional border policing posts resulted in congestions and staff shortage by the end of 2022, which was most tangible at the busier border crossing points. The Inland Control and Public Area Support Unit, with two sub-divisions, performed its tasks under the Deputy Chief of the County Police. The border related staff included 21/19 officers in the core and the Inland Control Subdivision. The total number of border policing officers at the end of October 2022 was 224, of which 198 were actually available, so the staffing rate was 88.3%.

Until 31 December 2022, border checks of passenger and vehicle traffic were carried out in accordance with Schengen requirements at the road border crossing points of Drávaszabolcs, Beremend and Udvar, at Magyarbóly railway, at Drávaszabolcs and Mohács waterway and Pécs-Pogány temporary air border crossing points (BCPs) under the subordination of the

County Police Headquarters. With the exception of the Drávaszabolcs water BCP and the temporary air BCP in Pécs-Pogány, the border crossing points were permanently open and, with the exception of the Beremend road BCP, were open to both passenger and freight traffic. At the Beremend and Udvar road BCPs, border policing officers used "hand-to-hand" border checks technology in cooperation with Croatian police. In 2022, traffic at the border crossing points doubled compared to the previous year (more than 1.5 million passengers), but still did not reach the traffic of the last year of 2019 before the COVID-19 pandemic.

The surveillance of the European Union's external Schengen border section was conducted along the 142,475.07 metres (59,821.54 metres of water and 82,653.53 metres of land) of the border between the Danube and the Drava river outlets. A Serbian border section of a mere 449 metres was and is controlled by the Border Policing Office in Hercegszántó. The activity also included the surveillance of a one-line technical border fence (security barrier) installed on an almost 80-kilometre long land border section. The Headquarters operated a three-tier border surveillance system, with a multi-lines system within the first tier, operated by the police stations in the border area.

The complex inland control activity was carried out according to the county action plan. In order to ensure the effective operation of the illegal migration filtering network (so called "Checknet"), the sites for the implementation of the joint control activity were selected as a result of the analytical and evaluation work carried out in accordance with the current operational situation. The coordinated checks on immigration and traffic control were carried out in cooperation between the Aliens Policing Division, Traffic Policing Division and the Inland Control and Public Area Support Unit, with the cooperation of the partner services involved. The inland control sub-unit successfully participated in the implementation of the operation on Türr István Bridge in Baja and Szent László Bridge on the M9 highway.

## **Illegal migration trends before the internal border**

In 2018, border control staff apprehended only 203 irregular migrants, followed by 442 in 2019, 741 in 2020 and 421 in 2021. In 2022, due to a shift in migration routes, the number of irregular migrants apprehended dropped significantly to 252, with a downward trend from 2020 onwards.

In recent years, the main direction of irregular migration has been between the settlements of Sárok and Kölked (border marker stones D309-D340) on the border section of the Mohács Police Headquarters, and towards the Danube-embankment, due to the proximity and attractiveness of the M6/M60 motorway. The migrant groups were mainly organised in the refugee camp in Sombor, Serbia, with the support of people smugglers whose nationality was similar to that of the migrants. They crossed the Danube river into Croatia in rubber boats, then they marched on foot – bypassing the Croatian border guards – to the border section in the jurisdiction of the County Police Headquarters and get in mainly by climbing up the temporary security barrier protecting the border. In the area of the Siklós Police Headquarters, three main land routes with varying intensity have been active for several years, but attempts have also been made on the waterway section of the Drava River. By the second half of 2022, migrant interceptions were mostly made on the ferry between Újmohács and Mohács.

## **The development of the border control system of Baranya County from 1 January 2023**

After Croatia's accession to Schengen, the system of tasks could be divided into four parts. In addition to the remaining Schengen external border border policing tasks, new law enforcement tasks were added, while the tasks of inland control and the protection of the regulated conditions of the state border were retained, and certain tasks ceased (e.g. E-toll control at crossing points or border water traffic authorisation for the Dráva River).

Talking about the remaining Schengen external border control tasks, the first is border checks on the Danube. The border port of Mohács, located on the right bank of the Danube at km 1449, is open for international traffic of persons and goods 24/7 and can be used by vessels carrying dangerous cargo, too. The legal basis for the continued operation of the crossing point is the Hungarian-Serbian border traffic agreement<sup>7</sup>. The specificity of the river BCP is that it operates on both the Croatian and the Serbian borders, thus it has become both an internal and an external border. Border checks on the crews and passengers of vessels arriving at the water border crossing point, mainly from Serbia, will continue to be carried out under Schengen regulations. In addition, some cargo vessels entering from Croatia, as they also pass the waters of a third country, can be subject to inland controls under Customs supervision.

The border section of the Mohács Police Headquarters has become an internal border up to the right bank of the Danube river (border marker stone D417). On the left bank, in relation to the municipality of Homorúd, the County Police has a 449-metre long section of disputed status, treated as a Serbian border section, where border surveillance tasks are performed by the Hercegszántó Border Policing Office<sup>8</sup>. The Mohács Police Headquarters has an important obligation to carry out water border surveillance tasks on the Danube, which is organised together with the Water Police and the Customs. The detection of irregular migrants arriving from Serbia by boat, swimming and other means on the river, which is legally a border water,<sup>9</sup> remains a task of boat patrols and the River Border Surveillance System (FHR).

The County Police Headquarters continues to exercise professional supervision over the Mohács Police Headquarters. It operates the county's

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<sup>7</sup> Pursuant to Article 18 of Act IV of 2012 on the proclamation of the Agreement between the Government of Hungary and the Government of the Republic of Serbia on the control of road, rail and water border traffic

<sup>8</sup> Pursuant to Article 12 (6) of the Government Decree No. 329/2007 (XII. 13.) on the organs of the Police and the duties and powers of the organs of the Police

<sup>9</sup> Pursuant to Section 6 (2) of Act LXXXIX of 2007 on State Borders

border security system and manages the inland control activities. It continues to perform tasks related to aliens policing, the readmission agreements and the transfer of persons at the state border. The control of the implementation of the tasks listed above concerning the remaining external border will certainly remain part of the Schengen quality control mechanism, therefore the staff should be prepared for the 2024 Schengen Evaluation in the areas of Integrated Border Management, police cooperation and SIS/SI-RENE. In particular, a new task for the criminal investigation field will be the professional management of hot pursuits and cross-border surveillance, and possible participation in the setting up of joint investigation teams (JITs).

In order to avoid a security deficit along the former external borders, the abolished border surveillance has been replaced by inland controls. It will have to be carried out on the basis of risk analysis or on a random basis as a compensatory police measure throughout the country and should not be aimed at border control<sup>10</sup>. Inland control shall be a continuous, targeted police activity, structured in several stages and in a multi-tier, multi-line system, with the coordinated deployment of police officers from the police headquarters and stations, the Inland Control Unit and reinforcement forces (e.g. the Rapid Response Police), joint border patrols, in order to intercept people smugglers and illegally staying foreigners. This activity is also part of a complex control system throughout the country, to be operated by the Police, the National Directorate-General for Aliens Policing, the National Tax and Customs Administration, the Employment Inspectorate and the Transport Authority within the framework of the Integrated Management Centre<sup>11</sup>.

The staff performing inland checks should also be able to reintroduce border control. Internal borders may be crossed at any point without checks

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<sup>10</sup> Pursuant to MoI Decree No. 30/2011 (IX.22) on the Police Service Regulations, § 2, point 9 and § 65, paragraph (1)

<sup>11</sup> Pursuant to Joint Instruction No. 8/2010 (II. 19.) IRM-SZMM-PM-KHEM on increasing the effectiveness and coordination of official action against illegal migration and other related illegal acts



on persons, irrespective of the nationality of the person concerned, on the basis of Article 22 of the Schengen Borders Code<sup>12</sup> (hereinafter "the Code"). During events of major importance (e.g. pandemics), the free movement of persons across internal borders is suspended and border control must be temporarily reintroduced, which poses a particular challenge for the police<sup>13</sup>. The conditions for the temporary reintroduction of border control at internal borders are regulated by a Government Decree<sup>14</sup>. If border control is temporarily reintroduced, both border checks and border surveillance will be carried out again. The Baranya County Police Headquarters also has a special plan for this activity.

The maintenance of ordered conditions at the state border and the joint border patrol service have remained a task. For the purpose of better protection of the state border, the protection of public order and the fight against crime, the Hungarian and Croatian partners will continue to carry out joint patrols in the border area up to a distance of 10 kilometres from the common state border, as this activity has not merely a border surveillance purpose, as agreed by the leaders<sup>15</sup>. In order to facilitate the exchange of information and cooperation, the Hungarian and Croatian partners will continue to operate a common contact point in Mohács (at the border port), which should increasingly cover the preparation and assistance of the transfer and readmission of persons, as the direct contact previously established at BCPs has discontinued.

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<sup>12</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council establishing a European Code on the rules governing the movement of persons across borders (Schengen Borders Code)

<sup>13</sup> Kalmár, Á.(2020): The challenges of reintroducing border controls at internal borders for public health reasons. *Border Police Studies*. Budapest. vol. 19 No. 2. 6-21

<sup>14</sup> No. 333/2007 (XII. 13.) on the Rules for the Conditions for the Temporary Reinstatement of Border Control at the Internal Border

<sup>15</sup> Pursuant to Article 19 of Act LXVI of 2009 on the proclamation of the Agreement between the Government of the Republic of Hungary and the Government of the Republic of Croatia on cooperation in the fight against cross-border crime

## **The organisational structure the Baranya County Police Headquarters after the Croatian Schengen accession**

After Croatia's Schengen accession, based on the above mentioned task structure – taking into account the county's current lower vulnerability to illegal migration – it has been practical to maintain an independent Border Policing Service with two divisions. Less than 5% of the interviewed border policing officers did not accept any of the positions offered. The new posts for the remaining border police staff became effective from 1<sup>st</sup> of February 2023, leaving only 95 of the previous 198 actual staff in this professional field.

At the county level, 2 senior chief investigators (analysis, evaluation and defence) and the Public Area Support Unit remained directly subordinated to the Deputy Chief of the County Police Headquarters. The Border Policing Service, headed by the Head of Service, is divided into the Borders and Aliens Policing Division (13 staff) and the Inland Control Division (37 staff), the latter with one sub-division located in Pécs. The border policing analysis officer remains directly subordinated to the Head of Border Policing Service, as before.

At local level, border policing organisational elements remained in both former police headquarters. In the Mohács Police Headquarters, the Border Policing Division (32 staff) has been retained with a reduced number of staff to carry out Schengen external border control tasks, located in the border port. The Pécs-Pogány air border crossing point, which will most probably be established as a constant one in the future, would be best located at the Pécs Police Office as an independent Airport Division, but its establishment depends on political-economic decisions and processes. Until then, the openings of temporary border crossing points will be handled by the Mohács Police Headquarters. The Border Policing Sub-division (13 officers) was set up at the Public Order Division of the Siklós Police Headquarters from the remaining border policing staff. The other border policing officers of the county headquarters have reinforced police work in the field

of public order, traffic policing and criminal investigation, or have requested to be transferred to the Rapid Response Police or the Border Policing Office in Hercegszántó.

## Summary

The Police leaders of Baranya County have had an excellent strategy for the full Schengen accession of the Croatian Republic for several years, which would have kept the majority of border police officers in the field of border management. However, the prolonged EU decision-making process left little time to restructure the organisation, so the number of officers carrying out inland control was reduced to a third despite what had been planned previously. Baranya's border policing functions became twofold. After the accession on 1<sup>st</sup> January 2023, all border crossing points in Baranya – with the exception of one permanent water and one temporary air border crossing point – were abolished and the more than 142 km long border section became an internal border, but Baranya – unlike the other counties in the Croatian section – still had the classic Schengen external border tasks, too.

A new system of inland controls had to be established at the internal border, and a new type of security challenge had to be addressed at the Danube border port. In addition to the separation of vessel traffic at the dual (external and internal) water border, a system of inland waterborne controls based on risk analysis had to be put in place to prevent cross-border illegal activities, while keeping security in mind. Under this system, certain cargo vessels from Croatia will have to be stopped at Mohács on the basis of a risk analysis.

Following the reorganisation, more than half of the former county border policing staff are now reinforcing other areas of expertise and applying their previous and newly acquired professional skills. This is beneficial for the organisation as a whole, both because it reduces staff turnover and because the temporary passport controller teams reinforcing the counties cop-

ing with heavy border traffic on the Serbian and Romanian section are composed of this staff. On the other hand, for the last three years or so, serious government preparatory work has been under way to rebuild the economy of Pécs and the region, with the development of the Pécs-Pogány air border crossing point being a clear element in this development. However, the future police staff of the latter could not have been secured during the restructuring process.