

“ Policy and Legislative Framework Analysis– Creation of an Action Plan–Executive Report”

As part of the project:

“We Cross Borders”

***Co-funded by the European Territorial
Cooperation Program***

***INTERREG IPA CBC Programme “Greece- Republic of North
Macedonia 2014-2020”***

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PALMOSANALYSIS 
MARKET RESEARCH | WEB DEVELOPMENT | CONSULTING

2019

ΠΕΡΙΕΧΟΜΕΝΑ

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I. Introduction

The project "We Cross Borders" is aimed at modernizing and improving infrastructure at the Evzoni and Bogorodica Border Crossing Points and aims to improve the customs services provided to citizens and businesses of the two neighboring countries and the European Union in general, while it is expected to make a decisive contribution to boosting economic growth, resulting from the increase in tourist flow between the two countries as well as to better controlling refugee flows.

As part of this project, a Policy and Legislative Framework Analysis alongside a Creation of an Action Plan is required, consisting of three (3) sections:

SECTION #1

The current situation with regard to the free flow of people, goods, services and capital, as well as with regard to border security in Greece, in the neighboring country and in the European Union (EU) in general, is described in detail. In particular, as part as the analysis of the policies and the legal framework governing the above-mentioned cross-border relations, the following individual topics are addressed:

- Legal immigration and integration
- Irregular migration and return
- Common European Asylum System
- Schengen Treaty - Borders – Visas
- Innovation and Security Industry
- Organized crime and human trafficking
- Crisis and terrorism
- Police cooperation on terrorism
- International Relations and Terrorism
- Europe for Citizens Program
- European Agenda for Migration
- European security agenda
- Securing European borders

- International rules on the movement of goods (plant material, live animals, food, etc.).

SECTION #2

The legal texts (legislation) of the Republic of Northern Macedonia regarding any specific legal status (if any) for the flow of people, goods, services and capital (to Greece), as well as for border security (to Greece) is described and addressed.

SECTION #3

It includes suggestions for ways / actions to improve the above (i.e. free flow of people, goods, services and capital, as well as border security in Greece, the neighboring country, the European Union and in general) at a cross-border level, through direct and close cooperation of the customs' authorities of the two neighboring countries.

II. SECTION #1 GENERAL INFORMATION

➤ *EU Strategy and Action Plan on Customs Risk Management*¹

In 2014, the Commission announced the EU Strategy and an Action Plan on Customs Risk Management. The strategy set out a number of key objectives that have one general objective: to achieve a high-quality, effective and efficient approach to risk management. The action plan included a series of measures to be taken for each objective. There are seven (7) key objectives overall:

Objective #1: IMPROVING DATA QUALITY AND TRANSMISSION METHODS

Objective #2: ENSURING DATA AVAILABILITY AS FAR AS SUPPLY CHAIN IS CONCERNED AND INFORMATION EXCHANGE RELATING TO RISK MANAGEMENT AND CONTROLS RESULTS

Objective #3: IMPLEMENTATION OF RISK CONTROL AND RISK REDUCTION MEASURES (PRIOR ASSESMENT WITH SECURITY CHECKS IF NECESSARY)

Objective #4: INCREASING CAPACITIES TO ENSURE THE EFFECTIVE IMPLEMENTATION OF THE COMMON RISK MANAGEMENT FRAMEWORK AND THE FASTER AND MORE EFFICIENT MANAGEMENT OF NEWLY PRESENTED RISKS

Objective #5: PROMOTING INTER-AGENCY COOPERATION AND THE EXCHANGE OF INFORMATION BETWEEN CUSTOMS AND OTHER AUTHORITIES AT MEMBER STATE AND EU LEVEL

Objective #6: STRENGTHENING COOPERATION WITH TRADERS

Objective #7: UNDERSTANDING THE POTENTIAL OF INTERNATIONAL CUSTOMS COOPERATION

¹ Έκθεση της Επιτροπής προς το Συμβούλιο και το Ευρωπαϊκό Κοινοβούλιο/Βρυξέλλες 20/7/2018/COM 2018 549 Final

➤ *The Greek Customs Administration (GCA)*²

The Greek Customs Administration (GCA), acting as a EU customs authority, plays a very important role: its mission is to ensure, in any event, the balance between protecting the financial interests of the country and the EU, the cultural heritage, the environment, the intellectual property rights and the society in general by facilitating lawful trade, through controls across the supply chain.

² ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ-ΟΔΙΚΟΣ ΧΑΡΤΗΣ ΓΙΑ ΤΗ ΔΙΕΥΚΟΛΥΣΗ ΤΟΥ ΕΜΠΟΡΙΟΥ 2016-20120

➤ *Customs Procedures in Trade with The Republic of North Macedonia*³

Following the signing of the Final Agreement on the Settlement of Disputes described in United Nations Security Council Resolutions 817 (1993) and 845 (1993), the termination of the Interim Agreement of 1995 and the establishment of a Strategic Partnership between The Parties on the 17th of June 2018 and its entry into force on the 12th of December 2019 (followed by the termination of the Interim Agreement of 1995), the following have been notified for information and implementation:

- The constitutional name of the country is "Republic of North Macedonia" and when used the short name should be: "North Macedonia".
- The new neighbor's name is erga omnes for all uses and for all purposes. It applies internationally, i.e. to all international, multilateral and regional organizations, institutions and Fora and will be used in all bilateral relations of the neighboring country with all UN member states as well as within it.
- All documents issued by the neighboring country (travel documents, IDs, driving licenses, certificates, etc.), any kind of correspondence and related material originating from the Authorities of the neighboring country with a date of issue thereafter the entry into force of the Agreement, they should bear the new name and terminology relating to the country.

The above general provisions are followed by specific guidance and explanatory documents that regulate every aspect of cross-border and customs procedures, such as transit, transportation, exports, passengers and individuals, transportation means etc.

³ ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ-ΑΑΔΕ ΑΡ. ΠΡΩΤ. Ε. 2043/13.3.2019

➤ ***Legal Migration and Integration***⁴

The document includes an extensive report the current situation of immigrants and refugees at European level and in partner countries, the European immigration policy and legislation and the latest European policy on legal immigration and the latest developments. Furthermore, the document refers to the European policy framework for the social and occupational integration of migrants and refugees, including a series of good practices already in place in many European countries.

⁴ www.migrempower.eu

➤ *Illegal Migration and Return*⁵

Returning home immigrants that have no asylum rights in Europe is one of the most effective ways to prevent and reduce illegal migration. It is a powerful deterrent and, therefore, an integral part of a functioning EU immigration and asylum management system. The document contains extensive information on:

- Who will be forced to return to their home country?
- How to ensure that illegal immigrants leave EU territory?
- New resources - Frontex Return Office
- Cooperation with third countries
- How return operations will be funded?
- The EU Return System: More Effective National Administration Systems and Return Procedures / The Return Directive
- Addressing abuses in asylum procedures
- Increased exchange of information for enforcement of returns
- Strengthen the return process and support reintegration
- Improving return cooperation
- Implementing Integrated Returns Management (IRMA)
- European Border and Coast Guard Organization
- European Union funding for return and readmission
- Addressing the Challenges of Readmission

⁵ ΓΙΑ ΜΙΑ ΑΠΟΤΕΛΕΣΜΑΤΙΚΗ ΠΟΛΙΤΙΚΗ ΕΠΙΣΤΡΟΦΗΣ ΣΤΗΝ ΕΕ/Βρυξέλλες 2.3.2017/COM (2017) 200 final

➤ *The European Common Asylum System*

The document contains detailed information on:

- Who is entitled to seek asylum in the EU?
- Asylum and the EU / duty of protection
- EU Directive for the asylum procedures
- Guidelines for reception treaties
- Recognition guide for a person to be treated as a refugee or beneficiary of protection
- The Dublin Regulation
- Eurodac

➤ *Schengen Agreement/ Borders/ Visas*⁶

The document contains detailed description of the Schengen Agreement, with particular focus on:

- What is the Schengen Agreement?
- Which countries belong to the Schengen area?
- What are the provisions for controls within the Schengen area?
- What does removing internal border controls mean?
- What does "Common External Borders" mean?
- How is security guaranteed when there are no cross-border controls?
- Are the Schengen area countries allowed to reinstate controls?
- What is a Schengen Information System (SIS)?
- Can I access my personal data stored in the SIS?
- The Schengen Agreement within the European Union

⁶ <https://www.lawspot.gr/nomikes-plirofories/voithitika-kemena/osa-hreizetatai-na-gnorizete-gia-ti-synthiki-sengken>
http://bit.ly/Europa_Schengen

➤ *Innovation and Safety Industry*⁷

Providing safety is one of the most important concerns of any society. In every policy area, safety is an important component. A safe and secure environment is the foundation of every stable society. A competitive European Union safety industry that offers solutions for greater security can make a significant contribution to the adaptability of European society.

The safety industry is a sector with significant growth and employment potential. In the previous decade, the global safety market has almost doubled in size, from 10 billion euros to 100 billion euros in 2011. Numerous studies indicate that both the EU and the global safety market will continue to grow at a faster pace average GDP growth rate. The documents contains detailed information on the safety industry worldwide and in the EU, the main challenges that the safety industry faces and the possible solutions to these problems, as well as information on how the EU tackles such issues.

⁷ <https://eur-lex.europa.eu/legal-content/EL/TXT/?uri=CELEX%3A52012DC0417> & Βιομηχανική πολιτική για τον τομέα της ασφάλειας /Σχέδιο δράσης για καινοτόμο και ανταγωνιστικό τομέα ασφάλειας /* COM/2012/0417 final */

➤ *Organized Crime and Human Trafficking*⁸

Organized crime, as is well known, has acquired a global character and is one of the most serious threats to the societies of the entire world for decades. The risks arising from this criminal phenomenon are not confined to individual social goods, but extend to whole social subsystems. Particularly vulnerable are the public sector in the broadest sense of the term, which is threatened by corruption, and the economy, which tends to be eroded by dirty money. Organized crime groups operate in more than one country at the same time, thus gaining internationalization, resulting in significant difficulties in dealing with it effectively and universally. The document has extensive refers to the definition and the characteristics of organized crime, as well as a brief description of the EU and UN policies for effectively dealing with this issue. Furthermore, the document contains information about Human Trafficking worldwide and specifically in Greece (with detailed data about human trafficking victims numbers and profiles, as well as the evolution of the phenomenon in Greece)

⁸ http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=2481&Itemid=400&lang=

➤ *Refugee Crisis and Terrorism*⁹

The surge of the refugee numbers seeking their way to Europe, in relation with the open borders and free movement policies of the EU have led to an security holes, as terrorists are taking advantage of the increased flows of refugees to find their way into European countries. The anti-terrorism policy and commitment of the EU can be summarized as follows: "Combating terrorism as a whole while respecting human rights and making Europe safer by allowing its citizens to live in an area of freedom, security and justice." The document describes the four main pillars of EU anti-terrorism policy:

- Prevention
- Protection
- Persecution
- Counteraction

⁹ <https://www.tovima.gr/2015/11/21/finance/ypsilo-to-kostos-apo-tromokratia-kai-prosfygiki-krisi/>

➤ *Police Cooperation for Terrorism*¹⁰

The main instrument of police cooperation within the EU is the European Police Office (Europol), which is the foundation of the wider European architecture for internal safety. The document describes in detail the legal basis for the establishment of Europol, its main objectives and its accomplishments. There are also information on the legislative framework for police cooperation within the EU, the Europol's specific units for tackling specific crimes. The document also provides brief descriptions for other EU bodies that promote Police Cooperation, such as the European Union Agency for Law Enforcement Training (CEPOL), the Standing Committee on Internal Security (COSI), the EU Intelligence and Situation Centre (EU INTCEN) and the European Parliament.

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<http://www.europarl.europa.eu/factsheets/el/sheet/156/%CE%B1%CF%83%CF%84%CF%85%CE%BD%CE%BF%CE%BC%CE%B9%CE%BA%CE%B7-%CF%83%CF%85%CE%BD%CE%B5%CF%81%CE%B3%CE%B1%CF%83%CE%B9%CE%B1>

➤ *International Relations and Terrorism*¹¹

The terrorist attacks on and after September 11, 2001 have demonstrated the capacity of the supranational terrorist network. That is why one can say that supranational terrorism is an asymmetric and unambiguous superpower, except that it seeks to provoke awe and the impression that it can defeat any adversary, rather than formulate a program that ensures better economic and social conditions for the people it supports. The goal of global terror networks now, unlike the terrorist organizations of the last three decades of the 20th century, is not the immediate defeat of their opponents, but terrifying populations and producing a war image in the new electronic media. Greece has taken all necessary legal and operational actions to combat terrorism and eliminate sources of terrorist financing.

¹¹ <http://www.philenews.com/f-me-apopsi/arthra-apo-f/article/625690/i-tromokratia-stis-diethneis-scheseis>

➤ *Programme “EUROPE FOR CITIZENS”¹²*

The document contains extensive information on the “Europe for Citizens” Programme, such as the Programme’s main and specific objectives, it’s core characteristics, it’s structure and funding schemes, the selection criteria and procedures for applicants etc.

¹² 1.Ευρωπαϊκή Επιτροπή, Γενική Διεύθυνση Μετανάστευσης και Εσωτερικών Υποθέσεων <http://ec.europa.eu/dgs/home-affairs/>

➤ *European Agenda for Immigration and European Agenda for Safety*^{13, 14}

Detailed information on how the European Union approaches issues such as Immigration and Safety are included in the document, together with interviews and statements from top EU executives and Commissioners. There are also information about the European Border and Coast Guard Agency (Frontex) and the European Travel Information and License System (ETIAS).

¹³ <https://kedisa.gr/%CE%B7-%CE%B5%CF%85%CF%81%CF%89%CF%80%CE%B1%CF%8A%CE%BA%CE%AE-%CE%B1%CF%84%CE%B6%CE%AD%CE%BD%CF%84%CE%B1-%CE%B3%CE%B9%CE%B1-%CF%84%CE%B7%CE%BD-%CE%BC%CE%B5%CF%84%CE%B1%CE%BD%CE%AC%CF%83%CF%84%CE%B5/>

¹⁴ https://europa.eu/rapid/press-release_IP-16-1445_el.htm

➤ *International Goods Management Rules and Regulations*¹⁵

The document refers extensively to the Revised Rules for the Movement and Marketing of Products and Services, with descriptions of the main changes and modifications about products moving and trading. There is also detailed description of the Incoterms, the rules of international trading terms.

¹⁵<http://www.mindev.gov.gr/%CE%B5%CE%BA%CE%B4%CF%8C%CE%B8%CE%B7%CE%BA%CE%B1%CE%BD-%CE%BF%CE%B9%CE%B1%CE%BD%CE%B1%CE%B8%CE%B5%CF%89%CF%81%CE%B7%CE%BC%CE%AD%CE%BD%CE%BF%CE%B9-%CE%BA%CE%B1%CE%BD%CF%8C%CE%BD%CE%B5%CF%82-%CE%B4/>

III. SECTION #2

➤ *THE CUSTOMS STATUS OF THE REPUBLIC OF NORTH MACEDONIA*

In this section there is a brief description of the role and jurisdiction of the Customs Authority of the Republic of Northern Macedonia. The Customs Authority of NM, currently employs approximately 1.170 employees and its main objectives are:

- Perform customs surveillance
- Conduct customs control
- Carry out Customs clearance of goods
- Conduct customs controls, investigations and collect information on the prevention, detection and investigation of customs offenses and crimes
- Initiate proceedings for customs offenses as well as for crimes defined by law and impose mandatory fines
- Calculate and collect or refund import and export duties, taxes and other public levies on the import, export or transit of goods, as well as carry out forcible collection of the above, in accordance with law
- Perform the administrative process at first degree
- Monitor and control excise tax movements
- To control the cash inflow and outflow in domestic and foreign currencies, checks and gold
- Exercise control over the import, export and transit of goods for which special measures are provided for reasons of safety and public morals, protection of human and animal health and life, protection of the environment and cultural heritage, protection of intellectual property rights and other related rights and industrial property rights, as well as other commercial policy measures provided for by law
- Organize the customs information system and provide data on imports and exports for statistical purposes
- Organize and control the professional responsibility of employees
- Draft legislation in the area of its customs competence
- Organize and carry out training, testing of knowledge and professional skills of customs officials, as well as human resources management
- Provide specialized assistance in the implementation of customs regulations for which it organizes seminars and public platforms with the right to financial compensation
- Carry out storage and storage of goods, as well as the process of selling confiscated, abandoned or uncovered goods

- Monitor the movement of customs goods, by offsetting costs
- Conduct chemical-technology testing of goods, with cost offset
- Cooperate with other state authorities
- Cooperate with foreign customs administrations and international organizations
- Exercise the powers provided for by Customs Law and other similar laws

There are also information on Customs Authority Regional Education Center, the Electronic Customs Office (NCTS) and other electronic tools and platforms in use by the Customs Authority of the Republic of North Macedonia.

The legal texts (legislation) of the Republic of Northern Macedonia regarding any specific legal status (if any) for the flow of people, goods, services and capital (to Greece), as well as for border security (to Greece) is described and addressed.

IV. SECTION #3

➤ *ACTION PLAN*

The "Action Plan" includes views and suggestions on ways / actions to improve the cross-border movement of people, products and capital and to create a common cross-border flow and registration database of transit citizens, goods, services and capital.

There are three aspects to improving the procedures for customs controls:

1. The Evzoni Customs, as an autonomous entity.
2. The Customs in relation to the Police Passport Control Department in the same area (Evzoni)
3. The Evzoni Customs, in relation to the neighboring Customs Office of Bogorodica.

With regard to the procedures followed in Evzoni, in the first and second aspects above, there is limited scope of improvement for the following reasons:

- Long delays are observed in the Passport Control Department, namely private owned passenger cars and passenger buses.
- Delays in freight traffic controls, i.e. trucks, have to do with the volume of work and the necessary processes that exist to handle exports.

Thus, the main actions that could improve current procedures and conditions can be summarized as follows:

- Introduce video and audio cameras, signaling cameras, surveillance and control cameras, traffic displays etc. to automate vehicle and goods control.
- Increase the number of police personnel to ninety (90) permanent employees, in order to staff all available Control Stations, in accordance with the day-to-day customs control requirements.
- Strengthen the Customs personnel with additional staff as, in the present circumstances, it is considered inadequate in number, resulting in fatigue and the risk of carrying out defective checks, in particular during peak periods.

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- To minimize travelers' waiting time, it is recommended that the lanes for private cars should increase to eight (8), such as the number of lanes operating at the entrance of travelers to Greece, as during summer months (June, July & August) approximately the same number of travelers entering from (8) lanes exits from five (5), resulting in significant delays in leaving Greece.
 - It is proposed that during summer (June, July & August) as well as during festive periods (Christmas and Easter) the cross-border checks procedures should be simplified for Greek and European Union citizens, in a way that used to be prior to the summer of 2017
 - Place (in traffic lanes, as well as around the area of the Evzoni) cameras to record the movement, as well as to detect or deter persons attempting to enter or exit the border illegally
 - Regularly inspect with carbon dioxide and heart rate detectors in lanes of lorries entry and/or exit
 - Have a permanent FONTEX police force who can provide specialized services such as identifying stolen vehicles
 - Systematic implementation of a risk analysis system which, based on comparable parameters, checks whether the particular goods or the carrier or the consignee or the consignor itself have any credible risk, in order to trigger physical control
 - Immediate reinforcement of the X-ray system at the Customs Office for the detection of trucks and private passenger vehicles carrying goods illegally
 - Strengthening of basic infrastructures and personnel, such as the permanent presence of a doctor and first aid unit /medical care in general, especially when there is a high volume of passenger traffic (during summer months and holidays)
 - Θα πρέπει να υπάρξει μια κοινή ηλεκτρονική βάση δεδομένων που να περιλαμβάνει 4-5 βασικά πεδία, όπως: ο αριθμός κυκλοφορίας του οχήματος, το ονοματεπώνυμο του οδηγού, το είδος του εμπορεύματος, το βάρος του εμπορεύματος, η αξία του εμπορεύματος, το είδος του παραστατικού και ο αριθμός του παραστατικού που κινείται από την άλλη πλευρά. Το παραστατικό μπορεί να είναι η διασάφηση εξαγωγής από δω προς τα έξω ή από κει προς τα έξω ή μπορεί να είναι κοινοτική διαμετακόμιση (TIR, T1,T2 κτλ.).
 - There should be a common electronic database containing 4-5 basic fields, such as:
 - vehicle registration number,
 - driver's full name,
 - type of goods,
 - weight of goods,

- value of goods,
- type of goods document and
- number of document moving on the other side.