

**NATIONAL UNIVERSITY OF PUBLIC SERVICE
DOCTORAL COUNCIL**

Pol. Lt. Col. Tamás Tari

**The activity of the Hungarian police in the field of accession to the Schengen area
between 2004-2010**

Review of author's dissertation (PhD)

Budapest

2012

NATIONAL UNIVERSITY OF PUBLIC SERVICE
The Doctoral School of Military Science

Pol. Lt. Col. Tamás Tari:

**The activity of the Hungarian police in the field of accession to the Schengen area
between 2004-2010**

Review of author's dissertation (PhD)

Supervisor:

Dr. György Ritecz (PhD)

Budapest

2012

STATEMENT OF THE SCIENTIFIC PROBLEM

At the beginning of the negotiations related to the accession to the European Union, Hungary agreed to take over the Schengen acquis. The Act of Accessions prescribed a two-step mechanism entering into force. The first category of Schengen acquis has to be already applied from the date of the EU accession. These include for example the regulations on external borders, certain immigration rules. The second category of Schengen standards can be applied only from the date of becoming a full member, which assume the termination of controls at the internal borders. The Schengen standards must be incorporated into the national law or they must be applied directly.

Tasks related to the preparedness to the full Schengen membership formulated that Hungary and the Hungarian Police is capable of meeting the expectations and applying the Schengen standards. What kind of tasks have to be carried out if they meet the strict requirements? Have been the tasks fulfilled - taking into account the experiences - after the accession or have further tasks raised for Hungary and the Police?

At the start of the research (2006) the timeliness of the topic was justified by the fact that we were in the end of the full Schengen accession, but there were still major tasks ahead the national bodies – especially ahead the Police. Such inevitable event – from the point of view of the dissertation - was the integration of the Police and the Border Guard. It did not lose its actuality after the full Schengen accession, since we must be prepared for the new Schengen controls as well as the Hungarian tasks related to the expected full accession of Romania and Bulgaria (especially Romania).

Futhermore the research of the topic is justified by opinions and counter – opinions which say that the massive problems caused by illegal migration can only be solved by the Schengen border control restored at the internal borders.

My doctoral thesis is based on the following hypotheses:

1. In my opinion, due to the changes of challenges and the development of the Union, the European Union and the Schengen area go through constant changes, with the aim of establishing an area of freedom, security and justice. Implementation of measures arising from the Schengen system can significantly contribute to the security of the European Union.

2. In respect of the European Union, the area of freedom, security and justice which symbolizes the essence of the European Union cannot come true without the pursuit of complex security which major key is the Schengen system. In my opinion, the integrated border management model and as a part of it, the depth control system can provide appropriate response to the new risk factors arose because of the removal of border controls at the internal borders, specifically to the risk of illegal migration.

3. In my opinion, the preparation of the Police for the Schengen controls, and its performance during the controls contributed to a great extent to that fact that the evaluation of Hungary was satisfactory and with this the obstacle was removed from the full Schengen membership.

4. In my opinion the integration of the Police and the Border Guard has been successfully executed in spite of the short time available. The objectives pursued to integration were implemented, the integrated Police met those expectations which were formulated in connection with the new organization. In my judgement, following the full Schengen accession and the integration, the transfer of the border policing's priority sector from the western border section to the eastern border section did not cause significant tension.

RESEARCH OBJECTIVES:

In the framework of the comparative analysis closely related to the thesis' topic, through the review and analysis of the content of the European Union's contracts and programs, I strive to introduce the formation, the development and the change of the Schengen system.

I analyze and highlight the new type of threats and risks formulated in a complex security explanation and I reveal their connection to the Schengen system. In this framework I examine the connection of the Border Security Model, established in the interest of fight against illegal migration to the Schengen security system

For the Hungarian Police, in order to achieve the full Schengen accession through its implemented tasks I introduce Hungary's preparation for the Schengen controls and the process of the full Schengen accession.

The sketchy introduction of the integration of the Police and the Border Guard was set as a special goal. I analyze and evaluate the period after the full Schengen accession and the integration of the Police and the Border Guard in the light of illegal acts related to illegal migration.

RESEARCH METHODS

In order to achieve the research aims I used the following research methods.

In the course of the PhD term, during the composition of the individual study and research program, I was endeavouring in the selection of subjects and speakers that these have to be in accordance with each other and support my scientific objectives.

I continuously monitored, studied and elaborated the European Union and Hungarian legislation related to my thesis as well as the related research findings and publications.

With analytic method I systematized the collected legislation and synthesized the information. During the data analysis I applied the qualitative data analysis method.

In historical comparative approach I dealt with the European Union and Hungarian legislation, contracts, programs, related to my topic. I made document analysis and interpreted topic-related materials.

During my research work required to the completion of my dissertation I applied the induction and deduction method as well.

I had consultation with skilled professionals, representing a narrow area of speciality and taking part in the preparation and execution of the Schengen accession.

In the chapters I set my part-conclusions with the synthesis of revealed knowledge.

I published my partial results in publications.

BRIEF DESCRIPTION OF THE CARRIED OUT RESEARCH BY CHAPTERS

I divided my dissertation into five chapters and supplied it with figures and statistics helping to understand the topic. During the processing of the chapters I determined the following conclusions:

1. Formation and development of the Schengen area

During the review and analysis of the documents, it can be assessed that in the implementation of the European integration, the ensuring of the persons' free movement and the guaranteeing of the internal region's security play a significant role.

In the achievement of these two conditions, the development of the Schengen area and the effective application of the Schengen acquis have a great importance.

It can be identified that in order to meet the the challenges, the constant development and change of the the European Union and consequently the Schengen area is necessary and essential which comes together with enlargement of the primary legal bases of the EU and its secondary regulations.

2. Intergrated border security system as a part of the Schengen security system

Based on the research it can be defined that among the new type of risks, with regard to the European Union, one of the most determining is the issue of illegal migration, where the most effective solution is the consistent application of the Schengen acquis, especially the operation of the intergrated border security model. In view of this, in the interest of the development of the intergrated border security model, it is necessary to manage it as a whole complex.

3. The Schengen control

In view of the Schengen controls' results – especially that Hungary was the only one where the repetition of the evaluation was not necessary - it can be identified that the competent Hungarian authorities (So thus details concering the Police's preparation described in the chapter) were aware of the importance of ratings and in this spirit they implemented their

execution and were ready to complete the controls. Furthermore it can be defined that the trainings and developments implemented from the Schengen Fund significantly contributed to the effective preparation.

4. The integration of the Police and the Border Guard

Based on the facts described in this chapter, it can be stated that two relevant organizations successfully implemented the integration related tasks for a specified deadline. The integrated Police meet the criteria defined by the legislator as well as it is able to perform border policing tasks satisfying the Schengen requirements.

5. First three years of experience following the accession in the light of illegal acts related to illegal migration

Following the analyzation and evaluation of the data, it can be defined that after the European Union accession the number of illegal acts related to illegal migration decreased. It is due to the fact that thanks to the effective preparation for the full Schengen membership, the border controls at the external borders became more effective. In addition, I diagnosed that in order to increase the efficiency of the depth controls, their implementation must be more coordinated between the various law enforcement agencies and cooperation agencies. Furthermore I made further proposals in order to improve efficiency.

SUMMARY OF CONCLUSIONS

Based on my researches I defined that the development of the Schengen area and the application of the Schengen acquis play a key role in the implementation of the European integration and in the insurance of the region's security. This is supported by my fact - which is in connection with the Schengen rights as one of the most important facts assessing progress - that the Treaty of Amsterdam integrated the Schengen acquis into the EU law and its implementation was compulsory for the new Member States (including Hungary as well). In my judgement, due to the – mainly security - challenges concerning the European Union, the constant development of the European Union and the Schenghen area is necessary with special attention to (as I placed emphasis on this) the innovation of regulation related to the effective community border guard.

From the point of view of the European Union's future, the endeavor for a complex security has a highlighted importance. I determined that explanation of the Schengen acquis as a security system is reasonable – due to the comprehensive definition of security – as without the introduced measures based on the Schengen acquis, the internal security of the European Union cannot take place, especially for the illegal migration as one of the new type of risks.

Based on my research, I find the illegal border security model the most important element in the fight against illegal migration which could provide an appropriate response for the security deficit which arose due to the liquidation of border controls at the internal borders.

In my opinion, parallel with the development of the European Union integration, the further modernization of the integrated border security model has to come to pass, in which the FRONTEX should take a prominent role. With regard to Hungary, it can be defined that the integrated border security model operates in Hungary in which the Police has a determining role. The part-area of the integrated border security model is the implementation of depth controls. In our country this system has been developed, however based on my researches I determined that it is necessary to be reorganized and ensure the conditions of the implementation. For that purpose I formulated my observations and suggestions. In connection with the Schengen Information System I determined that following the introduction of the system in Hungary, the entitled authorities use the system, the Hungarian SIRENE office performs its tasks with high quality.

In connection with the Schengen controls I determined that during the preparation and the conduction of the control the affected Hungarian authorities (During my research I put emphasis on the Police) provided such an achievement, which - in view of the assessments - is exemplary compared to the ten Member States joined with Hungary at the same time. The developments and trainings materialized from the support of the Schengen Fund meant fundamental assistance in the preparation. Based on the experiences of controls I formulated my proposals in connection with the periodic control of Hungary (the evaluation of the correct application of the Schengen acquis).

In connection with the integration of the Border Police and the Police I determined that the two organizations implemented orderly the specific tasks on time. Based on my researches I

esteem the integration successful in spite of the short time available for the preparation. Furthermore I determine that the integrated Police meets the criteria defined by the legislator as well as it is able to fulfill the border policing tasks which suit the Schengen requirements.

NEW SCIENTIFIC RESULTS

1. With regard to the 1st hypothesis, I have proved that from the - security - point of view of the achievement of the European integration, the development of the Schengen area plays an important role. The Schengen acquis are going through continuous development in order to correspond to the challenges threatening the European Union's security, as well as the changes of the European Union.

2. With regard to the 2nd hypothesis, I have proved that arising from the access of the full Schengen membership, the introduced integrated border security model in Hungary – based on the results of my research – is able to give an adequate response to the danger of illegal migration. However - in the light of statistical data – the depth control system has a smaller role than what I assumed at the beginning of the research.

3. With regard to the 3rd hypothesis, I have proved that in the required effective Schengen evaluation which was needed to the full Hungarian Schengen accession, the Police activity had a significant role. The Police implemented the preparation in the significance of the control's consciousness and spirit and during the controls it proved that it is able to apply the Schengen acquis.

4. With regard to the 4th hypothesis, I have proved that the integration of the Police and the Border Guard in spite of the short time limit specified for the implementation and with regard to the amount of required tasks was successfully implemented. After the initial difficulties (which did not endanger the organization's ability to function and the implementation of work) the integrated Police – expanded with border control activities satisfying the Schengen requirements - is able to supply its specific tasks.

5. I analyzed and explored the integration of the Border Guard and the Police and determined that despite the fact that there are two major organizations which tasks are extremely comprehensive too, and they had short time available for the preparation, as well as it took

place parallel with the preparation for the Schengen accession, the integration was implemented successfully.

RECCOMENDATIONS AND SUGGESTIONS FOR UTILIZAZION

I see the opportunity for the practical utilization of scientific achievements in the following fields discovered during my research and formulated in my PhD:

1. The scientific results of my thesis can be directly utilized for specialized advanced trainings, as well as at the different levels of law enforcement educational institutions. I find crucial training area the maintaining of „Schengen knowledge” on an adequate level for the concerned executive staff, as well as due to turnover, the training related to Schengen legislation provided for the new colleagues.

2. After acquainting the integrated border security model, my proposals could be used for the planning and implementation of the integrated border security model’s developments in the interest of its domestic and international progress. They would contribute to the improvement of the efficiency in the area of fight against illegal migration.

3. In consideration of the new Schengen controls in Hungary (the assessment of the correct application of the Schengen acquis), in the interest of its preparation, my scientific results can be used in the training of the concerned management and subordinate staff, which - based on my proposals - should not be realized only properly (prior to the controls), but periodically returning (semi-annually, annually recurring training courses).

4. My findings, suggestions related to equipments purchased from the Schengen Basic support - in connection with the assurance of its continuous use in the right place and manner - could be used during the new Schengen evaluations in Hungary during the preparatory tasks in order to monitor the Schengen Fund developments. Fund

5. In view of the human resources experience related to the Border Guard and Police integration I determined that the transformation associated with such a significant organizational change has to be prepared propely in the field of human resoures as well. These findings of mine could be used for major reorganizations implemented in the future in

the area of staff preparation beginning in a due time. Following the full Schengen accession of Romania, the Police should pay particular attention to – taking into account the experience of integration - the fact that at the Romanian border the authorities fulfilling border policing duties should not be removed totally, therefore the controlling authorities should not have to be re-established in the deep areas.

PhD CANDIDATE'S LIST OF PUBLICATION

Schengen and Hungary; Hungarian Law Enforcement; 2006/2. Budapest 2006. p.29-38

Schengen Information System; Hungarian Law Enforcement; 2006/3. Budapest 2006. p.189-194

Police cooperation in the European Union; Hungarian Law Enforcement; 2007/3-4. Budapest 2007. p. 87-92

Framework of the EU police cooperation; Professional Review (publication of the Military Security Office's Scientific Council); 2007/3. Budapest p.147-153

The accession of the Budapest Ferihegy International Airport to the Schengen system; www.biztonsagpolitika.hu; 08/02//2009

Integrated border security model (Integrated border management); Hungarian Law Enforcement; 2009/3-4. Budapest 2009. p.86-93

In-depth control system and experience gained from its functioning in Hungary; www.biztonsagpolitika.hu; 27/10/2010

The police duties of the last year's preparation for Schengen and the monitoring of the Schengen Evaluation Committee involving the aspects of the police; Military Science Review; 5th issue, number 1.; Budapest 2012. p.321-329

Actions and developments supported from Schengen Fund completed five years ago; www.biztonsagpolitika.hu 2012

Forms of international cooperation, with special attention to fight against cross-border organised crime and offences related to illegal migration; Hungarian Law Enforcement; 2012/2. Budapest 2012.

PROFESSIONAL AND SCIENTIFIC CURRICULUM VITAE

The author was born in Pásztó in 1973. In 1995 he graduated from the full-time course of the Kossuth Lajos Military College as a mechanized infantry officer and a technical teacher. In the organisation of the Hungarian National Police, Law Enforcement Agencies Training Centre he acquired police organiser (officer) qualification in 1997. Subsequently, in 2006 he obtained defence administrative manager degree at the Zrínyi Miklós National Defence University, Bolyai János Military Engineering Faculty. During his university studies at one time he was rewarded in special award at the Institutional Student Research Conference. In the autumn of 2009 he obtained absolutorium at the Graduate School of Military Sciences. In 2003 he took police examination, as well as he successfully completed the International Law Enforcement Academy in Budapest. In 1995, following the college, he started his professional career at the Boeckai István Mechanized Infantry Brigade as a troop commander. At his request in 1996 he was transferred to the Pásztó Police Department, where at multiple positions he fulfilled service tasks: duty officer 1996-1997, head of duty 1997, officer at criminal division 1998 – 2000, officer at secretarial subdivision 2000-2005, head of secretarial subdivision 2005-2007. Also at his request he was transferred to the Defense Office of the National Police as a senior desk officer. At his current service place, he works at the Hungarian National Police Headquarters Secretariat Department since December 2007 as a senior desk officer. He disposes of “C” intermediate state language exam in English and French.

His professional work was acknowledged nine times.

1997. Promotion way up to first lieutenant.

2000. Praise and reward of the head of Nógrád County Police Headquarters

2000. Award of the head of Pásztó Police Headquarters

2005. Promotion way up to police major

2007. Minister of Local Government and Regional Development: silver medal of “Medallion for Defensive Administration”

2008. Praise and reward of the high commissioner of the Hungarian National Police

2009. Promotion way up to lieutenant- colonel

2010. Praise and reward of the Minister of Justice and Law Enforcement

2011. Donation of police advisor title

Budapest, August 28th 2012

Pol. Lt. Col. Tamás Tari