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From: General Secretariat of the Council
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To: Delegations

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Subject: Council Implementing Decision setting out a Recommendation addressing the deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of police cooperation by Germany

Delegations will find in the Annex the Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2015 evaluation of the application of the Schengen acquis in the field of police cooperation by Germany, adopted by the Council at its 3463rd meeting held on 13 May 2016.

In line with Article 15(3) of Council Regulation (EU) No 1053/2013 of 7 October 2013, this Recommendation will be forwarded to the European Parliament and national Parliaments.

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of police cooperation by Germany

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen ¹, and in particular Article 15 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The purpose of this Recommendation is to recommend to Germany remedial actions to address deficiencies identified during the Schengen evaluation in the field of police cooperation carried out in 2015. Following the evaluation, a report covering the findings and assessments, listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision [C(2016)21].
- (2) Germany has renewed the bilateral police cooperation treaties with Poland and the Czech Republic. They will further improve the already far-reaching practice of cross-border operations and information exchange with these two countries and show the full potential of intra-Schengen police cooperation.

¹ OJ L 295, 6.11.2013, p. 27.

- (3) It is important to remedy each of the deficiencies identified within the shortest possible timeframe. Therefore no indication of priority for implementation of the recommendations should be given.
- (4) This Recommendation should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, the evaluated Member State shall, pursuant to Article 16 of Regulation (EU) No 1053/2013, establish an action plan to remedy the deficiencies identified in the evaluation report and provide this to the Commission and the Council,

HEREBY RECOMMENDS:

Germany should:

1. further explore the possibility to renew the bilateral police cooperation agreement with France;
2. explore the possibilities to improve the effectiveness regarding hot pursuits, e.g. by re-vision of the bilateral police cooperation agreement with France;
3. further explore the added value of the use of trilateral or EU arrangements to fight crime in the German-Polish-Czech border region and possibly transfer this experience to other border regions;
4. consider a more systematic collection of statistics of hot pursuits and cross-border surveillance with a view to establishing a better overview about its operational cross-border police cooperation requirements, as well as a better basis for discussion at bilateral or EU level about how to improve these instruments;
5. monitor time-limits as required by the Swedish initiative ²;

² Council Framework Decision 2006/960/JHA of 18 December 2006.

6. consider developing SPOC guidelines (listing for instance practical examples) regarding the choice of international police cooperation communication channels or further improve the knowledge of existing EU guidelines on the matter, such as the SPOC Guidelines and the Manual on information exchange;

7. consider further development of e-learning (on-line) platforms in the police training and education system.

Done at Brussels,

For the Council

The President
