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From: General Secretariat of the Council
On: 13 October 2016
To: Delegations

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Subject: 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 the Netherlands

Delegations will find in the annex the 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 the Netherlands, adopted by the Council at its 3490th meeting held on 13 October 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 the Netherlands

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 decision setting out a recommendation is to recommend to the Netherlands remedial action 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 and listing the best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision [C(2016)5100].

¹ OJ L 295, 6.11.2013, p. 27.

- (2) The strongest points of the Dutch police cooperation system are the integration of police and judicial information exchange, the very well-developed policy on ethics and integrity within the police forces, and the very advanced culture of training, education and knowledge management.
- (3) In view of the importance of compliance with the Schengen acquis, in particular the need for swift mutual assistance and efficient information exchange, priority should be given to the implementation of recommendations 2 and 5 below.
- (4) This decision setting out a recommendation should be transmitted to the European Parliament and to the parliaments of the Member States. Within six months of its adoption, the evaluated Member State shall, pursuant to Article 16(8) of Regulation (EU) No 1053/2013, provide the Commission its assessment on a possible implementation of the recommendations, including indications of possible further improvements,

HEREBY RECOMMENDS:

The Netherlands should

1. invite all law enforcement agencies to participate in national briefings on a regular basis with a view to improving their overall cooperation;
2. consider a single point of contact (SPOC) online case management system from which solid and reliable figures on information requests can be extracted, allowing for the proper allocation of human and technical resources to the different SPOC units;
3. maintain the quality of work of the SPOC by considering more detailed plans on the recruitment process as well as the training of newly employed operators;
4. establish a more comprehensive set of written documentation for SPOC-related procedures (e.g. by presenting practical examples);

5. continue and intensify the already ongoing efforts to develop and implement a common information system, taking into account recent international developments in the field of interoperability (e.g. Universal Message Format);
6. consult Eurojust and Europol on the e-CODEX pilot project to guarantee future interoperability with existing solutions for international law enforcement information exchange;
7. consider implementing standardised training for all liaison officers;
8. improve, through regular training, Dutch police officers' knowledge of country-specific legal conditions for cross-border observations;
9. consider a trilateral agreement between the Netherlands, Germany and Belgium to provide a good basis for hot pursuits involving these three countries;
10. consider more systematic collection of statistics regarding cross-border cooperation instruments (in particular hot pursuits), with a view to, firstly, obtaining an improved overview of the national operational requirements for such operations, secondly, enhancing the capacity for national risk assessments and, thirdly, facilitating discussion at EU level on the improvement of these cross-border instruments;
11. consider introducing a 24/7 service and a permanent second-line analytical capability to further improve the functioning of the EU Regional Police Information Cooperation Centre in Heerlen.

Done at Brussels,

For the Council

The President
