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NOTE

From:	General Secretariat of the Council
To:	National Parliaments
Subject:	COUNCIL IMPLEMENTING DECISION setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Italy on the application of the Schengen acquis in the field of police cooperation

In accordance with Article 15(3) of Council Regulation 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, the Council hereby transmits to national Parliaments the Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Italy on the application of the Schengen acquis in the field of police cooperation¹.

¹ Available in all official languages of the European Union on the Council public register, doc. 7738/17

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2016 evaluation of Italy on the application of the Schengen acquis in the field of police cooperation

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 Schengen², 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 Italy remedial actions to address deficiencies identified during the Schengen evaluation in the field of police cooperation carried out in 2016. 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(2017) 81].
- (2) Italy's legal regime for police cooperation is well in place and implemented on a day-to-day basis. Contacts with neighbouring states work on well-established links. A particular strong point is the fact that Italy has bilateral police cooperation agreements with all its neighbouring countries. The information exchange in the border regions takes mainly place via the four Police and Customs Cooperation Centres (PCCCs) in Modane, Chiasso, Ventimiglia and Thörl-Maglern .

² OJ L 295, 6.11.2013, p. 27.

- (3) All bilateral agreements should be fully and timely implemented.
- (4) The EU legislation should be timely transposed and implemented.
- (5) On these grounds, it is particularly important to act upon recommendations number 2, 3, 4, 5, 16 and 19.
- (6) 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, paragraph 8 of Regulation (EU) No 1053/2013, provide the Commission with its assessment on a possible implementation of the recommendations containing indications for possible further improvements,

HEREBY RECOMMENDS:

that Italy should

1. raise awareness amongst police staff about administrative rules such as the various codes of conduct or the service and disciplinary regulations while making them available on the intranet,
2. streamline and speed up the process to implement bilateral police cooperation agreements as much as possible,
3. fully exploit the cooperation opportunities provided by bilateral agreements in force,
4. fully operationally implement the Swedish Framework Decision ³, increase awareness about it, as well as provide related training measures,
5. make all relevant international channels and databases available to all divisions of the Single Point Of Contact (SPOC),

³ Council Framework Decision 2006/960/JHA of 18 December 2006.

6. improve the use of the Europol Information System (EIS) by reconsidering its access and upload policy, and in particular give EIS access to the SPOC Front Desk,
7. fully exploit the possibilities of the Prüm framework ⁴ for information exchange and operational cooperation ,
8. raise awareness about the potential and content of Interpol databases, by for instance providing training to end-users,
9. streamline the SDI (National Police Database) search functionalities and ensure that they are aligned with the requirements of SIS II and Interpol e-ASF,
10. implement advanced English language courses for the personnel of the International Police Cooperation Service (IPCS),
11. foster a common and harmonised training framework, across all police forces, in particular courses concerning English, neighbouring country languages, international police cooperation, and use of international databases,
12. step up joint training of law enforcement agencies with judicial authorities on international cooperation,
13. consider more joint training activities with neighbouring countries,
14. consider granting defined executive powers to the officers of the neighbouring authorities in order to allow effective support and cooperation during joint operations on Italian territory,
15. more pro-actively participate in the discussions and projects at EU level about long-term future radio communication solutions allowing for cross border radio communication in line with Art 44 CISA,

⁴ Council Decision 2008/615/JHA of 23 June 2008 and Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA.

16. consider the intensified use of the only recently implemented Council Framework Decision 2002/465/JHA on joint investigation teams (JITs),
17. spread information/raise awareness about the services offered by the PCCCs to the Italian law enforcement authorities across all regions,
18. strive for a secured information exchange channel between the partners at PCCC Chiasso, e.g. through the connection of both partners to SIENA,
19. pursue the envisaged plan to install the general case management system ARIANNA at the PCCC Ventimiglia and consider linking it to SIENA,
20. perform joint crime analysis activities at the PCCC Ventimiglia in cooperation with the French partners, taking into account the respective recommendations as set in the PCCC guidelines ⁵, especially in the respective Annex 5.

Done at Brussels,

*For the Council
The President*

⁵ Council doc. 9105/11.