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From: General Secretariat of the Council
On: 11 July 2017
To: Delegations

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Subject: Council Implementing Decision setting out a recommendation addressing the deficiencies identified in the 2016 evaluation of Croatia in view of fulfilling the conditions necessary for the application of the Schengen acquis in the field of police cooperation

Delegations will find in the annex the Council Implementing Decision setting out a recommendation addressing the deficiencies identified in the 2016 evaluation of Croatia in view of fulfilling the conditions necessary for the application of the Schengen acquis in the field of police cooperation, adopted by the Council at its 3555th meeting held on 11 July 2017.

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 2016 evaluation of Croatia in view of fulfilling the conditions necessary for 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 Schengen ¹, and in particular Article 1(1)(b) and 15(3) 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 Croatia remedial actions to address the deficiencies identified during the Schengen evaluation of the conditions necessary for the application of the Schengen acquis 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) 770].

¹ OJ L 295, 6.11.2013, p. 27.

- (2) In accordance with Article 4 and Annex II of the Act of Accession, for those provisions that are already applicable to Croatia, the on-site team has not found any issue of non-compliance of Croatia with the application of the Schengen acquis in the field of police cooperation.
- (3) It is important to remedy each of the deficiencies identified with the least possible delay. Therefore no indication of priority for implementation of the recommendations should be given.
- (4) This decision setting out a 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, paragraph 1 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:

that the Republic of Croatia should

1. in the context of the current debate about its police organisation strive to improve the visibility of the International Police Cooperation Department (IPCD) inside and outside the organisation and management structure of the General Police Directorate;
2. raise awareness about the concept paper for Schengen compensatory measures at regional (Police District) level in order to prepare and facilitate the smooth implementation of the concept;
3. consider engaging with neighbouring countries when establishing its risk and threat assessments;
4. explore the possibilities together with Italy to make the bilateral agreement signed in 2011 finally operational;

5. with a view to the situation at the internal land border with Slovenia swiftly pursue the renegotiation of its current bilateral framework, and in particular address the issue of cross-border operations, such as hot pursuits and cross-border surveillance. Hot pursuits involving more than two countries (Croatia, Slovenia, and Hungary) should also be taken into account in such a new bilateral agreement;
6. consider acceding to the Police Cooperation Convention on Southeast Europe to facilitate operational cross-border police cooperation, in particular with those neighbouring countries which might eventually join the EU;
7. consider increasing the staffing of the Telecommunications Centre, especially in the light of the increasing number of requests on an annual basis and in the event of a connection to the SIS, which will also have an impact on the overall workload;
8. fully exploit the possibilities of the Prüm framework ² and law enforcement access to Eurodac ³, as soon as they are implemented;
9. in cooperation with eu-LISA swiftly pursue the technical process to establish law enforcement access to the EU Visa Information System (VIS);
10. consider providing the Police and the Customs Administration access to each other's relevant databases;
11. connect its Police Cooperation Centres (PCCs) to the IPCD workflow/case management system, which will assist in better monitoring of PCC requests and will aid in enabling to connect such requests to similar requests received via other international channels. This will also aid in interconnecting the two PCCs;

² 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.

³ Regulation (EU) No 603/2013 as regards access of their competent authorities to the Eurodac database for law enforcement purposes.

12. consider extending the use of the Europol Information System (EIS) to other Departments/Units of the Police and intensify the use of the EIS as a search tool throughout the Police;
13. implement a data loader to the Europol Information System (EIS) which would increase the amount of information entered into the system;
14. consider extending the use of SIENA to other Departments/Units of the Police;
15. consider connecting the PCCs Dolga Vas and Mohacs to SIENA in order to better exchange information with the partner countries present at these PCCs, offer easier monitoring and supervision from the IPCD, and present a better statistical overview;
16. consider exploiting 'Council Decision 2003/170/JHA of 27 February 2003 on the common use of liaison officers';
17. consider at least a second liaison officer at Europol;
18. continue exercising hot pursuits and establish the required implementation protocols covering roles and procedures for the envisaged lifting of controls at internal land borders;
19. establish a clear long-term vision concerning the role of Police (and Customs) Cooperation Centres within the Croatian law enforcement system;
20. consider establishing a 24/7 service for its police at the Police Cooperation Centre Dolga Vas;
21. explore the possibility of establishing joint patrols with Serbia.

Done at Brussels,

For the Council

The President
