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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 2017 evaluation of Denmark 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 2017 evaluation of Denmark 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.

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2017 evaluation of Denmark on the application of the Schengen acquis in the field of police cooperation

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning 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 is to recommend to Denmark remedial actions to address deficiencies identified during the Schengen evaluation in the field of police cooperation carried out in 2017. 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)5131.

² OJ L 295, 6.11.2013, p. 27.

- (2) Strong points of the Danish police cooperation system are the Nordic Cooperation framework, in particular the liaison officer network, and the well-established Single Point of Contact (SPOC) and its working routines for international information exchange. Denmark has also developed good practice models for joint analysis with the neighbouring countries and makes good contributions to Europol.
- (3) In light of the importance to comply with the Schengen acquis, in particular the requirements for both swift information retrieval and exchange and a level playing field as regarding the cross-border operational framework, priority should be given to implement recommendations 2, 3, 8, 11 and 12 below.
- (4) This Decision 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 should, pursuant to Article 16(1) of Regulation (EU) No 1053/2013, establish an action plan listing all recommendations to remedy any deficiencies identified in the evaluation report and provide that action plan to the Commission and the Council,

HEREBY RECOMMENDS:

that Denmark should

1. revise – together with Germany - the Danish-German police agreement to reflect the state of play in international police cooperation aiming towards more reciprocity and efficiency;
2. set up - to relieve the workload of the SPOC - an electronic/interactive template (with associated guidelines) which directs police officers in terms of the best action to follow in a particular case concerning international police cooperation;
3. continue the roll out of modern IT equipment (such as mobile devices, smart phone apps, Automated Number Plate Recognition (ANPR)) with access to the relevant national and international databases;
4. continue the process towards implementation of the Prüm Decision;

5. ensure that the Danish Police within the framework of the Nordic Cooperation informs the SPOC whenever relevant for its coordination role;
6. enforce a firm policy on security compliance as regards the home access of police personnel to SIENA;
7. consider – as soon as EUCARIS is implemented - giving access to this database to police officers beyond the staff at the SPOC and the dispatch centres;
8. urgently implement Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (the VIS Decision);
9. provide more in depth training to all police officers, including police cadets, on international police cooperation and the use of international databases;
10. develop and promote user-friendly e-learning platforms covering the international cooperation issues;
11. consider granting the right to German and Swedish police to apprehend persons pursued according to Article 41(2) (b) of the Convention Implementing the Schengen Agreement (CISA), lifting the territorial restrictions for hot pursuits from Germany and Sweden, as well as granting the right to German authorities to carry out hot pursuits on Danish territory in respect of the more extensive list of extraditable offences (Art 41(4)(b)) CISA;
12. establish – together with Germany – a secure and user-friendly information exchange channel, such as SIENA, at the Police and Customs Cooperation Centre (PCCC) Padborg;

13. consider - together with Germany - an increase of staff at PCCC Padborg, with a view to a possible extension of the current office hours;
14. deploy modern document scanners and human presence detectors at the border crossings.

Done at Brussels,

*For the Council
The President*
