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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 France 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 France 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 2016 evaluation of France 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 setting out a recommendation is to recommend to France 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(2018)100.

² OJ L 295, 6.11.2013, p. 27.

- (2) An asset of the French police cooperation system is the Central Section for Operational Police Cooperation (SCCOPOL), which combines most elements of a Single Point of Contact (SPOC). The system of Police and Customs Cooperation Centres (PCCCs) with French participation can be regarded as backbone of the international information exchange. Moreover, France has made considerable efforts in joint patrolling with other Member States, in particular on trains.
- (3) In light of the importance to comply with the Schengen acquis, in particular the requirement to specify the mainly generic legal framework in Schengen police cooperation by bilateral agreements and the need to raise awareness and provide training for the tools available, priority should be given to implement recommendations 1, 7, 11 and 13 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, paragraph 8 of Regulation (EU) No 1053/2013, provide the Commission its assessment on a possible implementation of the recommendations containing indications for possible further improvements and a description of actions where required,

HEREBY RECOMMENDS:

that France should

1. look into the possibility to further develop bilateral agreements to complement the EU framework on police co-operation;
2. give the 24/7 Operations and Monitoring Centre of the International Cooperation Division (DCI) access to the Central Section for Operational Police Cooperation (SCCOPOL) case management system GECl;

3. ensure that the case management system of SCCOPOL, GECEI, will have a better search interface for free text to avoid selecting a category before any search, as well as establish a feature to automatically elaborate statistics;
4. consider that the Customs Department gives the National Police and the Gendarmerie direct access to the law enforcement relevant areas of its databases;
5. consider that the Police, Gendarmerie and Customs Department get direct access to the national identity document registry (passport, national ID and foreigners ID);
6. further review its access policy to Interpol databases and consider giving access to more field officers;
7. raise awareness about the different databases and their functionalities when searching for wanted persons;
8. continue the technical works - as already tested as pilot with the NEO application – towards an interface that allows simultaneous search in the French national database, the SIS (Schengen Information System) and INTERPOL databases (including for wanted persons, documents and objects), as well as continue the planned roll-out of mobile devices allowing for these searches;
9. continue the works towards a more integrated data management of ongoing investigations on all crime types, in particular with a view to tackle serious and organised crime covering a mix of different crime types (drug trafficking, trafficking in human beings, economic crime, burglaries, etc.);
10. analyse the information gathered by the French Railway Police and share relevant parts of it with Europol in order to further enhance the international cooperation in this area;

11. raise awareness about SIENA (Secure Information Exchange Network Application) and improve the training of SIENA operators;
12. enhance its efforts to enforce the practical implementation of its existing national legislation based on Article 45 CISA (Convention implementing the Schengen Agreement);
13. improve the continuous training on international cooperation tools to allow all field officers to fulfil their tasks;
14. consider making more extensive use of the Council Decision 2003/170/JHA of 27 February 2003 in order to further optimise its liaison officer network;
15. explore the possibilities together with the partner countries to empower officers of the other countries to stop, question and apprehend suspects on French territory in cross-border hot pursuits within the meaning of Article 41 para 2 letter b) CISA;
16. explore the possibilities together with Luxembourg, Italy and Spain to lift the 10 km limitation on French territory in cross-border hot pursuits;
17. establish detailed and consistent national statistics about the number of incoming and outgoing hot pursuits (Article 41 CISA) as well as cross-border observations (Article 40 CISA);
18. continue the roll-out of SIENA to Police and Customs Cooperation Centres (PCCCs) as already planned;
19. - together with the partner countries and based upon the recently established vademecum ('livret d'accueil') - develop an e-learning tool for new recruits at the PCCCs with French participation;

20. give direct SIENA access to the 'Unit for the Fight against Illegal Immigration' (UCLIC) to facilitate the transmission and uploading of information on itinerant criminals and irregular immigration to Europol;
21. - in the 'Zone de Défense et Sécurité Sud-Est' - raise awareness about the rules and procedures on cross-border cooperation with Switzerland and Italy as laid out in the National Fact Sheet of the Manual on Cross-Border Operations;
22. consider - together with Italy - establishing a common case management system, such as SIENA, at the Police and Customs Cooperation Centre (PCCC) in Modane.

Done at Brussels,

For the Council

The President
