



Council of the
European Union

Brussels, 30 May 2018
(OR. en)

8394/1/06
REV 1 EXT 1 DCL 1

SCH-EVAL 60
ENFOPOL 68
COMIX 362

DECLASSIFICATION

of document: ST8394/06 REV 1 EXT 1 RESTREINT UE/EU RESTRICTED
dated: 8 August 2006
new status: Public

Subject: Schengen evaluation of the new Member States
- Report on the Schengen Police Cooperation evaluation of CZECH
REPUBLIC
(February 2006)

Delegations will find attached the declassified version of the above document.

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EXTRACT FROM REPORT

from : the Schengen Evaluation Committee
to : the Schengen Evaluation Working Party

Subject : Schengen evaluation of the new Member States
- Report on the Schengen Police Cooperation evaluation of CZECH REPUBLIC
(February 2006)

2. Management summary

The evaluation took place on four sites (Prague, Brno, Pilsen and in Petrovice/Bahratal) in order to show all various types of bi- and multilateral cooperation with the neighbouring countries. For the Czech Republic, the evaluation is therefore based on presentations by the Police Presidium of the Czech Republic on police cooperation from a national management point of view, on-site visits to the District Police Directorate in Brno on the police cooperation between the Czech Republic, Austria and Slovakia, to the Common Communication Centre in Petrovice/Bahratal and the District Police Directorate in Pilsen (Common Communication Centre Furth im Wald) on police cooperation between the Czech Republic and Germany.

Experts from the Police Presidium of the Czech Republic were present during the whole evaluation time and were able to provide any information requested.

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The report is therefore based mainly on the replies to the questionnaire and includes information given during the presentation and during the visit. As the information given by the local authorities was very extensive, the Evaluation Committee did get a very good basis to make its assessment.

The Evaluation Committee welcomes the efforts of the Czech government to prepare and ratify new agreements with the neighbouring countries and the current level of bilateral cooperation with law enforcement agencies of the neighbouring countries.

The Evaluation Committee has made a number of detailed recommendations throughout this report, but the main recommendations concern the exchange of information and the development of a common intelligence led policing approach.

3. Law enforcement and police organisation

Comments and recommendations of the Evaluation Committee:

The Evaluation Committee would like to state, that the progress of the Czech Republic in their preparations for the full application of the Schengen acquis, is impressive. They have initiated a “Schengen Action Plan” that gives a clear time schedule for the implementation, and this should be seen as best practice.

The Evaluation Committee considers that the training programme is satisfactory and believes that the Czech law enforcement agencies will be well prepared for the application of the Schengen acquis in police cooperation.

The organizational structure of the IPCD and its services is well established and seems to be efficient. Whilst SIRENE and INTERPOL officers currently share the 24/7 duty of the Permanent Service, this should be enlarged to include Europol NU officers, as foreseen in the best practices. The Evin-Sires case management system is an efficient practical tool concerning the handling of requests received by the IPCD.

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Though the IPCD and BCPIS are not under the umbrella of the same Deputy Police President, they are located in the same building, and this allows a good interaction between them. However, the Evaluation Committee would welcome a closer cooperation between the IPCD and the BCPIS on the Presidium level in order to enable a comprehensive analysis and the production of threat assessments based on intelligence and information gathered. In this respect the Czech authorities may consider the introduction of European Criminal Intelligence Model (ECIM).

The Evaluation Committee is also of the opinion, that the absence of the Custom Service in the IPC Division limits the range of the possibilities for cooperation in different criminal issues, which are related to police and financial aspects.

Whilst there is good foreign language capacity in the central services responsible for police cooperation the expected increase of the work load and more complex legal issues they will have to deal with (e.g. European Arrest Warrant) the absence of professional translators might create problems in the future and cause delays in the response capability of these services.

Comments of Czech Republic:

The cooperation between Police and Customs officers is legislatively regulated by the Agreement between the Ministry of the Interior and the General Directorate of Customs. A secondment of a customs liaison officer to IPCD will be accomplished just after the specification of the conditions. A tight cooperation appears on the level of executive units, mainly in the area of drugs.

The language knowledge is one of the basic requirements for police officers working for NCB Interpol but also SIRENE CZ and Europol NU. For all kinds of tasks provided by IPCD the level of knowledge is adequate, even for judicial authorities concerning working materials. So there is no need for “professional interpreter”, except it would save time of police officers. In case the reason for the comment was that there is no professional interpreter with official certificate for “judicial” translations, please be informed, that it is not useful due to legal regulation of translations in criminal procedure.

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The translator, if needed, is freely selected by the judge or public prosecutor from the official list of private interpreters (the judge can not be forced to use the interpreter of IPCD). And the translator must not be interested in the case, as the staff of IPCD always is. There is no use of such interpreter, as for all urgent cases (arrest of wanted person, request for cross-border surveillance etc.), judicial authorities accept for the initiation of procedure (arrest of person, consent on cross-border surveillance) translations provided by police officers of IPCD without any problems (of course, the official translation must follow, usually with the paper copy of the request). And the officers of IPCD are always able to provide reliable translation including complex texts of EAW. As even now all the requests for search for wanted persons are translated, not a major change in amount of translations is foreseen after joining SIS. According to the above-mentioned reasons, we do not consider the comment relevant and we beg to suggest its omission.

4. Operational cooperation

Comments and recommendations of the Evaluation Committee:

The Evaluation Committee consider the Czech Police to be rather well prepared to implement the Articles 40 and 41 of the Schengen Convention. It welcomes the implication of provisions in the already signed bilateral agreements for hot pursuit in the sense of Article 41, which are even more extensive than the relevant Schengen provisions. Nevertheless the Czech Republic is encouraged in their efforts to complete the still pending bilateral agreements in a reasonable time frame, so the application of the relevant provisions for cross-border surveillance and hot pursuit could be applied prior to the full implementation of the Schengen acquis.

According to national legislation of the Czech Republic, requests for assistance pursuant to Art 40 of the Schengen Convention is within the competence of the Public Prosecutors Office in Prague. During the evaluation it was stated, that the submission of the standard form (Annex 1 to the Police Cooperation Handbook) to the nominated central authority is sufficient to obtain the authorisation of the Public Prosecutors Office for assistance for cross-border surveillance. The Evaluation Committee would like to stress that it is important that the Public Prosecutors Office can meet the time limits concerning urgent requests.

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There is a clear need for one single contact point for cross-border surveillance and hot pursuit. In addition, all services of the Police and the Customs authorities vested with investigative powers should be given explicit competency in applying cross-border surveillance and hot pursuit.

The Evaluation Committee is of the opinion, that the Czech authorities should develop reliable and comparable statistics, in order to be able to follow the evaluation of cross-border cooperation and compare these findings with other Member States. It is felt that the compiling of statistics would at a strategic level help determine the threat assessment and assist in the prioritisation of resources. Such lack of information at the central level can lead to overlaps and even conflicts between different operations and agencies. In the longer term this can influence the threat assessments and the solutions that are defined in response to them.

Comments of Czech Republic:

Threat assessment is a new instrument, which implementation has just been initiated. Its form and content are being developed. Agreements concluded with the neighbouring countries so far create the conditions for standard information exchange and intensification of mutual relations. The foundation of usage of this instrument is in the cooperation with the Federal Republic of Germany pursuant to the actual international agreement, and similar forms of cooperation will be further developed.

Concerning situation, that there are two contact points for cross-border operations – within Police and Customs – it is based on bilateral agreement with Germany. There is a cooperation system developed between these two points to compensate this solution. For application of Art 40 of Schengen Convention, there is only one contact point supposed - IPCD for both Police and Customs.

The competencies of different police investigation units and Customs are clearly outlined by the Criminal Proceedings Code; details are specified in detailed Agreement between Police and Customs. Both Police and Customs use the same procedures (following the same internal regulations) concerning cross-border operations.

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5. Reports on individual sites visited/case studies

Comments and recommendations of the Evaluation Committee:

A) Police Directorate of South Moravian (Brno)

Regarding the cooperation with Austria and Slovakia, the Evaluation Committee would like to encourage the Czech Republic to increase their efforts on the ratification of bilateral agreements including provisions on cross-border surveillance that corresponds to the Schengen Convention.

The Evaluation Committee considers as a good practice the mixed patrols deployed both on land and waterway borders and encourages the settlement of cooperation centres as soon as possible at these borders.

B) Police Administration of the West Bohemian Region (AWBR)

The Contact Centre of the PCR AWBR FCG in Furth im Wald

The police cooperation between the AWBR in Pilsen and the respective Bavarian authorities (police and border police) is at an advanced level. The option to establish direct cooperation through the Cooperation Centre during its opening hours and the common training activities of the special of both countries are good examples for effective cross-border cooperation.

Joint Police Station Petrovice/Bahratal

Concerning the Communication Centre of the Petrovice/Bahratal, the Evaluation Committee is of the opinion that the cooperation is mainly concentrated on border issues in a regional scope of work and wonders about its future after the abolishment of the internal borders between Czech Republic and Germany. In the same context, the quite low number of requests from the Czech authorities transmitted to the JPS is a clear indicator for a lack of acceptance of this tool within its own police service.

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The equipment available at the Centre is sufficient. However access to the eASF application (forged travel documents, stolen cars, etc) of the I-24/7 system of Interpol could increase the efficiency of the conducted controls and therefore is recommended.

Comments of Czech Republic:

We consider the need to complete international agreements for police cooperation with the neighbouring countries to be our priority.

The Communication Centre of Petrovice-Bahratal will hold its function of a communication centre even after the abolishment of border controls between the Czech Republic and the Federal Republic of Germany. Its range of activity will be extended after the abolishment of border controls, which will be reflected also in its personal reinforcement. Even now, it has a universal role within the realization of the international police cooperation. The number of requests is influenced by a different adjustment of the request statistics list in the Czech Republic comparing to the German partner. There is a major increase of the number of requests from the Czech authorities transmitted to Germany via Petrovice-Bahratal after the implementation of the Agreement between Police Regional Administration of the North Bohemia and Regional Directorate of Alien and Border Police Service Ústí nad Labem (signed on 14th September 2005).

Recently, a pilot operation of a connection to the I-24/7 system is being concluded, and after that a connection to the eASF system of Interpol will be enabled for respective units of the Police of the Czech Republic.

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6. General conclusions including recommendations and follow up

The Evaluation Committee has gained a comprehensive picture of the current situation in the Czech Republic regarding international police cooperation. It has been shown, that most of the preparatory work for the full implementation of the Schengen acquis has already been accomplished as regards institutional and operational structures. Close cross-border cooperation, in particular at the common borders with Germany and Slovakia, is an integrated part of the day-to-day police work. The progress of the Czech Republic in their preparations for the full application of the Schengen acquis, is impressive. They have initiated a “Schengen Action Plan” that gives a clear time schedule for the implementation, and this should be seen as best practice.

There are a few areas that require further improvement:

As regards the implementation of Article 40 of the Schengen Convention, the Czech authorities are asked to ensure that the future application of this article as a vital part of cross-border police cooperation will meet the requirements and time limits provided in the Schengen Convention and the subsequent best practices.

There is a clear need for one single contact point for cross-border surveillance and hot pursuit.

The Evaluation Committee is of the opinion, that the Czech authorities should develop reliable and comparable statistics, in order to be able to follow the evaluation of cross-border cooperation and compare these findings with other Member States. It is felt that the compiling of statistics would at a strategic level help determine the threat assessment and assist in the prioritisation of resources. Such lack of information at the central level can lead to overlaps and even conflicts between different operations and agencies. In the longer term this can influence the threat assessments and the solutions that are defined in response to them.

The Czech Republic is encouraged to complete all bilateral agreements for police cooperation so that the application of the relevant provision for cross-border surveillance and hot pursuit can be applied prior to the full implementation of the Schengen acquis. Further Police Cooperation Centres should be established, and the Contact Centre in Furth im Wald should be seen as best practice for enhancing and encouraging cross-border cooperation between neighbouring countries.

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The Evaluation Committee recommends closer cooperation between the IPCD and the CPIS on the Presidium level in order to enable comprehensive analysis and produce threat assessments based on the intelligence and information gathered. In this respect the Czech authorities may consider the introduction of European Criminal Intelligence Model (ECIM).

As regards radio-communications, the Czech Republic should continue with their strategy to further improve cross-border telecommunication structures, although a new digital system covering its whole territory, based on the TETRAPOL system, has already been installed, and bodies currently ensuring border control will gradually be equipped.

Special emphasis should be given to a constantly recurring training regime of all officers, including those at management level, seconded to the International Police Cooperation Division and all police officers involved in police cooperation.

Comments of Czech Republic:

The Czech Republic realizes certain problems concerning the interoperability of the used technical means of communication, dealing with the usage of compensational measures, both technical and organizational (signal overlapping to the territory of another state, usage of the GSM networks, assets of technical means). Those compensational measures will be further developed.

The Czech Republic declares that only one central contact point is going to be established – IPCD, for application of Articles 40 and 41 of the Schengen Convention. The role of the central contact point will be further strengthened by deploying a customs officer within the mentioned division, which is foreseen in the shortest time. Current specific situation arisen from the bilateral agreement with Germany on this field is compensated by close cooperation of the contact points within the Police and Customs authorities.

The Czech Republic is prepared to ensure satisfactory speed of reaction of the competent authorities in cases of cross border surveillance also after the full application of Article 40 of the Schengen Convention as it is already adopted in the framework of the bilateral agreements.

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The Czech Republic apprehends the need of reliable strategic analyses and threat assessments in the area of cross-border cooperation, and focuses on these relatively new tools in police cooperation. The present structure of statistics covering the international cooperation is going to be modified according to the needs of threat assessment analyses.

The Czech Republic considers the concluding of bilateral agreements enabling the application of the institutes of cross border police cooperation as its priority and would appreciate necessary willingness to conclude the agreements also on the side of other Member States.

Establishment of common contact centres will continue using the best practices gained in existing common centres.

Continual improvement of the cooperation between IPCD a BCPI is considered as important and obvious need, to which permanent attention is being paid by the top management of the Police. Implementation of ECIM is actually a topic for the discussion within CPIS.

The Czech Republic realises certain problems concerning the interoperability of the radio communication systems used in cross-border operations and deals with them using compensatory measures, both technical and organisational (usage of the GSM phones, exchange of walkie-talkies with foreign police forces in border areas, etc.). Those compensatory measures will be further developed. The Czech Police units are continuously equipped with communication means of the new digital network continues according to the agreed plan.

Professional as well as language training of police officers is recognised as crucial and the Czech Police will continue in training projects presented to the Evaluation Team to ensure proper level of knowledge of all police officers allowing them to take advantage of all possibilities of cross border and international cooperation in the Schengen area.