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## DECLASSIFICATION

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

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

The text of this document is identical to the previous version.

# RESTREINT UE



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THE EUROPEAN UNION

Brussels, 8 August 2006

8395/1/06  
REV 1 EXT 1

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## EXTRACT FROM REPORT

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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 HUNGARY  
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## 2. Management summary

The evaluation took place on four sites (Budapest, Győr, Hegyeshalom/Nickelsdorf and Salgótarján) in order to show all various types of bi- and multilateral cooperation with the neighbouring countries. For Hungary, the evaluation is therefore based on presentations by the Hungarian National Police Headquarter on police cooperation from a national management point of view, on-site visits to the Contact Point in Hegyeshalom/Nickelsdorf (border between Austria and Hungary), to the County Police Headquarters in Győr on Hungarian-Austrian cooperation and to the County Police Headquarters in Nógrád regarding cooperation between Hungary and Slovakia.

Experts from the Hungarian National Police Headquarter 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 Hungarian law enforcement authorities have adopted a good system for international police cooperation, by creating a single national contact point.

The Evaluation Committee recognizes the efforts of the Hungarian government to prepare and to ratify new agreements with the neighbouring countries as well as to amend those legal provisions, which may constitute obstacles for a facilitated Schengen-relevant exchange of information with foreign police authorities. The Evaluation Committee also welcomes the provision by the Hungarian authorities of a detailed list, identifying all national contact points provided for in the Handbook on Police Cooperation.

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 appointment of ILECC as central authority for the application of Schengen Convention and as single National Contact Point for all international police cooperation channels is a very big step forward. The existence of a front-desk, that provides a 24/7 service for their back offices and together with a well organized case system of controlling the distribution of the cases so that no duplications may occur, can be seen as best practise. The establishment of the ILECC at the National Police Headquarters provides adequate space for all officers involved in international police cooperation, located at one site, and this should also be seen as best practice.*

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*The visit to the ILECC has shown that the IT system offers full access to all necessary police databases, including those of the Border Guard and Customs during normal working hours through liaison officers co-located in ILECC. The Evaluation Committee feels that access to these databases is necessary 24/7 and consideration should be given as how this can be facilitated, possibly through the secondment of more liaison officers from Border Guard and Customs.*

*The Evaluation Committee is of the opinion, that further training especially to the staff at central level, who are entrusted to implement the Schengen provisions and have to advise the colleagues outside in the field in how to apply those provisions, should receive continually specialized training in police cooperation matters, e.g. how to react in everyday arising practical situations. In particular, all officers seconded to the International Law Enforcement Cooperation Centre and all police officers involved in police cooperation should have successfully completed a training course covering their tasks, which should include not only knowledge of the relevant Schengen and EU provisions but in depth knowledge of the latest version of the Handbook on Police Cooperation, of relevant bilateral agreements, genuine and forged travel and identity documents as well as Dublin and readmission provisions. Priority should also be given to training for management levels on police cooperation issues through the exchange of programmes between Hungary and neighbouring Member-States with a view to broadening management experience.*

*Whilst there is good foreign language capacity in the central services responsible for police cooperation - especially at the INTERPOL office - 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.*

*Police Regulations implementing the newly enacted legislation on the declassification of information, allowing thus the smooth implementation of Article 46 of the Schengen Convention by the designated central authority should be prioritised.*

## **Comments of Hungary:**

*No further comments provided by Hungary*

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## 4. Operational cooperation

### *Comments and recommendations of the Evaluation Committee:*

*According to the current legislation, there will be no legal obstacles for the future application of Article 40 and 41 of the Schengen Convention, as well as no territorial limitations concerning hot pursuit – the Evaluation Committee would like to encourage Hungary to increase their efforts on the ratification of bilateral agreements including provisions on cross-border surveillance that corresponds to the Schengen Convention. Taking into consideration, that Hungary will have a very extended Schengen external border with Ukraine, Romania, Croatia and Serbia-Montenegro, the conclusion of bilateral agreements on police cooperation with these countries is of high importance.*

*The Evaluation Committee considers it good practice that all three law enforcement agencies are represented in ILECC as well as in the Europol Liaison Office - this should also be taken in consideration for the existing and foreseen cooperation centres at internal borders.*

*Although Hungary has already started with the tender for the implementation of a digital radio network with a view to have it in place by the end of 2007, the technical adoption of the current radio-communications to ensure interoperability with the communication systems of the neighbouring countries should be given higher priority as a long term measure, in case that the implementation of the TETRA system might be delayed.*

*The Evaluation Committee is of the opinion, that the Hungarian 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.*

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## Comments of Hungary:

We acknowledge that the conclusion of new police cooperation agreements with neighbouring non-EU States is of great importance in order to improve information exchange and to deepen other aspects of cross-border law enforcement, however, agreements allowing all forms of Schengen type police cooperation are only foreseen with the neighbouring Member States at the internal borders.

## 5. Reports on individual sites visited/case studies

### Comments and recommendations of the Evaluation Committee

*The establishment of the Common Contact Point with Austria (Hegyeshalom-Nickelsdorf) is a very important step forward in the development of good cross-border police cooperation, although the bilateral agreement between the two countries has not been entered into force yet. The Evaluation Committee encourages the Hungarian authorities to proceed with their intention to perform joint mixed patrols and to involve the CCP into the operational coordination of police activities in the border area.*

*According to the provided statistical information, the introduction of a permanent 24/7 service and the adequate increase of the personnel are essential in order to cope with the increasing workload in the near future. Furthermore the Evaluation Committee is of the opinion, that the presence of the Customs Service would expand the scope of information exchange, all law enforcement authorities could benefit from.*

*Taking into consideration the good performance of the Police Cooperation Centre in Hegyeshalom/Nickelsdorf as a successful way to enhance cross-border cooperation with neighbouring countries, Hungary should be encouraged to consider similar centres at the borders with Slovakia and Slovenia as necessary.*

*In order to enable the police authorities of the neighbouring Member States to perform cross-border surveillance and hot pursuit at the common borders, the process for the conclusion of such bilateral agreement should be accelerated. This would also offer the advantage, that the police authorities can gain very useful practical experience in the application of Art. 40 and 41 prior to the full implementation of all provisions of the Schengen Convention, envisaged for the year 2007.*

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*With regards to training, the police personnel which will be actively involved in the near future with Schengen matters, requires persistent training on the provisions of the Schengen acquis. The Police Cooperation Handbook has to be brought to the attention of all police officers and should be always available in various forms, in a full translated version, as a brief guideline (summarizing the most relevant provisions) or at the police intranet. The local initiative of the Nograd HQ to provide simple tools to make police officers more familiar with the most important Schengen provisions can be seen as best practise and should be extended to other regions.*

*The acquirement of language skills regarding neighbouring countries should be actively promoted, though the local population in the respective border areas speaks predominately Hungarian, i.e. in Slovakia.*

## **Comments of Hungary:**

It should be mentioned that the Hegyeshalom/Nickelsdorf Common Contact Point has been operational since 2002 as regards border management and migration issues. Only the pilot project to establish a criminal contact point started on 2 January 2006. However, a separate intergovernmental agreement between the Austrian and Hungarian governments has to be concluded for the final setting up of the criminal contact point.

## **6. General conclusions including recommendations and follow up**

The Evaluation Committee has gained a comprehensive picture of the current situation in Hungary regarding international police cooperation. It is obvious, that most of the preparatory work for the full implementation of the Schengen acquis has already been accomplished as regards institutional and operational structures, whereas the practical execution of cross-border activities according to Articles 40 and 41 of the Schengen acquis, is still hampered by the lack of bilateral arrangements with the neighbouring Member States and due to the arrangements of the Treaty on Accession.

Hungary has set up and designated the International Law Enforcement Cooperation Centre as a single point of contact for international police cooperation. All units involved in international police cooperation are accessed through the front-office. This guarantees effective and efficient cooperation, and should be seen as best practice.

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The officers of the International Law Enforcement Cooperation Centre are in the position to deal with the majority of the requests for mutual assistance received pursuant to Article 39 of the Schengen Convention, without referring them to another agency for inquiry, as they have direct access to the basic police databases. In cases of emergency where other channels of direct communication are used, national legislation creates an obligation of informing the central authority, allowing thus full alignment with Article 39 (4) of the Schengen Convention.

There are a few areas that require further improvement:

In order to ensure that comprehensive analysis and relevant threat assessments are produced from the intelligence and information gathered, the Hungarian authorities may consider the introduction of European Criminal Intelligence Model (ECIM).

Hungary is encouraged to conclude outstanding bilateral agreements and these should, where possible, correspond to the Schengen Convention. This will enable the law enforcement authorities of neighboring countries to perform cross-border surveillance and hot pursuit at the common borders. Taking into consideration, that Hungary will have a very extensive Schengen external border with Ukraine, Romania, Croatia and Serbia-Montenegro, the conclusion of bilateral agreements on police cooperation with these countries is of high importance.

Further Police Cooperation Centres should be considered with neighbouring countries. The Common Contact Point Hegyeshalom-Nickelsdorf can be seen as best practice for enhancing and encouraging the international exchange of information. In order to increase the effectiveness and efficiency of such Common Contact Point, their working hours should be extended to a full 24/7 service.

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

As regards the communication of information and cooperation in matters relating to public police and national security, Police regulations implementing the newly enacted legislation on the declassification of information, allowing thus the smooth implementation of Article 46 of the Schengen Convention by the designated central authority should be prioritised.



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Hungary should continue with their strategy to implement cross-border telecommunication structures, especially in the design and deployment of a Digital Trunked Radio Systems (e.g. TETRA) with neighbouring countries. Hungary is invited to examine operational and technical interoperability issues together with its EU partners in the context of the PCWG, in order to meet the Schengen technical, operational and tactical requirements.

The Evaluation Committee is of the opinion, that the Hungarian 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 Hungary:

Hungary wishes to point out that under the terms of its Treaty of Accession to the European Union (Annex I), Articles 40 – 43 of the Schengen Implementation Convention are not applicable until the accession to the Schengen area. Lack of implementation of Articles 40 – 41 is not a policy by Hungary, but simply excluded by the Accession Treaty until the full Hungarian Schengen membership.

We acknowledge that the conclusion of new police cooperation agreements with neighbouring non-EU States is of great importance in order to improve information exchange and to deepen other aspects of cross-border law enforcement, however, agreements allowing all forms of Schengen type police cooperation are only foreseen with the neighbouring Member States at the internal borders.