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From:	General Secretariat of the Council
On:	20 December 2018
To:	Delegations
No. prev. doc.:	13770/18; 14932/18
Subject:	Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of the Portuguese Republic on the application of the Schengen <i>acquis</i> in the field of police cooperation

Delegations will find in the annex the Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2017 evaluation of the Portuguese Republic on the application of the Schengen *acquis* in the field of police cooperation, adopted by the Council at its meeting held on 20 December 2018.

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 2017 evaluation of the Portuguese Republic 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 Schengen¹, 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 Portugal 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(2018) 4155.

¹ OJ L 295, 6.11.2013, p. 27.

- (2) In light of the importance of complying 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 implementing recommendations 1, 2 and 3 below,
- (3) This Decision 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 should, pursuant to Article 16(8) 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 Portugal should:

1. establish a Single Point of Contact (SPOC) effectively and in compliance with the SPOC Manual (Council document 10492/14 of 13 June 2014);
2. promote the use of the Interpol databases and include them in standard procedures;
3. deploy the unified query tool (PIIC) more widely within the law enforcement community and ensure that all criminal investigation data is available (e.g. on a hit/no-hit basis) to users who are under the relevant legal basis authorised to have access to such data;
4. develop a more robust risk assessment strategy that would merge relevant police forces information and analysis with a view of a holistic strategic understanding further translated at tactical level and into targeted operational actions;
5. develop clear and common written guidelines regarding the choice of communication channels for international police cooperation;

6. deploy SIENA more widely, integrate SIENA in the SPOC workflow system and monitor it 24/7;
7. in the context of enhancing information exchange provided for under Title III of the Convention Implementing the Schengen Agreement, facilitate wider access to Europol Information System (EIS) for relevant checks and inquiries while respecting the limits of the national and EU law;
8. extend the use of data loader to EIS to all police forces and all crime areas covered by the Europol mandate;
9. consider increasing the number of liaison officers and representation of different police forces at Europol;
10. set up a common case management system for tracking deadlines set for the reply to the incoming international police cooperation requests;
11. after security risk assessment, increase the use of mobile devices to access the national and international databases, while ensuring security of access to these databases;
12. consider to review the agreement with Spain to allow cross-border pursuits for sea and air;
13. improve the awareness of staff regarding available training materials on the different police forces intranet and ensure the proper functioning of the e-learning portals for online training purposes by the different police forces;
14. raise awareness about the potential of the Swedish Framework Decision (SFD).

Done at Brussels,

For the Council
The President
