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From:	General Secretariat of the Council
On:	17 June 2022
To:	Delegations
No. prev. doc.:	9737/22
Subject:	Council implementing decision setting out a recommendation on addressing the deficiencies identified in the 2021 evaluation of the Netherlands on the application of the Schengen acquis in the field of police cooperation

Delegations will find enclosed the Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2021 evaluation of the Netherlands on the application of the Schengen acquis in the field of police cooperation, adopted by the Council at its meeting held on 17 June 2022.

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 2021 evaluation of the Netherlands 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) A Schengen evaluation in the field of police cooperation was carried out in respect of the Netherlands in May 2021. 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(2022)970.

¹ OJ L 295, 6.11.2013, p. 27.

- (2) The evaluation identified several good practices. Dutch police authorities apply a mandatory Channel Selection Model, which determines the choice of channel for outgoing international requests and sets out criteria to assess the urgency of cases taking into consideration the national security agenda. Special cross-border police teams, comprising of German and Dutch law enforcement officers, conduct intelligence-led joint patrols. Dutch police officers are equipped with mobile devices, which give them access to international alerts but also provide them with a toolkit for international police cooperation.
- (3) Recommendations should be made on remedial actions to be taken by the Netherlands in order to address deficiencies identified as part of evaluation. Priority should be given to implementing recommendations 1 to 6.
- (4) This Decision should be transmitted to the European Parliament and to the national Parliaments of the Member States. Within six months of its adoption, the Netherlands should, pursuant to Article 16(8) of Regulation (EU) No 1053/2013, provide the Commission with its assessment on a possible implementation of the recommendations for improvements with a description of required actions.

RECOMMENDS:

that the Netherlands should

Risk assessment strategy, risk analysis and similar analytical products

1. finalise the implementation of the new strategy on international police cooperation;
2. develop a joint risk analysis methodology with neighbouring Member States to support cross-border police cooperation;

Information management and international databases

3. roll out a common and automated case management system for the Single Point of Contact, containing a workflow engine and integrate all international channels;
4. improve the national search application (MEOS) so that it displays the actions to be taken in a sufficiently clear manner;
5. extend the access to Europol's Information System to investigative units;
6. ensure full mutual access to each other's operational databases for the National Police and the Marechaussée;
7. develop a computerised access to registers of establishments providing accommodation in accordance with Article 45 of the Convention Implementing the Schengen Agreement in compliance with national law;

Bi-/multilateral agreements

8. implement a formal review mechanism to assess the bilateral agreement on police cooperation with Germany in view of possible updates based on the good practices recently developed under the Senningen agreement;

Operational cross-border cooperation

9. ensure the interoperability and coverage of cross-border radio telecommunication with Germany in accordance with Article 44 of the Convention Implementing the Schengen Agreement;

Ethics of police forces

10. raise awareness amongst police officers on reporting methods for unethical behaviour and ensure synergy between the major law enforcement authorities when it comes to their risk analysis approach as part of their integrity strategies;

Training

11. gather and expand the existing educational elements on the use of international police cooperation tools in dedicated training courses, tailored to different profiles such as operators at the Single Point of Contact.

Done at Brussels,

For the Council

The President
