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NOTE

From:	General Secretariat of the Council
On:	10 July 2023
To:	Delegations
No. prev. doc.:	10621/23
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2022 evaluation of Norway 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 2022 evaluation of Norway on the application of the Schengen acquis in the field of police cooperation, adopted by the Council at its meeting held on 10 July 2023. 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

RECOMMENDATION

on addressing the deficiencies identified in the 2022 evaluation of Norway 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(3) 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 Norway in May 2022. 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(2023) 250.

¹ OJ L 295, 6.11.2013, p. 27.

- (2) During the evaluation the on-site team identified several best practices; 1) The recently updated Cooperation Agreement between the Norwegian Police and Norwegian Customs increases the synergies between the two agencies, 2) Norway has a comprehensive approach towards police ethics, 3) The Norwegian police is subject to oversight by an autonomous and independent external body, 4) The Norwegian police established a well-developed intelligence cycle, 5) The Norwegian police uses efficient bilateral and multilateral contacts with the police forces of the Nordic countries, 6) Representatives from different entities of the National Police and Customs are assigned to the Single Point of Contact, 7) Police Prosecutors are embedded in the police at regional and national level, including the SPOC, 8) Norway has an effective tool to secure crime scene data or record questioning and share same directly online and 9) the 'Investigation Quality Uplift' initiative has established an evidence-driven organisational learning and development framework, producing national investigation standards for the Norwegian police
- (3) Recommendations should be made on remedial actions to be taken by Norway in order to address deficiencies identified as part of the evaluation. Priority should be given to implementing recommendations 3, 4, 6, 10 and 13.
- (4) On 24 June 2022, the Council adopted a Recommendation on operational law enforcement cooperation.² Even though this Recommendation had not yet been adopted at the time of the evaluation, Norway is invited to take this into account when implementing the relevant recommendations formulated in this Decision.
- (5) This Decision should be transmitted to the European Parliament and to the national Parliaments of the Member States.

² OJ L 158, 13.6.2022, p. 53–64.

- (6) Council Regulation (EU) 2022/922³ applies as of 1 October 2022. In accordance with Article 31(3) of that Regulation, the follow-up and monitoring activities of evaluation reports and recommendations, starting with the submission of the action plans, should be carried out in accordance with Regulation (EU) 2022/922.
- (7) Within two months of its adoption, Norway should, pursuant to Article 21(1) of Regulation (EU) 2022/922, establish an action plan to implement all recommendations and to remedy the deficiencies identified in the evaluation report. Norway should provide that action plan to the Commission and the Council,

RECOMMENDS:

that Norway should

1. establish priority areas within international police cooperation, taking into consideration the national crime threat assessment;

Ethics of police forces

2. raise the awareness of reporting opportunities and procedures, as well as the awareness of the handling of whistle-blowers

Single Point of Contact

3. establish an electronic case management system for the SPOC, which will ensure the automation of information processing, tracking system for deadlines and monitoring of back-log as well as a workflow engine, incorporating all channels of international information exchange;

³ Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*, and repealing Regulation (EU) N° 1053/2013, OJ L160 of 15.6.2022, p. 1.

Information management and databases

4. grant the designated law enforcement authorities access for consultation of the Visa Information System (VIS) for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences based on the provisions of the Council Decision 2008/633/JHA;
5. disseminate new written guidelines – as already planned – regarding the rules of operational information exchange, choice of international police cooperation tools and communication channels (listing for instance practical examples);
6. extend direct access to Europol's Secure Information Exchange Network Application to the investigative units of the competent authorities at national and regional level, including customs, taking advantage of the full capacity of this tool;
7. improve information exchange with the police authorities of the other Member States on the basis of the national implementation of Council Framework Decision 2006/960/JHA, respecting all conditions laid down in this instrument;
8. provide the National Police access on a hit/no hit basis to the Customs databases;
9. develop a technical solution in order to provide law enforcement officers with computerized access to hotel registers in accordance with national law, should the need arise;
10. improve the national applications (INDICIA, ELYS II and AGENT) on desktop and mobile devices in order to carry out single searches for objects and individuals, whilst also ensuring that checks into the Schengen Information System and into Interpol databases are mandatory and limit the number of mandatory fields necessary to run a query whilst at the same time allowing for fuzzy logic searches and former family name searches;

11. extend the possibility to scan the machine readable zone of identity documents on mobile devices to all police officers;

Human resources and training

12. provide more in-depth compulsory continuous training and raise awareness for all relevant staff on the use of international police databases and cooperation tools (such as VIS for law enforcement and the Council Framework Decision 2006/960/JHA) tailored to the different task descriptions and formalised in dedicated curriculum. Priority should be given to staff members of the Single Point of Contact;
13. raise awareness about and increase the use of CEPOL online training activities, including its LEEd platform.

Done at Brussels,

For the Council

The President
