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SCH-EVAL 269  
ENFOPOL 641  
COMIX 743

#### OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
On:	20 December 2018
To:	Delegations
No. prev. doc.:	13771/18; 14936/18
Subject:	Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of the Kingdom of <b>Spain</b> on the application of the Schengen <i>acquis</i> in the field of <b>police cooperation</b>

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 Kingdom of Spain 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.

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Council Implementing Decision setting out a

**RECOMMENDATION**

**on addressing the deficiencies identified in the 2017 evaluation of the Kingdom of Spain 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 Schengen<sup>1</sup>, 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 Spain 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) 4160.
- (2) In light of the importance of complying with the Schengen acquis, priority should be given to implementing recommendations 1, 2 and 5 below.

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<sup>1</sup> OJ L 295, 6.11.2013, p. 27.

- (3) This decision setting out a recommendation 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 shall, pursuant to Article 16, paragraph 8 of Regulation (EU) No 1053/2013, provide the Commission its assessment on a possible implementation of the recommendations containing indications for possible further improvements and a description of actions where required,

HEREBY RECOMMENDS:

that Spain should:

1. establish a genuine Single Point Of Contact (SPOC) in compliance with the SPOC manual<sup>2</sup>;
2. develop a genuine electronic workflow system that is capable of de-conflicting between all international cooperation channels;
3. develop guidelines on the use of information channels and distribute them to all end-users;
4. provide officers direct access to relevant Interpol databases;
5. make it a priority to step up training courses in foreign languages. Adequate fluency in relevant foreign languages should become a key part of the selection process both for posts in international police matters and for staff dealing with foreigners on a regular basis;
6. develop user friendly manuals on operational cross-border cooperation (e.g. cross-border surveillance, hot pursuits, joint patrols);
7. develop an inclusive risk assessment strategy taking into account cross-border threats and incorporating threats identified by all police forces from local to national upwards;

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<sup>2</sup> Doc. 10492/14 DAPIX 75, ENFOPOL 157, 13 June 2014.

8. exploit information exchanged by the Police Customs Cooperation Centres (PCCCs) in view of proactive and tailored joint operations;
9. consider developing technical solutions and equipment in order to provide officers with mobile access to relevant databases, while ensuring security of such access;
10. expand the roll out of SIENA to national police forces and give access to regional police forces. This should also concern all PCCCs;
11. implement fully procedures in accordance with Decision 2008/633 in order to allow access to Visa Information System (VIS) for law enforcement purposes;
12. fully exploit the possibilities of Regulation (EU) n° 603/2013 as regards access of their competent authorities to the EURODAC database for law enforcement purposes;
13. evaluate its bi/multilateral agreements on police cooperation in view of possible updates based on the evolution of risks, threats and modern means to counter them;
14. improve training and awareness of police staff in relation to international police cooperation and facilitate access to CEPOL courses both by regional police forces and state police posted in the regions;
15. promote the participation in the course on SIRENE matters and raise awareness of the training available on the National Police Intranet;
16. ensure reliable common statistics at national level for cross-border operations under Art. 40 and 41 of the CISA Convention;
17. consider ensuring, in partnership with France and Portugal, the interoperability of radio telecommunication tools.

Done at Brussels,

*For the Council*  
*The President*