Council of the European Union

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NOTE

From:	General Secretariat of the Council
To:	National Parliaments
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2021 evaluation of **Belgium** on the application of the Schengen acquis in the field of **police cooperation**

In accordance with Article 15(3) of Council Regulation 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, the Council hereby transmits to national Parliaments the Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2021 evaluation of Belgium on the application of the Schengen acquis in the field of police cooperation[1].

[1] Available in all official languages of the European Union on the Council public register, doc. 11421/22

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2021 evaluation of Belgium 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[1], 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 Belgium in June 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)980.

[1] OJ L 295, 6.11.2013, p. 27.

(2) At strategic level, Belgium has an effective structure in place to produce its national threat assessment. Since the Directorate for International Police Cooperation ensures a consistent translation of operational needs into international priority setting, Belgium shows a high engagement in the international operational projects in which it participates. At operational level, the revised BENELUX agreement between Belgium (already ratified), the Netherlands and Luxemburg is the most extensive agreement on police cooperation in the Schengen area. It allows –amongst others- for mutual access to each other's police databases, hot pursuit without conditions and deployment of special intervention units on each other's territory in case of need. Furthermore, Belgium (pro)actively shares its operational intelligence with other countries, whilst clearly defining which channel to use.

(3) Recommendations should be made on remedial actions to be taken by Belgium in order to address deficiencies identified as part of the evaluation. Priority should be given to implementing recommendations 3, 4 and 14.

(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, Belgium 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 Belgium should

Single Point of Contact

1. provide its Police and Customs Cooperation Centres with the analytical tools and training to enable them to perform their core mission of cross border analysis;

2. extend the use of Europol's Secure Information Exchange Network Application to Police and Customs Cooperation Centre Luxemburg, taking advantage of the full capacity of this tool;

Case management systems

3. establish, as already planned, a single case management system for the Single Point of Contact (Front Office, Back Office and Police and Customs Cooperation Centres with the automation of information processing and a workflow engine, including all channels of international information exchange (Schengen Information System, Interpol, Europol's Secure Information Exchange Network Application);

Information management and international databases

4. improve the national search application in order to carry out single searches for objects, whilst also ensuring that checks into the Schengen Information System (SIS) and Interpol databases are mandatory;

5. extend access to Europol Information System through "ANG – Consultation", along with corresponding training of end-users;

6. develop a technical solution in order to provide law enforcement officers with computerized access to hotel registers, should the need arise;

7. raise awareness amongst police officers about Council Decision 2008/633/JHA;

8. grant its customs authorities direct access to Europol's Information System and Interpol databases;

9. provide the police with access on a hit/no hit basis to the customs databases;

Cross-border operational cooperation

10. include a formal review mechanism in all bilateral agreements according to Art 39(5) of the Convention Implementing the Schengen Agreement with the aim to increase their operational effectiveness;

11. establish a registration system for the cross-border police operations referred to in Art 40 and 41 of the Convention Implementing the Schengen Agreement that allows for compiling reliable national statistics for those operations;

Ethics of police forces

12. promote a legislation for the protection of whistle-blowers;

13. provide the data protection officer of the Federal Police, responsible for international information exchange, with the appropriate and user-friendly software to analyse log files;

Human resources and training

14. provide more in-depth compulsory continuous training for all relevant police staff on the use of international police databases and cooperation tools (including Article 40 of the Convention Implementing the Schengen Agreement, Council Framework Decision 2006/960/JHA and Council Decision 2008/633/JHA) tailored to the different task descriptions as well as language courses, whilst giving priority to staff members of the Single Point of Contact in particular to increase their command of English;

Done at Brussels,

For the Council
The President