Council of the European Union

Brussels, 27 July 2023
(OR. en)

12160/23

Interinstitutional File: 2023/0176(NLE)

SCH-EVAL 153
ENFOPOL 345
COMIX 350

NOTE

From:	General Secretariat of the Council
On:	25 July 2023
To:	Delegations
No. prev. doc.:	11446/23
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2022 evaluation of **Sweden** 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 Sweden on the application of the Schengen acquis in the field of police cooperation, adopted by the Council at its meeting held on 25 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

setting out a recommendation on addressing the deficiencies identified in the 2022 evaluation of Sweden 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(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 Sweden in March 2022. Following the evaluation, a report containing the findings and assessments, listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2023) 260

1 OJ L 295, 6.11.2013, p. 27.

(2) Several best practices were identified during the visit; 1) Sweden developed a methodology to identify and assess areas where organised crime has a high impact on communities, 2) Sweden established a structured framework for multi-agency cooperation in the field of tackling serious and organised crime, 3) The Swedish Police Authority uses efficient bilateral and multilateral contacts with the police forces of the Nordic countries and other regional partners, 4) The Swedish police deploys International Case Officers (ICO's) at regional level, 5) Swedish Liaison officers abroad have direct access to national databases and Europol's Secure Information Exchange Network Application (SIENA), 6) Sweden does not impose territorial or temporal restrictions on hot pursuit into Swedish territory and 7) Sweden developed a "local to local" cooperation concept to address region-specific challenges.

(3) Recommendations should be made on remedial actions to be taken by Sweden in order to address deficiencies identified as part of evaluation. It is important to remedy each of the deficiencies, but in light of the importance of complying with the Schengen *acquis*, priority should be given to implementing recommendation(s) 1, 2 and 3.

(4) On 9 June 2022, the Council adopted a Recommendation on operational law enforcement cooperation.[1] Even though this Recommendation had not yet been adopted at the time of the evaluation, Sweden 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.

1 OJ L 158, 13.6.2022, p. 53–64

(6) Council Regulation (EU) 2022/922[1] 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 the adoption of this Decision, Sweden should, pursuant to Article 21(1) of Council Regulation (EU) 2022/922, establish an action plan to implement all recommendations and to remedy the deficiencies identified in the evaluation report. Sweden should provide that action plan to the Commission and the Council.

RECOMMENDS:

that Sweden should:

Single Point of Contact

1. continue to automatisation of the information processing at the Single Point of Contact including the integration of Europol's Secure Information Exchange Network Application with the Case Management System DAR;

Information management and databases

2. improve the national search application (PMF) 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 as well as into Interpol databases are automatic. The mobile application mPMF should also allow for searches on foreign vehicles and searches in Interpol's Stolen and Lost Travel Documents database;

3. grant search access to the Europol Information System and/or QUEST to further investigators on need to know basis, along with corresponding training of end-users;

1 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.

4. set-up an automated data loader feeding information into Europol's Information System, including information on active investigations cases falling under Europol's mandate ;

5. ensure direct access to Europol's Secure Information Exchange Network Application to all officers whose work on criminal networks would benefit from this access;

6. grant and expand access to Customs' intelligence database to police officers in compliance with national law;

7. increase the number of Automatic Number Plate Recognition (ANPR) cameras capable of cross checking (inter)national police databases given the constant cross-border traffic of criminal gangs in compliance with national law;

8. provide law enforcement officers with efficient access to registers of establishments providing accommodation for short-term stay of third-country nationals in Sweden, for instance by developing a technical solution in order to provide computerised access to the registers, in compliance with national law should the need arise, subject to adequate data protection safeguards;

Radio telecommunication

9. ensure, in partnership with Denmark, the use of interoperable cross-border radio telecommunication tools in accordance with Art 44 of the Convention Implementing the Schengen Agreement;

Human resources and training

10. provide more in-depth compulsory continuous training (materials) for all relevant staff on the use of international police databases and cooperation tools (such as access to VIS for law enforcement, Article 45 of the of the Convention for the Implementation of Schengen Agreement, Council Framework Decision 2006/960/JHA) tailored to the different task descriptions;

11. improve the user friendliness and the content of the intranet site for the Swedish Police (Intrapolis), including topics related to International Police Cooperation to continue to disseminate information and to support and promote the tools of International Law Enforcement Cooperation;

Cross-border police cooperation

12. establish a registration system for cross-border operations under Articles 40 and 41 of the Convention for the Implementation of Schengen Agreement that allows for compiling reliable national statistics for those operations.

Done at Brussels,

For the Council
The President