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 **Ireland** on fulfilling the conditions necessary for 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 Ireland on fulfilling the conditions necessary for 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. 12570/22

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2021 evaluation of Ireland on fulfilling the conditions necessary for 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 Ireland in December 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) 1600.

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

(2) Ireland fulfils the basic conditions necessary for the application of the Schengen acquis in the field of the Police Cooperation. The on-site team positively acknowledged the efforts made to achieve this result, especially taking into consideration that the country is being evaluated for the first time in this policy field, notwithstanding the several points of improvement necessary.

(3) An Garda Síochána and the Department of Justice, which are the central hubs for the development of policies aimed towards enhancing the international police cooperation, should produce a strategic assessment for the promotion of the existing tools, such as European or multilateral structures, in order to enhance the bilateral police cooperation with Schengen member States or third countries. At operational level, Ireland has not established a Single Point of Contact.

(4) Recommendations should be made on remedial actions to be taken by Ireland in order to address deficiencies identified as part of the evaluation. Priority should be given to implementing recommendations 3, 4 and 7.

(5) This Decision should be transmitted to the European Parliament and to the national Parliaments of the Member States. Within six months of its adoption, Ireland 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 Ireland should

1. Develop a mechanism to evaluate to what extent the conclusion of police cooperation agreements with other (third) countries would improve the cooperation with these countries, in particular in light of the conditions laid down in its national transposition of Article 37 of the Law Enforcement Directive (EU) 2016/680, and should take the necessary steps to conclude such bilateral (or potentially multilateral) agreements on police cooperation.

2. Develop a substantial assessment or analysis of the need to cooperate more intensively , for instance by using existing European or multilateral structures, with other EU or Schengen States, or with third countries

3. Establish a genuine Single Point of Contact (SPOC) by integrating the different international channels into one office, supported by written guidelines (listing for instance practical examples) regarding the choice of international police cooperation communication channels alongside one designated phone number and email address for all national incoming messages to be monitored 24/7.

4. Establish single case management system for the SPOC (ENU, Interpol NCB, SIRENE Bureau) with the automation of information processing at the Single Point of Contact including the integration of I24-7 and Europol's Secure Information Exchange Network Application with the Case Management System.

5. Extend access to Europol Information System to investigative units, along with corresponding training of end-users and establish the automated data loader into Europol's Information System.

6. Extend the use of Europol's Secure Information Exchange Network Application to all competent decentralized authorities taking advantage of the full capacity of this tool and ensure the 24/7 monitoring.

7. Improve the national search applications to ensure mandatory checks into the Schengen Information System SIS and Interpol databases.

8. Enable mutual direct access to Garda and Customs and Revenue databases.

9. Develop technical solutions and equipment in order to provide officers with mobile access to relevant national and international databases, while ensuring security of such access.

10. Provide more in-depth compulsory, basic continuous training for all the staff involved in international police cooperation on the use of international police databases and cooperation tools (such as Schengen framework for transborder law enforcement cooperation and Interpol/Europol tools) tailored to the different task descriptions. Staff members of the International Liaison Section office should be given priority.

11. Continuously raise awareness of the An Garda Siochana on international cooperation tools and capabilities inter alia by strengthening the knowledge on the intranet Garda Portal and its content.

Done at Brussels,

For the Council
The President