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 **Italy** 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 Italy 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. 12571/22

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2021 evaluation of Italy 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 Italy 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) 730.

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

(2) At strategic level, Italy has set up an elaborate system to ensure strategic alignment and operational coordination between its various law enforcement agencies. At operational level, Italy has assigned a Coast Guard liaison officer to its Single Point of Contact to foster international information exchange. Italy also shares the highest number of complex investigations with and through Europol to the benefit of investigations in other countries. At a broader international level, Italy has a vast network of liaison officers whilst foreign liaison officers in Italy benefit from joined trainings.

(3) Recommendations should be made on remedial actions to be taken by Italy in order to address deficiencies identified as part of the evaluation. Priority should be given to implementing recommendations 2 and 4 - 8.

(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, Italy 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 Italy should

Risk assessment strategy, risk analysis and similar analytical products

1. develop an inclusive risk assessment strategy taking into account cross-border threats and incorporating threats identified by all law enforcement forces from local to national upwards;

Single Point of Contact

2. swiftly improve the case management system by increasing the automation of information processing (including the integration of the Europol and Interpol channels) and adding a workflow engine (including eSignature Document Workflow to replace the current paper based practice). The case management system must be rapidly made available for the Police and Customs Cooperation Centres;

3. ensure a better integration of the different international desks, supported by written guidelines on the choice of international channel;

Information management and databases

4. ensure hit/no-hit interconnectivity between national law enforcement databases and between national and international law enforcement databases;

5. swiftly revise the national procedures to ensure lawful access to the Visa Information System (VIS), including searches with biometric data, for law enforcement purposes in line with the Council Decision 2008/633/JHA;

6. improve the national search application (SDI) on desktop and mobile devices in order to carry out single searches for objects (especially identity documents) and individuals, whilst also ensuring that checks into the Schengen Information System and into Interpol databases are mandatory and the user is presented with clear actions to be taken;

7. rapidly extend the use of Europol's Secure Information Exchange Network Application to all competent authorities, all operational units of the International Police Cooperation Service (SPOC) and to Police and Customs Cooperation Centres, taking advantage of the full capacity of this tool;

8. extend access to Europol Information System to investigative units, along with corresponding training of end-users and improve the automated data loader into Europol's Information System;

9. fully exploit the possibilities of Regulation (EU) No 603/2013 as regards access of their competent authorities to the Eurodac database for law enforcement purposes;

Cross-border operational cooperation

10. ensure, in partnership with the neighbouring countries, the interoperability of cross-border radio telecommunication tools in accordance with Art 44 of the Convention Implementing the Schengen Agreement;

Human resources and training

11. provide more in-depth compulsory continuous training for all relevant staff on the use of international police databases and cooperation tools (such as Art. 40 and 41 of the Convention Implementing the Schengen Agreement, the Council Framework Decision 2006/960/JHA) tailored to the different task descriptions. Priority should be given to staff members of the Single Point of Contact as well as to the joint training course between law enforcement agencies and judicial authorities;

12. raise awareness about the legislation on the protection of whistle-blowers and the reporting mechanism;

13. raise awareness of and provide instructions on the use of SISFOR as an e-learning tool and include modules on international police cooperation and Schengen matters.

Done at Brussels,

For the Council
The President