Council of the European Union

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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Council Implementing Decision setting out a recommendation on addressing the (serious) deficiencies identified in the 2022 evaluation of **Iceland** 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 2022 evaluation of Iceland 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. 12161/23.

COUNCIL IMPLEMENTING DECISION

setting out a recommendation on addressing the (serious) deficiencies identified in the 2022 evaluation of Iceland 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[2], 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 Iceland in September 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) 1150.

2 OJ L 295, 6.11.2013, p. 27.

(2) One best practice was identified during the mission; complaints against Icelandic police officers including allegations for corruption, is handled by the Police Monitoring Committee, which is an independent administrative body. If the committee determines that there is a suspicion of criminal activity on behalf of a police staff member, the case is sent to the District Prosecutor's Office for investigation and possible prosecution.

(3) Recommendations should be made on remedial actions to be taken by Iceland in order to address deficiencies identified as part of evaluation. In light of the importance of complying with the Schengen *acquis* and the serious deficiency identified, the priority should be given the recommendation related to functioning of national search application (recommendation 6). Other prioritised recommendations are 3 and 9.

(4) This Decision should be transmitted to the European Parliament and to the national Parliaments of the Member States.

(5) Council Regulation (EU) 2022/922[3] 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.

(6) Within one month of the adoption of this Decision, Iceland should, pursuant to Article 22(6) of Council Regulation (EU) 2022/922, establish an action plan to implement all recommendations and to remedy the deficiencies identified in the evaluation report. Iceland should provide that action plan to the Commission and the Council.

3 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.

RECOMMENDS:

that Iceland should:

Risk assessment strategy, risk analysis and similar analytical products

1. develop a separate national strategy to support international police cooperation with clear strategic objectives and priorities. This should encompass a formal methodology through which, on a regular basis, the operational needs on international police cooperation with other Schengen States [or third countries] are retrieved, analysed and assessed and translated into concrete priorities on the potential conclusion of bilateral or multilateral agreements on police cooperation as well as concrete priorities on the planning of joint actions.

2. establish a comprehensive national threat assessment strategy for serious and organised crime, with contributions from all law enforcement authorities, national stakeholders, to allow for setting priorities, including priorities in terms of international police cooperation, for example regarding the conclusion or updating of bilateral agreements, and in terms of the dedicated allocation of human resources, equipment and other means . The Icelandic Police should align operational activities with the threat assessment products of the country.

Single Point of Contact

3. increase the number of staff at the Single Point of Contact and ensure the 24/7 monitoring and reactivity of all international law enforcement communication channels as was previously recommended in 2017.

Information management and databases

4. develop a technical solution in order to provide law enforcement officers with computerized access to registers of establishments providing accommodation for short-term stay of third-country nationals in Iceland in compliance with national law, should the need to arise, subject to adequate data protection safeguards.

5. grant operating units within the designated authorities an access to the Visa Information System (VIS) for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences based on the provisions of the Council Decision 2008/633/JHA, and establish a practical procedure on this access.

6. improve the national search application 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.

7. ensure that all patrol officers are equipped with mobile devices (tablets / handheld devices) with full access to all relevant (inter)national police databases

8. provide the Icelandic Police with direct access to the law enforcement relevant parts of the customs databases (as already recommended under the 2017 evaluation).

9. develop an automated case management system for the International Department (functioning as a SPOC) at the National Commissioner of the Icelandic Police, including the integration of the channels of International Criminal Police Organisation (Interpol) and the European Union Agency for Law Enforcement Cooperation (Europol) with the Case Management System, and add a workflow engine.

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

Human resources and training

11. raise awareness on the existing possibilities and procedures to report unethical police behaviour, including anonymous reporting, as well as awareness on protection of whistle-blowers and the Code of Conduct.

12. introduce a transparent promotion mechanism and a mandatory regular re-screening mechanism for police officers.

13. develop and implement a dedicated training curriculum, including e-learning, on the use of international police databases and cooperation tools (such as Council Framework Decision 2006/960/JHA, law enforcement access to the VIS, Articles 40 and 41 of the of the Convention for the Implementation of Schengen Agreement) tailored to the different task descriptions, supported by tailor-made national manuals available on the intranet of the relevant law enforcement authorities and ensure that staff members of the Single Point of Contact are given priority access to such training

Cross-border police cooperation

14. establish a clear and concise procedure for processing incoming and outgoing requests for cross-border operations such as cross-border surveillance and joint operations.

Done at Brussels,

For the Council
The President