Council of the European Union

Brussels, 3 October 2023
(OR. en)

13596/23

Interinstitutional File: 2023/0293(NLE)

PARLNAT 182

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2022 evaluation of **Portugal** 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 Portugal 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. 13334/23.

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2022 evaluation of Portugal 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 Portugal in November 2022. 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(2023)2200.

2 OJ L 295, 6.11.2013, p. 27.

(2) During the evaluation some best practices were identified; 1) Joint training for all PCCCs and also active participation of PCCC staff to support operational activities in the field, 2) joint operations (patrols) with the international law enforcement agencies in touristic locations 3) cooperation between the Office of the Prosecutor General and the Judicial police, including the SPOC and Interpol national unit is well established and functional

(3) Recommendations should be made on remedial actions to be taken by Portugal in order to address deficiencies identified as part of the evaluation. Priority should be given to implementing recommendations 1, 4, 5, 6 and 7.

(4) On 9 June 2022, the Council adopted a Recommendation on operational law enforcement cooperation. Portugal 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.

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

RECOMMENDS:

that Portugal should

Organisation and responsibilities

1. prioritise the process of restructuring of the Portuguese border control system in order to guarantee effective implementation of the new system.

Risk assessment strategy, risk analysis and similar analytical products

2. continue the efforts to implement the recommendation of the previous evaluation by ensuring the robustness of the adopted risk assessment strategy and the "holistic strategic understanding" thereof.

Ethics

3. raise awareness within police forces about the possibilities to file complaints about corruption cases and abuse of powers.

Bilateral agreements

4. swiftly pursue the renegotiation of the current bilateral agreements with Spain so that these meet the needs of its police forces and become an effective tool for law enforcement cooperation in the Schengen area, and at the same time to take consideration of Council recommendation (EU) 2022/915 of 9 June 2022.

5. adapt its declarations to the Convention Implementing the Schengen Agreement to remove the limitations for cross border hot pursuit by Spanish competent authorities on Portuguese soil.

Single Point of Contact

6. proceed with the full legal and organizational integration of Interpol National Central Bureau and Europol National Unit into the SPOC structure, in order to enable it to be a hub for all incoming and outgoing international information exchange.

Case management systems

7. urgently improve an electronic case management system for the all entities of the Single Point of Contact and the PCCCs which will ensure the automation of information processing, tracking system for deadlines and monitoring of back-log as well as a workflow engine, incorporating all channels of international law enforcement information exchange.

Information management and databases

8. increase the number of users by expanding the accessibility of the PIIC platform beyond active criminal investigations, enable at minimum an access on a hit/no hit basis, connect PIIC to the Schengen Information System, INTERPOL databases and Europol Information System, and grant SPOC access to PIIC.

9. urgently improve the national search applications 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 and into Interpol databases are mandatory.

10. grant search access to the Europol Information System (EIS) to investigators from the different law enforcement authorities, along with corresponding training of end-users and extend the access to the EIS dataloader to all competent law enforcement authorities ensuring that criminal information obtained within ongoing investigations is uploaded when it relates to serious and organised crime and terrorism.

11. extend direct access to Europol's Secure Information Exchange Network Application to national and regional investigative units of competent law enforcement authorities as well as to Police and Customs Cooperation Centres (PCCCs) and ensure the 24/7 monitoring.

12. provide the Portuguese law enforcement agencies, including SPOC, and the Customs Administration access to each other's relevant databases on a hit/no hit basis.

13. review current written guidelines regarding the rules of cross-border law enforcement information exchange, choice of international law enforcement cooperation tools and communication channels (listing for instance practical examples).

14. provide direct on-line access to relevant national databases to the Portuguese Liaison Officers seconded abroad.

Human resources and training

15. fully exploit the possible functionalities of the available learning platform, by ensuring the quality control of the input data, introducing mandatory online learning and tests, with measurable results and extend the number of users.

16. develop a strategy on deployment of liaison officers, taking into account the risk and threat assessments analysing the impact of foreign criminality on the security of Portugal itself and vice versa.

Done at Brussels,

For the Council
The President