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 2020 evaluation of Germany 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 2020 evaluation of Germany 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. 12867/20

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2020 evaluation of Germany 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) The purpose of this Decision is to recommend to Germany remedial actions to address the deficiencies identified during the Schengen evaluation in the field of police cooperation carried out in 2020. Following the evaluation, a report covering the findings and assessments, and listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2020)4800.

(2) Germany's strengths in international law enforcement cooperation are most noticeably its structured and effective risk analysis process used to set up and to address priorities regarding the fight against crime, including cross-border crime, its decentralisation of access to Europol's Secure Information Exchange Network Application and its wide international network of well-prepared police liaison officers.

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

(3) In light of the importance of complying with the Schengen *acquis*, in particular the requirements for swift information retrieval and exchange both in the international law enforcement cooperation structures (at central level as much as at the level of the federal states) and in the field, priority should be given to implement recommendations 1 and 2 below.

(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, Germany should, pursuant to Article 16(8) of Regulation (EU) No 1053/2013, provide the Commission with its assessment of how to implement the recommendations for improvements with a description of required actions,

RECOMMENDS:

that Germany should

1. speed up the roll out of mobile devices (e.g. smartphones) with access to the relevant national and international databases to police officers;

2. improve the interface between the different case management systems / criminal case handling systems used across Germany by the diverse law enforcement organisations (federal agencies and police authorities of the federal states- *Landespolizei*) and the joint systems accessible nation-wide, in order to better monitor international police cooperation requests and help correlate requests received via various channels;

3. continue the efforts in view of the swift conclusion of the ongoing negotiations to renew the police cooperation bilateral agreements with Belgium and Switzerland and consider further engagement with France, Luxembourg and The Netherlands to renew the older generation agreements in place with those countries;

4. accelerate the implementation of the Police Information Analysis Network (*Polizeilicher Informations- und Analyseverbund*) in order to support the forward-looking joint national risk analysis capacity beneficial to an efficient response to cross-border crime with the full involvement of all competent law enforcement agencies;

5. raise awareness of police officers at all levels on the dedicated procedures to report on internal cases of misconduct or suspicion of corruption;

6. consider providing the police criminal investigation authorities and the customs criminal investigation departments further mutual access to information they respectively handle for serious and organised crime investigation purposes, in particular regarding criminal assets and profits and the associated money laundering activities;

7. implement paperless solutions to streamline the data processing at the Federal Criminal Police Office (*Bundeskriminalamt*) – Single Point of Contact and consider similar solutions at the Bavarian Criminal Police Office (*Landeskriminalamt*) International Cooperation Office;

8. consider the integration of Interpol electronic Automated Search Facility functionalities, covering *inter alia* Interpol Stolen Motor Vehicles database, into the national 'Police Information System' INPOL by means of the Fixed Interpol Network Database;

9. raise awareness about specific EU databases (e.g. Visa Information System, EURODAC) and international databases (especially Interpol) and their potential added value for the investigations, including by increasing the training of end users in this regard;

10. further develop, in terms of content and user friendliness, the e-learning platform hosted on the joint police intranet "EXTRAPOL", and raise awareness of police staff on it, in particular to ease the access to training on international police cooperation;

11. develop the continuous training on international law enforcement cooperation matters for the staff working in this field, *inter alia* by making further use of e-learning and by considering mandatory re-training requirements and certification upon completion.

Done at Brussels,

For the Council
The President