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From:	General Secretariat of the Council
On:	19 October 2023
To:	Delegations
No. prev. doc.:	13751/23
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2022 evaluation of **Denmark** on the application of the Schengen *acquis* in the field of **police cooperation**

Delegations will find enclosed the Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2022 evaluation of Denmark on the application of the Schengen acquis in the field of police cooperation, adopted by the Council at its meeting held on 19 October 2023.

In line with Article 15(3) of Council Regulation (EU) No 1053/2013 of 7 October 2013, this Recommendation will be forwarded to the European Parliament and national Parliaments.

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2022 evaluation of Denmark 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(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 Denmark in October 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) 3010.

(2) The evaluation team identified several good practices; 1) investigators, analysts and prosecutors are structurally working together in each police district; 2) the Independent Police Complaints Authority (IPCA) is independent of the police; 3) Analysts in Denmark work as an intelligence community with embedded analysis units in local Police Districts, further to the analysis unit in the Special Crime Unit (SCU), at national level; 4) Denmark and Sweden have formed a Joint Analysis Team (JAT) on organised crime which produces joint reports; 5) The Passenger Information Unit (PIU) uses a one-stop-shop system (POLPAX) that serves as a mailing, analysis and case management system to handle Passenger Name Records (PNR) and facilitates the analytical and investigation follow-up; 6) Denmark rolled out SIENA access to bilateral liaison officers; 7) Swedish surveillance teams can start their surveillance on Danish territory and vice versa

(3) Recommendations should be made on remedial actions to be taken by Denmark in order to address deficiencies identified as part of evaluation. In light of the importance of complying with the Schengen *acquis,* in particular the staffing level in the Single Point of Contact should be increased and priority should be given to implementing recommendations **7, 8, 10 and 15** below.

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

1 OJ L 295, 6.11.2013, p. 27.

(5) Council Regulation (EU) 2022/922[1] 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 two months of the adoption of this Decision, Denmark should, pursuant to Article 21(1) of Council Regulation (EU) 2022/922, establish an action plan to implement all recommendations and to remedy the deficiencies identified in the evaluation report. Denmark should provide that action plan to the Commission and the Council.

RECOMMENDS:

Denmark should:

– **Risk assessment strategy, risk analysis and similar analytical products**

1. set up a comprehensive national serious and organized crime risk assessment strategy for international police cooperation to enhance intelligence based decision making;

2. prepare joint crime risk analysis with all relevant stakeholders (e.g. customs) to enhance comprehensive national situational awareness;

– **Ethics**

3. increase the training and awareness of police regarding ethics and corruption;

4. make sure that complaints to the Independent Police Complaints Authority (IPCA) can be made anonymously;

– **Bi-/multilateral agreements**

5. revise the bilateral agreement with neighbouring countries to meet the operational needs and evaluate as soon as possible the Danish position towards the Council Recommendation (EU) 2022/915 of 9 June 2022 on operational law enforcement cooperation[2];

6. develop a formal review mechanism for bilateral agreements with the aim to increase their operational effectiveness;

1 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.

2 In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union (TEU) and to the Treaty on the Functioning of the European Union (TFEU), Denmark is not taking part in the adoption of this Recommendation and is not bound by it or subject to its application. Given that this Recommendation builds upon the Schengen acquis, Denmark should, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Recommendation whether it will implement it in its national law.

– **Single Point of Contact**

7. urgently increase the number of staff of the Single Point of Contact to adequately match the corresponding workload;

– **Case management system**

8. set up a single electronic case management system for the Single Point of Contact (SPOC) and the Police and Customs Cooperation Centre (PCCC) to ensure the automation of information processing, the tracking of deadlines and the monitoring of back-log as well as a workflow engine, incorporating all channels of international law enforcement information exchange;

– **Operational information management and databases**

9. provide the National Police access on a hit/no hit basis to the Customs databases;

10. develop a single search functionality on desktop and mobile devices in order to carry out single searches for objects and individuals with clear actions to be taken and highlighted warning markers for desktop computers and mobile devices, whilst also ensuring that checks into the Schengen Information System and into Interpol databases are mandatory, and limit the number of mandatory fields necessary to run a query, whilst at the same time allowing for fuzzy logic and any name searches. The mobile application should allow for searches on foreign vehicles as well;

11. provide law enforcement officers with access to registers of establishments providing accommodation for short-term stay in Denmark in accordance with Article 45 of the Convention Implementing the Schengen Agreement, for instance by developing a technical solution in order to provide computerised access to the registers, subject to adequate data protection safeguards;

12. prepare written guidelines regarding the rules of international law enforcement information exchange and the choice of international law enforcement cooperation tools (listing for instance practical examples);

13. swiftly implement the access for law enforcement purposes to biometric data in Visa Information System and raise awareness about the Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (the VIS Decision);

– **Radio telecommunication**

14. ensure, in partnership with Sweden and Germany, the interoperability of cross-border radio telecommunication tools in accordance with Art 44 of the Convention Implementing the Schengen Agreement;

– **Human resources and training**

15. provide more in-depth compulsory continuous training (materials) for all relevant staff on the use of international police databases and cooperation tools (such as VIS for law enforcement, Article 45 of the Convention for the Implementation of Schengen Agreement) tailored to the different task descriptions;

16. develop and promote a user-friendly e-learning platform covering the international cooperation issues;

17. promote CEPOL online activities and tools throughout all levels of Danish police forces.

Done at Brussels,

For the Council
The President