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 **France** 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 France 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. 14997/21

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2021 evaluation of France 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 France in March 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(2021) 4300.

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

(2) At the internal border with Italy, France has set up an effective system of mixed patrols, initially focusing on terrorism and since then broadened to organised crime. At European level, France cooperates through and with Europol in an exemplary manner whilst the Central Offices for the fight against mobile crime groups and drugs trafficking are recognised as reference units. At a broader international level, France has a vast network of liaison officers and security attachés, also deploying dedicated liaison officers to counter irregular migration.

(3) Recommendations should be made on remedial actions to be taken by France in order to address deficiencies identified as part of the evaluation. In light of the importance of complying with the Schengen *acquis*, priority should be given to implementing the recommendations 1, 2, 3, 6 and 7.

(4) This Decision should be transmitted to the European Parliament and to the national Parliaments of the Member States. Within three months of its adoption, France should, pursuant to Article 16(1) of Regulation (EU) No 1053/2013, establish an action plan listing all recommendations to remedy any deficiencies identified in the evaluation report and provide that action plan to the Commission and the Council.

RECOMMENDS:

that France should

Single Point of Contact

1. further integrate the different sections of the Single Point of Contact and firmly embed it in the international information exchange;

Case management systems

2. swiftly improve the automation of information processing at the Single Point of Contact including the integration of Europol's Secure Information Exchange Network Application with the Case Management System;

3. increase the uniformity of the various decentralised case management systems used by the Police and Customs Cooperation Centres and ensure interconnectivity between those systems and the case management system of the Single Point of Contact in order to improve the information workflow within the French police forces;

Information management and international databases

4. develop a widely accessible automated data loader into Europol's Information System;

5. develop a single search functionality into national and international databases for desktop computers and provide this functionality also to French liaison officers abroad;

6. rapidly extend the use of Europol's Secure Information Exchange Network Application to all Police and Customs Cooperation Centres;

7. develop a technical solution in order to provide police officers with computerised access to registers for short-term stay of third-country nationals, should the need arise;

Cross-border operational cooperation

8. develop a formal review mechanism for bilateral agreements with the aim to increase their operational effectiveness, especially by granting powers of apprehension to police officers of neighbouring countries in pursuit of a suspect;

9. swiftly pursue the renegotiation of the current bilateral agreements with Italy, Luxembourg and Spain, and in particular address the issue of cross-border operations, such as 'hot pursuits' and cross-border surveillance, by extending the possibilities of cross-border surveillance and by removing the limit of 10 kilometres as well as by broadening the list of offences for which 'hot pursuit' is allowed;

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

Human resources and training

11. develop and implement a dedicated training curriculum on the use of international police databases and cooperation tools (such as the Swedish Framework Decision and law enforcement access to the Visa Information System) tailored to the different task descriptions. Staff members of the Single Point of Contact should be given priority;

12. increase the training possibilities on foreign languages and the use thereof, especially for specialised functions.

Done at Brussels,

For the Council
The President