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NOTE

From: Presidency
To: Delegations

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Subject: Proposal for a COUNCIL RECOMMENDATION on operational law
enforcement cooperation

Delegations will find below the revised compromise text of the Council Recommendation on operational law enforcement cooperation drawn-up by the Presidency on the basis of the discussion in the Law Enforcement Working Party (Police) on 26 April 2022¹.

The only change in comparison to the previous revised text (5836/3/22 REV 3) is the introduction of Annex outlining the offences referred to in Recommendations 2.1 a 2.2. This Annex was issued as an ADD1 in the initial Commission proposal (14665/21 ADD1 + COR1) and no changes have been made to the Annex.

The Law Enforcement Working Party on 6 May 2022 is invited to validate the compromise text.

¹ Changes are in **bold underlined** and ~~strikethrough~~.

**Proposal for a
COUNCIL RECOMMENDATION
on operational law enforcement cooperation**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 87(3) and Article 89, in conjunction with Article 292, thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Cross-border law enforcement cooperation is essential to address security threats in the Schengen area, and ensure its good functioning. Criminals must not be able to escape law enforcement authorities simply by moving from one Member State to another. Enhanced cross-border cooperation between all the competent law enforcement authorities of the Member States will help to improve the prevention, detection and investigation of criminal offenses in the EU. This cooperation covers cross-border actions between two or more Member States, such as hot pursuits and cross-border surveillances and trans-national actions, such as joint operations, which involve the deployment of law enforcement officers in other Member States.
- (2) Cross-border surveillance and hot pursuits are indispensable operational law enforcement cooperation instruments without which ~~criminals~~ persons can escape the law enforcement authorities by crossing the border, taking advantage of the change of jurisdiction and absence of continuity of law enforcement action. The Member States are recommended to address the existing limitations that some of them have put in place, as they create obstacles for such operations to take place into their territory. It is also necessary, while respecting the competences of judicial authorities of each Member State, to adjust certain rules of engagement in cross-border law enforcement operations to monitor and detain ~~criminals~~ persons in surveillance, hot pursuits, and joint operations.

- (3) Setting up permanent joint patrols and other joint operations' capabilities in internal EU border areas is necessary to match the criminal activities and the challenges that the permanent and growing mobility of people, goods and services inside the Union entails for law enforcement operational cooperation. By exchanging information, existing structures such as the Police and Customs Cooperation Centers (PCCCs) play a major role in the fight against cross-border criminality. Where relevant, the PCCCs should be able to support joint patrols and other joint operations based on shared risk analysis and needs assessment, in accordance with the applicable legal requirements, in order to prevent, detect, and support investigations into cross-border crimes conducted in internal EU border areas.
- (4) "In order for the Member States, the Council and the European Commission to acquire an accurate quantitative picture of the state of play on the implementation of cross-border law enforcement cooperation activities in the EU, Member States are recommended to collect and report statistical data on their operational cooperation on a yearly basis. These non personal data will provide a thorough knowledge and understanding of the needs of the Member States and any potential issues that need to be addressed at a European Union level.
- (5) Criminal networks, take advantage of the absence of controls at internal borders to pursue their criminal endeavours. Targeted joint **Joint** patrols and other joint operations are a valuable tool to counter all types of cross-border crime, including trafficking in human beings, migrant smuggling, cross-border crime linked to irregular migration. Combatting trafficking in human beings effectively requires police cooperation in both national and transnational contexts, in order to identify and support victims, as well as to improve prosecution and conviction of traffickers.

- (6) Where relevant and appropriate Member States may implement the recommendations on cross-border operational law enforcement cooperation in the context of the European Multidisciplinary Platform Against Criminal Threats (EMPACT) to tackle identified and prioritised threats posed by organised and serious international crime. For instance, targeted joint patrols are a flexible instrument for which relevant authorities can take an initiative based on intelligence led policing. Such targeted joint patrols could also be included by Member States as part of operational actions in the operational action plans (OAPs) of EMPACT to tackle specific priority crime areas.
- (7) The limited availability of law enforcement ~~forces~~ **officers** that Member States can deploy abroad and the lack of coordinated deployment based on prior joint analysis can render law enforcement deployments in other Member States ineffective. To simplify the administrative and logistical management of joint patrols and other joint operations, a support platform with pan-European dimension could be set up. With this support platform, Member States could exchange on their needs and facilitate the deployment of such operations in an efficient and effective manner, so as to maintain and enhance public order and safety, to prevent criminal offences, and to help address specific crime waves in key locations, at specific times and in specific situations. The platform could benefit from EU funding and **administrative and logistical** support from Europol, where appropriate. ~~The annual summary reports that could be automatically drawn up by the platform on the needs identified and the operations carried out, could be transmitted to the Council and the Commission.~~

- (8) Communication and access to available information are critical for successful cross-border operational cooperation. **Member States are recommended to allow the** Law enforcement officers acting in another Member State ~~are recommended~~ to have real-time access through mobile solutions, such as handheld devices or in-car mounted law enforcement computers, to information held in Union information systems, through the European Search Portal (ESP), and to their relevant national databases, in line with applicable access rights and the applicable Union and national legislation. **The information provided by the Law enforcement authorities in another Member State is recommended to be limited to the performance of their duties during cross-border cooperation.** They ~~Member States~~ are also recommended to be equipped ~~the Law enforcement officers acting in another~~ **Member State** with reliable and secure, real-time inter-connectable mobile communication means, such as instant messenger tools, that function across borders in order to communicate directly with their authorities and those of the host Member State. To ensure the interconnectivity of secure communication means across borders that may, as a minimum, enable the secure use of real-time mobile communication means, as well as the geolocation of their law enforcement vehicles, for example through GPS tracking or drones, during a cross-border law enforcement operation, Member States are recommended, according to their specific needs, to make use of the technical solutions to be provided for instance by Europol on the advice in particular of ~~theits~~ innovation lab, **as well as drawing from the relevant work/projects of the EU Innovation hub for internal security**, by dedicated expert groups such as the Core Group on Secure Communications and ENLETS, by projects such as the Broadway project, or by interlinking legacy systems in cases of neighbouring Member States.

- (9) Effective cross-border operational law enforcement cooperation requires moving towards a common Union law enforcement culture. Setting up joint initial trainings such as the one set up by Spain and France in Valdemoro, and exchange programmes between law enforcement cadets on matters relating to such cooperation and continuous development courses on those matters for law enforcement officers and crime investigators are instrumental in building skills, knowledge and confidence. It is important that Member States include, within their national initial training for the cadets, **possibly a** courses on cross-border operational law enforcement cooperation, **that Member States** ~~and to~~ seek to design or adjust, in cooperation with the European Union Agency for Law Enforcement Training (CEPOL), the courses on cross-border operational law enforcement cooperation, **and that Member States provide** ~~as well as~~ language training to be used for national continuous training of officers. Career paths could be foreseen for cadets and officers who graduate from these trainings. Member States ~~should~~ **are** also **recommended to** continue to make best use of the European Union Agency for Law Enforcement Training (CEPOL) by providing their training needs, **by and supporting** the agency's activities, **and by** contributing to align their training portfolio to the priorities related to cross-border cooperation set in the EU Strategic Training Needs Assessments (EU-STNA). ~~They should~~ **Member States are recommended to** reflect on the possibility to create large scale and long term pan-European joint training and exchange programmes for law enforcement cadets and officers in the field of cross-border operational law enforcement cooperation.
- (10) Given the importance of coordination and cooperation in relation to the issues addressed in this Recommendation, and in particular its implementation, there will be a standing discussion point on cross-border operational law enforcement cooperation in the relevant working party of the Council. That working party should serve as a permanent forum for Member States to discuss such issues, including the convergence of their rules and agreements, other measures to address obstacles to the effectiveness and efficiency of cross-border law enforcement cooperation operations, reporting on the progress made, as well as issues relating to the necessary guidance and good practices.

- (11) **Members States are recommended to give effect** ~~Effect should be given to this~~ Recommendation within a reasonable timeframe. As soon as reasonably possible, **they are recommended to initiate** a process to review **where relevant and appropriate**, the national rules and bi- and multilateral agreements with other Member States ~~should be initiated, where relevant and appropriate~~, in order to give effect to the recommended measures.
- (12) The Recommendation ~~should~~ **does** not affect ~~rules governing situations which are not specifically addressed in it, such as rules on the carrying and use of service weapons, including in situations of defence of others, the use of road traffic privileges, the use of technical means for conducting cross-border surveillances or the performance of identity checks and detention of persons trying to avoid such checks. Similarly, rules determining what falls within the scope of judicial cooperation or what requires authorization by a judicial authority should also remain unaffected.~~
- (13) In order to ensure consistency, the definitions **and the guarantees** contained in this Recommendation should, where relevant, be based on and be interpreted in line with the applicable provisions of other acts of Union law, in particular the CISA **and the Prüm Decisions. The same goes for reference to the need to respect national law where EU provisions already refer to national standards.**
- (14) The progress made in giving effect to this Recommendation should be reviewed after a certain time period. Therefore, at the latest two years after its adoption, the Commission should assess such progress and present a report **after having consulted the Member State** which ~~could~~ **should** be discussed within ~~the relevant working party of the Council with a view, inter alia for the Commission to deciding whether binding acts of Union law with binding force are needed in this area.~~
- (15) In accordance with Articles 1 and 2 of Protocol N° 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, 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.

- (16) This Recommendation, with the exception of its sections 2.1, ~~and 2.2~~ **and 2.3**, constitutes a development of the provisions of the Schengen *acquis* in which Ireland takes part, in accordance with Council Decision 2002/192/EC²; Ireland is therefore taking part in the adoption of this Recommendation.
- (17) As regards Iceland and Norway, this Recommendation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's' association with the implementation, application and development of the Schengen *acquis*³ which fall within the area referred to in Article 1, point H of Council Decision 1999/437/EC.⁴
- (18) As regards Switzerland, this Recommendation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*⁵ which fall within the area referred to in Article 1, point H of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC⁶ and with Article 3 of Council Decision 2008/149/JHA.⁷

² Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002).

³ OJ L 176, 10.7.1999, p. 36.

⁴ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999).

⁵ OJ L 53, 27.2.2008, p. 52.

⁶ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008).

⁷ Council Decision 2008/149/JHA of 28 January 2008 on the conclusion on behalf of the European Union of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008).

- (19) As regards Liechtenstein, this Recommendation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*⁸ which fall within the area referred to in Article 1, point H of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU⁹ and with Article 3 of Council Decision 2011/349/EU.¹⁰
- (20) As regards Bulgaria and Romania, sections 2.1 and 2.2 of this Recommendation, constitute an act building upon, or otherwise relating to, the Schengen *acquis* within the meaning of Article 4(2) of the 2005 Act of Accession.

⁸ OJ L 160, 18.6.2011, p. 21.

⁹ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011).

¹⁰ Council Decision 2011/349/EU of 7 March 2011 on the conclusion on behalf of the European Union of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* relating in particular to judicial cooperation in criminal matters and police cooperation (OJ L 160, 18.6.2011).

- (21) As regards Croatia, sections 2.1 and 2.2 of this Recommendation, constitute an act building upon, or otherwise relating to, the Schengen *acquis* within the meaning of Article 4(2) of the 2011 Act of Accession.
- (22) As regards Cyprus, sections 2.1 and 2.2 of this Recommendation, constitute an act building upon, or otherwise relating to, the Schengen *acquis* within the meaning of Article 3(2) of the 2003 Act of Accession.

HAS ADOPTED THIS RECOMMENDATION:

GENERAL FRAMEWORK

- a) Taking into account that this Recommendation does not have binding force, the Member States are recommended to give effect to the measures set out therein in accordance with the applicable acts of Union law, especially those which have binding force.
- b) This Recommendation should not be understood as seeking to affect the national rules providing for powers, role, competences, limitations, safeguards and conditions not specifically addressed in this Recommendation, that apply to the relevant cross-border operational law enforcement cooperation activities pursuant to acts of Union law with binding force, including the CISA¹¹ and the Prüm Council Decisions¹² and national law in accordance with Union law.

¹¹ Convention Implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.09.2000, p.19), in particular Articles 39-46.

¹² Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross border cooperation, particularly in combatting terrorism and cross border crime and Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Council Decision 2008/615/JHA (OJ L 210/1 et L 210/12, 6.8.2008), in particular Articles 17-19 .

- c) ~~The Member States are recommended to apply t~~This Recommendation **is** in line with the obligation to respect the fundamental rights and legal principles as enshrined in Article 6 of the TEU including the right to an effective remedy and to a fair trial as well as the high data protection standards laid down in Union law, especially in Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.
- d) The Member States may maintain in force or adopt rules and agreements providing for closer cooperation than the ~~standards and~~ measures set forth in this Recommendation.
- e) Member States are recommended to apply this Recommendation without prejudice to the provisions of the Convention drawn up on the basis of Article K.3 of the Treaty on European Union, on mutual assistance and cooperation between customs administrations (Naples II).

PURPOSE AND SCOPE

The purpose of this Recommendation is to strengthen operational cooperation between law enforcement authorities.

Operational cooperation covers situations where law enforcement authorities of a Member State operate in the territory of another Member State in the context of cross-border and other trans-national actions between two or more Member States (e.g. during a hot pursuit, surveillance, joint patrols or other joint operations, or in connexion with the touristic season or a mass-event).

1. DEFINITIONS

For the purposes of this Recommendation, the following definitions apply :

- (a) law enforcement authorities means **the competent authorities as referred within article 87.1 TFEU.** ~~police, customs or other specialised law enforcement services responsible for the prevention, detection and investigation of criminal offences.~~
- (b) ‘cross-border hot-pursuit’ means a law enforcement operation whereby officers of a competent law enforcement authority of a Member State pursue in that Member State one or more persons and, in the course of that pursuit, cross a border with another Member State and continue the pursuit on the territory of other Member States;
- (c) ‘cross-border surveillance’ means a law enforcement operation whereby officers of a competent law enforcement authority of a Member State keep under surveillance, as part of a criminal investigation in that Member State, one or more persons and continue the surveillance in the territory of other Member States, after the person or persons under surveillance crossed their border.
- (d) ‘joint operations’ means law enforcement operations, including joint patrols and other joint operations in the field of public order, public security and crime prevention, jointly carried out by officers of the competent law enforcement authorities of two or more Member States, whereby officers from one Member State act on the territory of another Member State;
- (e) ‘Single Point of Contact’ means the national central **body designated for the international law enforcement cooperation in full compliance with the General Framework provision of this recommendation** ~~referred to in Article 39(3) of the Convention Implementing the Schengen Agreement;~~

- (f) ‘Police and Customs Cooperation Centre’ means a joint law enforcement structure aimed at exchanging information and providing support to other law enforcement activities in internal EU border areas, which a Member State has set up based on bi- or multilateral agreement with one or more neighbouring Member States, and which is located in the immediate vicinity of the borders between the Member States concerned;
- (g) ‘Statistics’ refer to the non personal data collected by Member States and reported to the Council and the European Commission in relation to cross-border law enforcement cooperation operations as detailed within the section 2.

2. ADDRESSING OBSTACLES TO OPERATIONAL COOPERATION WHEN LAW ENFORCEMENT OFFICERS OPERATE IN ANOTHER MEMBER STATE

2.1. Cross-border hot pursuit:

- (a) Member States are recommended to:
- i. ensure that the types of crimes eligible for cross-border hot pursuits into their territory cover criminal offenses listed in the Annex to this recommendation as well as all other criminal offenses which may give rise to extradition or surrender and, where compliant with national legislation, also evading **checks from**-law enforcement ~~echecks~~ **authorities**;
 - ii. allow for the conduct of cross-border hot pursuits into their territory across land, river, lake and air borders;
 - iii. allow cross-border hot pursuit to continue into their territory without any geographical or temporal limitation, until the arrival of their competent law enforcement authority;

- iv. collect statistics on the cross-border hot pursuits that their competent law enforcement authorities conducted and report those statistics annually to the Council and the Commission. This data include on a yearly basis:
- the number of hot-pursuits conducted;
 - the Member States where the hot pursuits took place.
 - ~~—the number of personnel and vehicles deployed;~~
 - ~~—the number of pursued persons detained.~~
- (b) Member States are recommended to allow officers from the competent law enforcement authority of another Member State conducting cross-border hot pursuits into their territory to do the following:
- i. carry their service weapons and ammunitions and other service equipment;
 - ii. use their service weapons in legitimate self-defence and, in the defence of others in accordance with the national law of the host country;
 - iii. use the road traffic privileges applicable in the Member States where the hot pursuit takes place;
 - iv. in accordance with the national law of the host country, use their GPS systems to have those officers' vehicles tracked by the competent law enforcement authority of that other Member State.
 - v. operate their secure real-time communication means across borders.
- (c) Member States are recommended to consider allowing officers from the competent law enforcement authority of another Member State conducting cross-border hot pursuits into their territory to stop and provisionally detain a pursued person in accordance with the procedures set out in the national law of the host country, including through means of coercion and physical force, and with the right to conduct a security search, pending the arrival of officers of the competent authorities of the Member State in whose territory the hot pursuit took place.

2.2. Cross-border surveillance

- (a) Member States are recommended to:
- i. allow the conduct of cross-border surveillance into their territory in relation to persons suspected of preparing, or having committed or participated in one or more of ~~those~~ the criminal offences listed in the Annex to this Recommendation as well all other criminal offenses which may give rise to extradition or surrender, but also to persons that can lead to the identification or the tracing of such suspects;
 - ii. ~~ensure that the types of crimes eligible for cross-border surveillance into their territory cover the criminal offences listed in the Annex to this Recommendation as well all other criminal offenses which may give rise to extradition or surrender;~~ that cross-border surveillance may also be carried out for the purpose to establish whether concrete criminal offenses have been committed or are being prepared, taking into account possible conditions as required by the host country, to collect information about a crime during a criminal investigation with a view to establishing whether concrete criminal acts have been committed or are being prepared may be committed in the future;
 - iii. allow the conduct of cross-border surveillance into their territory across land, sea, river, lake and air borders;
 - iv. based on jointly agreed procedures, allow and facilitate the pooling of material, to conduct cross-border surveillances more efficiently;
 - v. designate a central authority or authorities responsible for coordinating inbound and outbound cross-border surveillances, which is or are part of, or works or work in close cooperation with the Single Point of Contact, and which is or are able to process and provide requests for authorisation 24 hours a day, 7 days a week.

- vi. ~~collect statistics on the cross-border surveillances that their competent law enforcement authorities conducted, and report those statistics annually to the Council and the Commission. This data include on a yearly basis:~~
- ~~— the number of cross-border surveillances conducted;~~
 - ~~— the Member States involved.~~
- (b) Member States are recommended to allow officers from the competent law enforcement authority of another Member State conducting cross-border surveillances into their territory to do the following:
- i. carry their service weapons and ammunitions and other service equipment ;
 - ii. use their service weapons in legitimate self-defence and in the defence of others in accordance with national law of the host country;
 - iii. in accordance with the national law of the host country, use technical means necessary to conduct the cross-border surveillances, including GPS trackers, drones, audio and video equipment ~~if permitted by national provisions~~;
 - iv. operate their secure real-time communication means across borders.

2.3. Joint operations

- (a) Member States are recommended to allow officers from the competent law enforcement authority of another Member State involved in joint operations conducted in their territory, provided that similar powers and attributes are granted to the officers of their own law enforcement authorities, to do at least the following.:
- i. perform identity checks, and provisionally detain any person who tries to avoid an identity check;
 - ii. to wear their uniform and carry their service weapons and ammunitions and other service equipment;
 - iii. use their service weapons in legitimate self-defence and, in the defence of others;
 - iv. operate their secure real-time communication means across borders or provide other possibilities for cross border communication. For this purpose, the necessary technical preconditions for secure real-time communication should be foreseen;
 - v. coordinate their joint operations when multiple operations take place through their relevant ~~national~~ authorities.
- (b) Member States are recommended to collect statistics on cross-border joint patrols and operations that their competent law enforcement authorities conducted in the territory of other Member States and report those statistics annually to the Council and the Commission. This data include on a yearly basis:
- the number of joint patrols and **other** joint operations conducted;
 - the Member States where the patrols or other joint operations took place;
 - ~~— the number of personnel deployed.~~

3. POLICE AND CUSTOMS COOPERATION CENTRES

- (a) Member States, which host or participate in a Police and Customs Cooperation Centre (PCCC) are recommended to ensure that beyond their existing focus on information exchange, PCCCs carry out the following tasks :
- i. facilitating supporting, and where relevant, coordinating joint patrols and other joint operations in internal EU border areas;
 - ii. contributing to or producing, joint analysis of cross-border crimes specific to their internal EU border area and, where appropriate, sharing such analysis through the national Single Point of Contact with relevant national authorities, other Member States and competent Union Agencies and bodies, such as Europol, Frontex and the European Anti-Fraud Office (OLAF);
 - iii. support investigations into cross-border crimes occurring in their internal EU border areas.
- (b) Member States are recommended to **strengthen cross border cooperation and** adopt best practices **regarding such cooperation** with their neighboring States, on bi- or multilateral basis, including through Joint Police Stations ~~which could be established as part of existing~~ **and** PCCCs, ~~or separately, in other relevant locations with operational added value, on permanent or temporary basis.~~

4. A SUPPORT PLATFORM FOR JOINT PATROLS AND OTHER JOINT OPERATIONS

- (a) Member States, are recommended to set up a support platform which would allow to identify and centralise without transmission of personal data, the needs expressed by each Member State for organizing joint patrols or other joint operations :
- in locations that are of particular importance to prevent and counter crime such as key criminal hubs or touristic areas visited by tourists from other Member States;
 - during mass gatherings and major events likely to attract visitors from other Member States such as large sport events or international summits;

- in case of disasters and serious accidents, in coordination with the Union Civil Protection Mechanism (UCPM), and in particular the Emergency Response Coordination Centre (ERCC).¹³
- (b) Member States are recommended to:
- i. provide the support platform with information on their needs and the circumstances of the request to maintain public order and security and prevent criminal offenses;
 - ii. designate, depending on the nature of the joint operations, the appropriate Point of Contact as a national contact point for such joint patrols and other joint operations and the transmission of relevant information.

¹³ During crises and emergencies (mostly linked to disasters or large accidents), any affected Member State or third country may call for civil protection or humanitarian assistance through the Union Civil Protection Mechanism. The Emergency Response Coordination Centre (ERCC) then coordinates, facilitates and co-finances Member States' response to the request for assistance ([Emergency Response Coordination Centre \(ERCC\) | European Civil Protection and Humanitarian Aid Operations \(europa.eu\)](https://europa.eu/ercc/)).

5. ENSURING EFFECTIVE ACCESS TO INFORMATION AND COMMUNICATION

- (a) Member States are recommended to ensure that the officers from their competent law enforcement authority involved in the cross-border operational law enforcement cooperation covered by this Recommendation and acting in the territory of another Member State:
- i. have remote and secure access to their own national databases and to Union and international databases through the European Search Portal, as permitted under Union law and their national law, allowing them to carry out their law enforcement functions in the territory of another Member State as part of those operations, such as carrying out identity checks;
 - ii. can use secure real-time communication means that are capable of operating in the territory of another Member State, allowing them to communicate directly with the competent law enforcement authority of their Member States and with the officers of competent law enforcement authorities of the other Member State or Member States concerned.
- (b) Member States are recommended to ensure secure real-time direct communication across borders by either making use of the technical solutions to be provided for instance by Europol, dedicated expert groups and EU funded projects, or by interlinking legacy systems in cases of neighboring Member States.

6. JOINT TRAINING AND PROFESSIONAL DEVELOPMENT RELATING TO CROSS-BORDER OPERATIONAL LAW ENFORCEMENT COOPERATION

- (a) Member States are recommended to:
- i. include, in order to familiarise cadets to the European culture of law enforcement, **possibly** a course on cross-border operational law enforcement cooperation within the ~~national~~-initial training;
 - ii. as far as reasonably implementable within national structures, set up, together with their neighbouring Member States, joint initial trainings and exchange programmes for their law enforcement cadets on cross-border operational law enforcement cooperation;
 - iii. seek to design or adjust, in cooperation with CEPOL requested by Member States, their national courses on cross-border operational law enforcement cooperation, to be used for national continuous professional development training of law enforcement officers;
 - iv. set up joint continuous professional development courses and initiatives for law enforcement officers to develop skills and knowledge on cross-border operational law enforcement cooperation, in particular on relevant legislation, rules of engagement, tools, techniques, mechanisms, procedures and best practices;.
 - v. seek to design and offer career paths for law enforcement officers who completed joint initial training, exchange programmes or specific cross-border operational law enforcement cooperation courses;

- vi. provide language trainings and trainings for officers from the competent law enforcement authorities likely to be involved in **cross border** operational cooperation, on operational procedures, administrative and criminal law, criminal procedures of other Member States and the authorities to contact in other Member States;
- vii. seek to align with due consideration of the needs of the Member States, their training portfolio to the priorities related to cross-border operational law enforcement cooperation set in the EU Strategic Training Needs Assessments (EU-STNA);
- viii. inform CEPOL of their needs for training relating to cross-border operational law enforcement cooperation and support relevant CEPOL activities, so that CEPOL could play its role in the training of law enforcement officers;
- ix. reflect on the possibility of creating large-scale and long-term pan-European joint training and exchange programmes for law enforcement cadets and officers in the field of cross-border operational law enforcement cooperation.

9. FINAL PROVISIONS

- (a) Member States are recommended to discuss and take forward the issues covered by this Recommendation, and in particular issues relating to its implementation.
- (b) Member States are recommended to make full use of the financial support made available through the Internal Security Fund – Police to improve and intensify cross-border operational cooperation.

- (c) When giving effect to this Recommendation, Member States are recommended, as soon as reasonably possible after the date of adoption of the Recommendation and where relevant, to initiate the process of reviewing their national rules and bi- and multilateral agreements **on operational law enforcement cooperation with other Member States.**
- (d) At the latest two years after the date of adoption of this Recommendation, the Commission is recommended to assess the effect given to this Recommendation by the Member States and publish a report after having consulted the Member States and present it to the Council.

Done at Brussels,

For the Council

The President

ANNEX

Offences referred to in Recommendations 2.1 and 2.2 are the following serious offences:

- Participation in a criminal organisation,
- Terrorism,
- Trafficking in human beings,
- Sexual exploitation of children and child pornography,
- Illicit trafficking in narcotic drugs and psychotropic substances,
- Illicit trafficking in weapons, munitions and explosives,
- Corruption, including bribery,
- Fraud, including that affecting the Union's financial interests within the meaning of Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law,
- Laundering of the proceeds of crime,
- Counterfeiting currency, including of the euro,
- Computer-related crime,
- Environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties,
- Facilitation of unauthorised entry and residence,
- Murder and grievous bodily injury,
- Illicit trade in human organs and tissue,
- Kidnapping, illegal restraint and hostage-taking,
- Racism and xenophobia,
- Organised or armed robbery,
- Illicit trafficking in cultural goods, including antiques and works of art,
- Swindling,

- Racketeering and extortion,
 - Counterfeiting and piracy of products,
 - Forgery of administrative documents and trafficking therein,
 - Forgery of means of payment,
 - Illicit trafficking in hormonal substances and other growth promoters,
 - Illicit trafficking in nuclear or radioactive materials,
 - Trafficking in stolen vehicles,
 - Rape,
 - Arson,
 - Crimes within the jurisdiction of the International Criminal Court,
 - Unlawful seizure of aircraft/ships, spacecraft,
 - Sabotage.
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