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**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

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1. INTRODUCTION

First of all the team would like to acknowledge that the work of the experts was facilitated by the permanent attention provided, by the U.K. authorities, to ensure that staff, at every level of the territory of United Kingdom, information and sites were available and open to the experts so as to allow them perform their duty under the best circumstances.

The experts would also like to acknowledge the professionalism and hospitality of the UK Authorities during the evaluation, which contributed greatly to the work of the group.

From 19 until 23 January 2004 a team of Schengen national experts visited, on request of the Council Working Group "SCH-EVAL", a number of sites to assess the preparedness of the U.K. to apply certain parts of the Schengen Acquis relating to police co- operation. The team visited in turn, the NCIS in London, the Cheriton police and control centre at the Channel Tunnel and the multi-agency intelligence unit at Bouvary House in Kent. The experts furthermore met the persons responsible for international cooperation at Gatwick Airport, followed by representatives of the Association of Chief Police Officers in Scotland. Finally, they visited the headquarters of the Police Service of Northern Ireland in Belfast. A full schedule of the evaluation visit is appended to this report.

2. LEGAL BASIS AND CONTEXT OF THE EVALUATION

- 2.1** It should be noted that the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis was approved by a Council Decision of 24 May 2000 (published in Official Journal L 131 01/06/2000 p.43 -47).

2.2 It should be noted that the UK does not participate in the part of the Schengen Acquis regarding the free travel of persons¹ and that in the context of Schengen cooperation the UK only cooperates for certain aspects of police and judicial cooperation and will as a consequence join only those parts of the SIS which relate to cooperation in that limited sphere. The evaluation programme will be done in two phases:

Phase one – April 2004

- police and judicial cooperation
- drugs provisions
- certain other provisions inter alia- according to UK² illegal immigration

Phase two – November 2004 - early 2005 : the Schengen Information System and related data protection provisions. There will be a visit to evaluate the UK's implementation of the data protection requirements of Schengen in the summer of 2004, which if approved will lead to a Council Decision to release the data. Once the UK has gone live with the SIS, there will be a further evaluation visit.

The first phase will be concluded by a Council Decision on the participation of the UK in the relevant provisions of Schengen. In the second phase, there will be a Council Decision following the data protection evaluation visit, to allow the data to be released. The final evaluation mission, early in 2005, will be able to submit a report to the Council.

¹ See however articles 26 and 27 CISA j° article 1 (a) (i) Council decision 2000/365/EC.

² 14347/03 SCH-EVAL 72 of 29 10 2003

- 2.3** These facts were important to organise the work. As was the case for the evaluation of the Nordic countries, the evaluation team was called to evaluate the preparedness of the UK to apply the parts of the Schengen Acquis under evaluation. Throughout the current evaluation, the experts were only able to assess potential capacity and the means put in place by the UK authorities to apply the rules for those parts of Schengen of concern to them. This evaluation is therefore not an evaluation of the implementation by UK of the Schengen Acquis but an assessment of the UK's ability to implement the rules within the above timetable.
- 2.4** As far as police cooperation is concerned, the parts of the Schengen Acquis that UK intends to participate in concern all the articles of Chapter 1 “police cooperation” of Title III “Police and Security” with the exception of article 41 (hot pursuit) and 45 (registration of persons in rented accommodation), with their corollaries in articles 42, 43 and 47(2) c. While the UK will apply art 40 (cross border surveillance) throughout the territory, it should be noted that its only land border is with the Republic of Ireland and the latter will not be applying art. 40. Furthermore, concerning Title III UK does not apply art 60 (extradition convention 1957); 70 (setting up WG on Drugs); 74 (transfer on drug trafficking away from border) and 77-91 (firearms). The Expert Group were advised by UK Authorities that these provisions were deemed obsolete at the time that Schengen was incorporated into the EU Treaty structure: they have not been given a legal base, which is why the UK has not sought participation.

3. THE UK POLICE FORCES

3.1. THE POLICE SERVICE OF ENGLAND AND WALES

43 forces and 138 155 officers. These forces have agreements with the other police forces in the UK but are operationally independent. They are overseen by Police Authorities, with the Home Office providing policy and guidance. Like all the other UK police forces, police forces in England and Wales are under the control of their own Chief Officers who are responsible for the policing of their areas. The Association of Chief Police Officers (ACPO) is a body of which all Chief Officers are members and represents their views to Government and the wider public.

3.2. SCOTTISH POLICE SERVICE

8 forces and 15 017 officers. These forces are responsible to the Scottish Executive and the Justice Minister, and are overseen by their own Police Authority. Each has a Chief Constable who is responsible for the policing of his area. Chief Officers in Scotland are represented by the Association of Chief Police Officers in Scotland (ACPOS).

3.3. POLICE SERVICE OF NORTHERN IRELAND

This police force is the successor to the Royal Ulster Constabulary and has 9 851 officers (including reserves). In the context of Schengen, it is responsible for the only UK's land border, that with the Republic of Ireland. As a result of the local political situation, the Police Service of Northern Ireland works closely with the UK's other police forces and Ireland's An Garda Siochana.

3.4. OTHER POLICE FORCES

The UK's other police forces include:

- Ministry of Defence Police: 3 800 officers
- British Transport Police: 2 206 officers
- United Kingdom Atomic Energy Authority Constabulary: 500 officers
- Port of Dover Police: 52 officers.

3.5. HM CUSTOMS AND EXCISE

Customs and Excise has a staff of 22 000, of which over 3 000 are employed on investigation duties. It is the lead agency in the Concerted Inter-Agency Drugs Action group (CIDA) and has its own prosecutors. More generally, HM Customs and Excise have extensive coercive powers in comparison to those of police and within their assigned matters (areas of responsibility) act as another law enforcement agency.

3.6. OTHER LAW ENFORCEMENT AGENCIES

- National Criminal Intelligence Service- 1200 officers
- National Crime Squad -1300 officers seconded from police forces in England and Wales with 420 support staff employed by the national Crime Squad Service Authority
- Asset Recovery Agency (120 officers distributed in 2 offices (London + Northern Ireland))
- Scottish Drugs Enforcement Agency (186 officers)

3.7. The National Criminal Intelligence Service (NCIS)

The National Criminal Intelligence Service (NCIS) was first launched in April 1992 to provide leadership and excellence in criminal intelligence. Its current legal basis is laid down in the Police Act of 1997. The organisation aims to combat the top echelons of crime (level 2 –international - and level 3 –organised crime). It plays a key role in multi-agency strategies such as CIDA and Reflex (Reflex deals with forms of organised crime in relation to illegal immigration and human smuggling). NCIS deal with the development of criminal intelligence on a national scale. Its initial 500 staff drawn from the police, Customs and Excise and the Home Office increased to approx. 1,200 today and its budget tripled to £100 million. It aims to help law enforcement and other agencies, at home and abroad, by processing and disseminating information, giving guidance and direction, and analysing major criminal activity.

Apart from a Resources Division, NCIS comprises the Headquarters (HQ), United Kingdom (UK) and International Divisions. HQ Division includes an operational support unit, an intelligence co-ordination unit, policy and research unit and a strategic and specialist intelligence branch. The latter's responsibilities range from organised crime to football hooliganism. There are five regional offices located in London, Birmingham, Bristol, Manchester and Wakefield, which are overseen by the UK Division which also includes a Scottish/Northern Ireland Liaison Unit.

The International Division manages a network of European Drugs Liaison officers (DLOs) and is linked to the world-wide DLO network managed by Customs and Excise. The UK Bureau of Interpol is also based within this division enabling NCIS to have direct access to Interpol's 181 member countries. The UK SIRENE Bureau will also be established in NCIS's International Division. In addition to providing a "gateway" to the SIS / SIRENE, it will also function as "central authority" under art 39 and 46 CISA.

NCIS's UK Threat Assessment of Serious Organised Crime (UKTA) is the basis on which the Organised Crime Strategic Group sets priorities. As a result national priorities are established that are formulated in national partnership strategies aimed at tackling specific areas of crime, particularly class A drugs, illegal immigration, money laundering and firearms-related crime. The provision of intelligence products and specialist services to support this framework is now NCIS's main business.

NCIS's Director General is responsible for the day-to-day management of NCIS, which is statutorily maintained by a Service Authority that, in turn, reports to the Home Secretary. The NCIS Service Authority has 19 members¹, eight of whom are known as core members and are also part of the National Crime Squad Service Authority. Although NCIS and the National Crime Squad have different roles, (NCIS intelligence, NCS operational services) they work closely together in tackling serious and organised crime. In addition to the members that are appointed by the Home Secretary, the NCIS Service Authority also has representatives from the police service, the police authorities and other agencies with which NCIS works closely.

The main tasks of NCIS are:

- to define inter-agency strategy for reducing the supply of class A controlled drugs in the UK;
- to define inter-agency strategy for combating organised crime (people smuggling and trafficking in human beings affecting the UK);

¹ Police Act 197, Part 1(1)(2)

- to provide high quality assessments and actionable intelligence to increase disruption of criminal enterprises engaged in money laundering and related financial fraud within or affecting the UK, maximising mutual support and cooperation with law enforcement agencies at local and national levels;
- in collaboration with partners, to identify and implement opportunities for improved inter-agency working;
- to provide specialist co-ordination and support services to aid effective law enforcement operations;
- to develop the professional skills and expertise of NCIS staff within a career structure in order to enhance the long-term performance of the organisation.

3.8. THE REGIONAL OFFICES OF NCIS

NCIS has a network of regional offices which are co-ordinated by area. The South East Area Office covers the regions- London and Kent- A second area includes the South West Regional Office in Bristol and the Midlands Regional Office in Birmingham. A third has the North East Regional Office in Wakefield, the North West Regional Office in Manchester and the Scottish Office in Glasgow and takes in the satellite office in Northern Ireland.

The priority of the regional offices is to work with locally-based law enforcement agencies, promoting and supporting tasking and co-ordination forums and developing criminal intelligence on specific targets with their partners. Through the regional offices, as the primary point of contact with these agencies, NCIS provides the following services:

- a secure flagging service to avoid duplication of law enforcement effort by the various agencies
- 24-hour search facility across NCIS intelligence databases
- the interface between police forces, law enforcement and the intelligence agencies
- advice and support for applications under the Regulation of Investigatory Powers Act 2000.

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The establishment of NCIS has provided considerable added value for the UK law enforcement community. The UK lacked centralised structures in the fight against organised and international crime. NCIS, with its territorial organisation and national mission, is now a key and natural interlocutor for all Schengen partners.

Approximately twenty agencies are represented on NCIS, the aim being to centralise as far as possible useful information on the territory.

NCIS's International Division groups together the activities of Interpol, Europol and U.K. liaison officers overseas and foreign liaison officers based in U.K. The experts noted with interest that all liaison officers based at embassies in the UK had a desk at the NCIS where they could go whenever necessary.

The Sirene Bureau will be located at NCIS headquarters and will act as the interface between UK law enforcement agencies and their counterparts in Europe for system alerts.

The NCIS office processes all requests regardless of source (Interpol, Europol and, shortly, Sirene). NCIS is the sole point of entry for any cooperation request and is also the organisation best able to cross-check information. NCIS also want the organisation to respond to queries as swiftly as possible and because of this there is significant interest and utilisation of NCIS by external partners both national and international. The experts noted with interest the internal organisation of the international platform, which groups together all the cooperation agencies (sometimes in the presence of liaison officers).

Staff is grouped on the basis of geographical proximity ¹. Where the desks support International Law Enforcement Co-operation e.g. Interpol/Sirene they are grouped in crime specific areas of responsibility.

¹ The idea is that adjacent countries often co-operate regularly and have problems in common.

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The experts were also informed by users that requests channelled through Europol would be dealt with increasingly rapidly compared with those dealt with and channelled through the Interpol NCB.

Similarly, the experts were given to understand that all liaison officers based at NCIS have easy access to all databases set up and available on the NCIS platform.

The evaluation team recalled that under the Council Decision of 29 May 2000 on partial participation of the UK to the provisions of the Schengen acquis, there was no provision for the application of Article 41 (hot pursuit) of the Schengen Convention and no provision for the application of Article 40 between Northern Ireland and the Republic of Ireland because the latter does not participate in this Article. Article 40 does apply to the whole of the UK in respect of the rest of Schengen countries.

On a practical point of co-operation, the experts were informed that the police services drew a distinction between information, intelligence and evidence. Under the UK system, information may be given by police to a judge and the judge may use it without disclosing the source. NCIS officials made clear to the experts that they were anxious to work in this spirit with their Schengen partners with a view to protecting information sources as far as possible and whenever necessary. The UK representatives expressed their desire to work with their EU partners on the basis of this distinctive approach whenever necessary.

The following should be noted in relation to NCIS's regional offices:

In Scotland officers work alongside their counterparts side by side and day by day. NCIS merely supports the forces in their fight against crime, although it retains direct responsibility for the most serious forms of crime (level 3).

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The Gibraltar territorial unit will not have access to the SIS. The Interpol Bureau, a subdivision of the London Interpol NCB, will serve as the channel for cooperation.

Furthermore, the Isle of Man and the Channel Islands will not be participating in the new Schengen co-operation for constitutional reasons.

Cross-border surveillance is a matter that will only affect certain specialised units. Only specialised units of the Police can carry out and take on responsibility for activities of this type ¹. As for surveillance within the UK, the authorities of other Member States will be required to comply with the provisions included in the Crime (International Co-operation) Act 2003. Foreign surveillance teams do not as a rule, either armed or unarmed, operate on the U.K. territory. The U.K. has the capacity to activate surveillance teams at very short notice.

Schengen Implementation.

As the UK implementation of Schengen is in two phases the responsibility for delivering operational arrangements has been devolved from the Home Office to the Joint Operational Authority.

The main stakeholders in this authority are:

- Police Services of England, Wales, Scotland and the Police Service of Northern Ireland
- NCIS
- Home Office (provides the policy lead)
- HM Customs and Excise
- Immigration Service (the investigation/enforcement side of immigration)
- Police Information Technology Organisation (technical issues overseen by the Joint Technical Authority)

¹ Exceptions may be made in the case of the customs authorities.

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The purpose of the JOA is to coordinate the operational delivery of Sirene UK to the police and other law enforcement authorities with responsibility for:

- national policies;
- law enforcement business;
- marketing communications and awareness raising exercises;
- training;
- operational technical integration.

The UK idea is for all partners to be provided with a tool capable of responding to all types of request for co-operation. Thus, all the systems in place will need to be compatible and user-friendly. For this reason, an IT department is defining all the specifications and designing the architecture of the computer networks.

Marketing communication.

UK authorities, through NCIS, have developed a comprehensive marketing and communication strategy to ensure that all agencies are aware of their obligations and the benefits of Schengen / SIS.

Four main activities of this programme were presented to the team of experts:

- Identify key users and target audiences by using :
 - decision and policy makers;
 - practitioners and operational users;
 - partner agencies;
 - interested third parties.

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- Develop identifiable brand and product placement. The fact that NCIS is to house the Sirene Bureau obliges the authorities to make the officials concerned aware of this mission and to provide them with relevant training.
- Develop appropriate tools.
 - website;
 - briefing sheets.
- Training:
 - awareness training for operational users with the help of work books, interactive CD ROMS, lesson plans and existing training packages updated;
 - PNC training with workbook, interactive CD ROM simulation, incorporation into national training system and workshops for trainers of the operators.

The UK authorities consider that the national entry point should be seen by partners as a centre of excellence. They also consider that the future Sirene Bureau should have a wider brief. They do not believe that the SIS should be confined to receiving information but think it should have a much broader role in relation to co-operation with Member States. The experts were told that new officials assigned to the Bureau would be required to have knowledge of at least two modern foreign languages. Furthermore, NCIS is currently recruiting translators and if necessary calls on the linguistic resources of the police officers in charge of the Interpol office.

3.9. CONCLUSIONS:

The experience of NCIS is assessed as very positive in the context of establishing Schengen police co-operation. The centralised nature of the organisation, the focus on gathering incoming and outgoing information (national and international), and the grouping of all the channels of international co-operation on a single site, make the UK a partner clearly capable of assuming its responsibilities and, in all likelihood, of matching other Schengen partners in terms of capability and responsiveness. With well-trained and well-prepared officers involved at all levels of law enforcement, the UK is likely to become an efficient partner in Schengen cooperation in the near future.

Initially, police forces were under no formal obligation to use NCIS, although the adoption of the National Intelligence Model, which is now nearing completion of its roll-out, by all UK Law Enforcement Agencies, does place an obligation on local forces to refer cases to NCIS. Given the quality of its service, its structure, its grouping of all international activities and excellent training programmes available to all forces, NCIS became de facto the police cooperation hub within the UK.

Another feature of NCIS is that NCIS decides itself which channels to use for exporting information. This devolved role enables NCIS to direct messages through the best channels, and avoid duplication of effort.

3.10. RECOMMENDATION

A weak point was found to be the language capability of NCIS staff, which has to be improved in line with Schengen catalogue recommendations. UK experts have the will to change the situation, but the fact remains that few permanent staff members have the technical skills to do the necessary translations within the deadlines required by Schengen cooperation.

4. CHANNEL TUNNEL AND MULTI-AGENCY UNIT IN FOLKESTONE (KENT)

The main instrument governing current co-operation on the Channel tunnel is the Sangatte Protocol ¹. Three departments are stationed at Cheriton:

- Immigration Service.
- Customs.
- Kent Police including Special Branch (with an anti-terrorism role).

The initial Channel tunnel checks are carried out by the Special Branch and Customs and take place before passengers reach control. Checks of this kind have resulted in 1 500 people being refused entry to the UK in 2003 within the Channel tunnel area. Whatever the outcome of such checks may be, the task of refusing entry always falls to the Immigration Service. Under the Sangatte Protocol, checks on entry into France are carried out at the tunnel entrance on the UK side by French authorities and UK entry checks are carried out on the French side of the Channel by U.K. authorities. Once those checks have been carried out, there is no further check (Article 5 of the Sangatte Protocol and article 3 of the additional protocol to the Sangatte Protocol).

The Sangatte Protocol deals with the specifics of police co-operation within a very narrowly defined and exact set of circumstances and as such is much more detailed than the Convention, which has to reflect a much wider scenario. As such Sangatte compliments and enhances the provisions that the Convention allows.

¹ Sangatte Protocol signed on 25 November 1991 and additional protocol entered into force on 25 May 2001

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Officers from U.K. and French authorities get together daily for a working meeting during which they share information. In operational terms, under the Sangatte Protocol, French police officers stationed at the fixed control post in the UK may arrest persons suspected of having committed offences in France. Likewise, UK police stationed on the French side may arrest any national suspected of offending in the UK. The juxtaposed control bureau's action seems to be highly successful against hooligans and in screening passengers travelling to major events (e.g. the G8 Summit in 2000). This bureau also plays a major role in combating false travel documents. (There were about 500 convictions on this charge in 2003.)

Although UK will not participate in the Schengen rules on hot pursuit, the flexible nature of the “control zone”, spanning between entry & exist points, make it possible to follow a passenger throughout the Tunnel.

Due to the juxtaposed controls, persons refused entry to the EU in terms of Article 96 by the French authorities are stopped within the secure area of the Channel Tunnel on the UK side. For security reasons they must be escorted from the site by UK police officers as it would be impossible for them to otherwise reverse their route. In these circumstances it is clear that when a request for such an escort is made by the French authorities to the UK police some explanation of the need must be given. Therefore, some information regarding Article 96 must be shared between UK and French authorities.

The police in the UK control post have access to photographs of vehicle licence plates and the vehicles driver, which are taken by Automatic Number Plates Readers (ANPR). The cameras are set up to take a picture of the driver and the vehicle together with its number plate. However, depending on the design of the vehicle and the distribution of the passengers, they sometimes appear in the photograph as well. The same practises are not allowed by the French police authorities stationed in the UK but it appears they are allowed access to that information. Experts were told that on the Eurostar, mobile controls are carried out by Customs, police and Special Branch officers. A National Channel Security Committee exists between France and the UK has been established to deal with emergencies.

However no direct radio link between the French and British police officers exists.

It was confirmed to the expert group that the system in place works to the satisfaction of French and UK law enforcement bodies.

5. JOINT INTELLIGENCE UNIT – KENT

A Special Branch joint intelligence office has been set up in Kent because of its strategic position, characterised by the presence of:

- Dover Eastern Docks, the busiest port in Europe if not in the world.
- the Channel tunnel.
- Eurostar.
- numerous other freight and passenger seaports and airfields.

In total there are 62 Special Branches throughout the United Kingdom (43 in England and Wales, 8 in Scotland, plus 11 other specialised agencies). The principal functions of Special Branches are:

- to acquire intelligence, to assess its potential operational value and to contribute to its interpretation;
- to meet local policing needs and to assist the Security Service in protecting national security.

In 2002, 20 million passengers passed through the port of Dover and 20 million used the Channel tunnel. For both domestic cooperation and Schengen cooperation, the law enforcement services can count on the support of five ELUs (European liaison units), 36 tactical intelligence units, 10 analytical support units and 15 sources-handling management units.

The individual Special Branch units currently channel all their criminal intelligence through the NCIS, which in turn provides them with useful domestic and international intelligence, as required. Other information-sharing channels are Europol (in particular, via analysis work files - AWFs) and the ILOs (immigration liaison officers). Generally speaking, the border departments are very much hoping that the SIS will provide them with information much faster than the present system. The police mentioned direct talks taking place between the Chief Constable of Kent and the Sub-Prefect of Calais, aimed at making the police zone secure and developing the information-sharing aspect.

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This cooperation process is covered by a bilateral agreement, which the United Kingdom side will seek to develop to the maximum in the future. The general plan is to increase the number of technical meetings with Schengen country police forces.

5.1. CONCLUSIONS

The existence of ELUs within the Central Intelligence Unit (CIU) represents real added value in terms of police organisation. The experts noted the excellent cooperation between the UK and French counterparts and the possibility of rapidly translating any written demands. The excellent cooperation between police officers on the ground was noted. The concept of a control zone is a very pragmatic one, which allows very close cooperation between French and UK police officers. The regular exchange of information such as photos of vehicle licence plates and drivers is clearly very useful operationally. This cooperation has also to be seen in terms of the Sangatte Protocol, which allows very close practical collaboration.

It was noted that UK officers meet their counterparts every three months formally and, informally, on a daily basis. The UK police use French expertise on the use of false documents to fight against trafficking in human beings and illegal immigration. The information provided by their French counterparts may be used as evidence in Court.

There are, however, a number of points which call for improvement or closer attention.

There is no secure telephone link between the police officers at either end of the tunnel. There are however dedicated secure telephone links between the major incident posts at either end. UK and French officers currently use non-secure mobile and land-line phones. The experts consider it essential to install a dedicated, secure telephone line between the police at either end of the tunnel, in order to combat all forms of crime more effectively.

Similarly, it is not very efficient operationally that the police based in Cheriton should be without direct access to the NCIS database. Officers wishing to consult the database currently have to do so by telephone. Direct access to the NCIS database could usefully be installed at Cheriton. However, the expert group have noted that no other law enforcement agency or service in the UK has direct access to NCIS databases.

6. GATWICK AIRPORT

Gatwick is a strategically important airport: handling 30 million passengers per year, it ranks as the world's busiest single runway airport in terms of traffic. In view of the scale of the problems to be addressed, the authorities decided to combine forces and resources in an inter-agency approach.

This involves:

- airport crime teams,
- joint intelligence cells;
- joint investigation/intelligence teams;
- Gatwick crime operational action teams (G-CAT and G-COAT);
- MATRA (multi-agency threat and risk assessment).

MATRA is a new approach to preparing risk and threat assessments, involving all branches of the law enforcement. The approach was developed following a Home Office study which was critical of traditional methods for defining threat levels. Under the new system, which is to be introduced in all airports, all services in a given airport collaborate on determining the nature and level of the terrorist threat and of threats arising from other forms of crime. The aim is to manage out or reduce the security and crime risks at airports.

The agencies at the airport appear confident at the prospect of applying Schengen rules. Where surveillance tasks are concerned, the services consult the NCIS, which will decide how best to use available channels. As practitioners, the police in the airport take the view that the NCIS is there to respond to their requests and provide the best service possible. All police officers have been trained to carry out their new Schengen cooperation duties.

Experts noted that a security bulletin produced from open sources was regularly published and distributed by e-mail to a group of about 400 external partners.

In 2003, excluding specific surveillance operations (e.g. controlled drug deliveries), 70 600 persons were refused entry into the United Kingdom at Gatwick airport.

The “Last-Gate-Control” at Gatwick airport is worth mentioning: when entering the departure zone a digital photo of every passenger is taken and combined with the barcode of the boarding pass scanned in the computer system and the picture of the passenger is counterchecked right at the flight gate.

6.1. CONCLUSIONS

The inter-agency approach seems to have added value in fighting cross-border crime. It is interesting to note that the Immigration Service works in unison with all other services, in particular with Customs and the police. This close collaboration and the fact, for example, that Customs may directly consult certain police databases is very clearly an efficient model that could be followed by many other Schengen partners. Since the Schengen Information System was not yet in place, the evaluation team could not comment on its the future installation.

6.2. RECOMMENDATION

Continue developing the inter-agency approach and share information on the MATRA concept as widely as possible with the Schengen Member States.

7. SCOTTISH POLICE PERSPECTIVE

Scotland, which has five million inhabitants, has eight separate police forces, which operates in conjunction with the procurator fiscal office, also an autonomous body. In order to rationalise their working methods, the Scottish police service have set up a single intelligence database. This was introduced in 2002 and will be completed in 2004; it is intended to ensure:

- a single repository for criminal intelligence;
- common intelligence practices and improved information sharing;
- less duplication of effort;
- increased integrity and quality of intelligence data;
- better intelligence at all levels: local, cross-border and on serious and organised crime.

The experts group were advised that the NCIS will shortly have access to this database. The police and other agencies access national intelligence databases through the regional NCIS. During their visit the experts noted that co-operation exists between Grampian police and the police district of Rogaland in Norway and comprises of contingency plans and investigative support in cases related to the off-shore installations on the continental shelf. However, this close bilateral co-operation may run the risk of information being lost to the NCIS, since the Scottish authorities and the NCIS in London have not drawn up any protocol on providing copies of information. (This co-operation is directly linked to major incidents and security as opposed to criminal behaviour. Criminal enquiries between the two are pursued through traditional Mutual Legal Assistance channels.)

The evaluation team noted the major investment in the training of enforcement bodies, for example :

- Sirene Bureau information training day held at the Scottish Police College on 13 November 2003;

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- European arrest warrant joint training day organised with the Crown Office at the Scottish Police College on 16 December 2003;
- Schengen Information System regional workshop to be held at Strathclyde Police Training Centre, Jackton, on 6 February 2004.

The aim of all the training provided is to ensure that practitioners fully understand the implementation process of the Schengen Information System.

For other continental Schengen partners co-operation with Scotland may at times appear easier than with the rest of the United Kingdom due to the similarity with Scottish justice system.

More generally, a memorandum has been signed with the authorities in London, to allow systematic use of NCIS services for all international police co-operation.

7.1. CONCLUSIONS

All in all, it was clearly apparent that the Scottish authorities have prepared very actively for the forthcoming Schengen co-operation. The memorandum signed with the NCIS, the various training programs and the involvement in particular of the Scottish Drug Enforcement Agency (SDEA) bear ample witness to the law enforcement agencies' commitment and capability to fight cross-border organised crime.

7.2. RECOMMENDATIONS

Any criminal intelligence exchanged between the Grampian Police, Scotland and the police district of Rogaland, Norway under the bilateral agreement between them should be routinely copied to the NCIS, as appropriate.

Police in Scotland have access to the Scottish intelligence database, which is not integrated into the national U.K. databases. The experts suggest that the various databases should be aligned or, failing that, that cross-consultation of databases should be made possible, so as to ensure that the police as a whole are more fully informed.

8. NORTHERN IRELAND

This part of the United Kingdom has a population of 1,7 million, 700 000 of whom live in Belfast. 53% of the population is Protestant and 43% Roman Catholic. The police force has 9 851 police officers (including reserves), backed up by 13 850 military personnel.

Given the historical and political situation, application of the Schengen Agreements to Northern Ireland is subject to certain particularities. Article 40 of the Schengen Convention will not have any practical application in Northern Ireland, as the Republic of Ireland will not be applying art. 40 in their jurisdiction. Article 40 does however apply between Northern Ireland and the rest of the Schengen area. The situation in Northern Ireland also means that Customs are never involved in police operations on the ground.

The other special feature of Northern Ireland (which has a 450 km border with Ireland, with which it shares 273 border crossing points) is that there are no manned border-crossing posts between the two territories. The border between Northern Ireland and Republic of Ireland is completely open as the UK and Ireland form a "common travel area".

This situation necessarily gave rise to close and effective cooperation with the Garda, the Irish police. Chief police officers at Headquarters (Command) level hold six-monthly formal strategic meetings. District Commanders meet every three months, and fortnightly meetings may be held locally on specific cases.

The Police Service of Northern Ireland (PSNI) has an annual budget of GBP 660 million and was established in 2001, replacing the Royal Ulster Constabulary (RUC). In their border police cooperation role the Police Service of Northern Ireland support other law enforcement agencies, other UK police forces, UK Customs and the Garda. More broadly, all information exchanged passes either through the Security Service or the Criminal Intelligence Service via the NCIS, and to the Garda, as appropriate. In practical terms, all international information exchanged is copied to the NCIS in London, where the PSNI is represented by a liaison officer.

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For PSNI officers, the non-application of Article 40 of the Schengen Convention does not make the cooperation and the close links between Garda and PSNI officers operating at the border any less efficient. Where cross-border surveillance is necessary, a method has been found for planning inter-force operations. Ireland and Northern Ireland have no juxtaposed control posts as both countries form the "common travel area".

With regard to communications, the experts noted that there was no direct radio link between the Garda and PSNI officers but secure encrypted radio links between the control rooms of both the PSNI and Garda have been in place for many years. The same applies to mobile phones: communication is limited because of network issues and security risks.

The situation has improved in that the TETRA standard for border communications was introduced in 2003. This means that intercommunication and interconnection with all PSNI units will be possible in 2004.

8.1. CONCLUSIONS

The special situation of Northern Ireland makes comparison with the rest of the United Kingdom difficult. However, it remains a fact that in Northern Ireland – which has the United Kingdom's only land border – there is excellent co-operation with the Garda. This is especially worth noting because Ireland will not be applying Article 40 and both countries will not be applying Article 41 of the Schengen convention: non application will not impair police co-operation. The experts were also told of the marked improvement in communications between PSNI headquarters and local police areas. Lastly, the formal and informal meetings between the various Northern Irish and Irish police forces can only assist the operational exchange of information.

8.2. RECOMMENDATIONS

The possibility of setting up a CCPD (Joint Police Stations) in border area should be actively pursued. (Common travel area- there can be no controls.)

9. GENERAL RECOMMENDATION

At present police co-operation between the UK and other Schengen Countries is working well, on all fields covered by the Schengen Convention subject of this evaluation. Co-operation within the context of the Schengen Convention may bring some benefits, in the sense that it offers a coherent co-operation framework, but it is unlikely that it will lead to any significant additional improvements. The main benefit from accession to the Schengen Convention for the UK may be expected to come from access to the SIS.

During the visit, particular attention was paid to cross border surveillance. The expert team was able to assess that this constitutes a valuable and well-used tool by the UK law enforcement community and expects that their counterparts in other Schengen Countries will benefit from this cooperation in the future.

The expert group furthermore noted that the UK seems to see benefit from occasional access to article 96 CISA data. The experts recommend that the UK Authorities consider formalising this arrangement. It is noted, however, that the UK authorities do not access Article 96 information as a matter of routine.

10. SPECIFIC RECOMMENDATIONS

The experts recommend

- The expert group notes that additional questions were submitted to the UK (from Spain) and that at the time of the evaluation the responses to these questions were not formulated and available to the expert group. The group understands that responses are being compiled by the UK Authorities and will be presented to SCH-EVAL.
- Following the evaluation and examination to response to the questionnaire the expert group are of the opinion that UK is well prepared to implement the measures in respect of the articles of Schengen to which they have applied.

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- A weak point was found to be the language capability of NCIS staff, which has to be improved in line with Schengen catalogue recommendations
- Set up a direct radio link between the French and British police officers, at Cheriton.
- The experts consider it essential to install a dedicated, secure telephone line between the police at either end of the tunnel, in order to combat all forms of crime more effectively.
- Direct access to the NCIS database could usefully be installed at Cheriton. However, the group have noted that no other law enforcement agency has direct access to NCIS databases.
- Continue developing the inter-agency approach and share information on the MATRA concept as widely as possible with the Schengen Member States.
- Any Criminal Intelligence exchanged between Grampian Police, Scotland and the police district of Rogaland, Norway under the bilateral agreement between them should be routinely copied to the NCIS as appropriate.
- Police in Scotland have access to the Scottish intelligence database, which is not integrated into the national U.K. databases. The experts suggest that the various databases should be aligned or, failing that, that cross-consultation of databases should be made possible, so as to ensure that the police as a whole are more fully informed.
- The possibility of setting up a CCPD (Joint Police Stations) in border area should be actively pursued. (Common travel area- there can be no controls.)

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PROGRAMME

Monday 19 January

- 13.30: Welcome lunch at National Criminal Intelligence Service (NCIS) Headquarters, where Interpol, Europol and Sirene are located.
- Afternoon: NCIS Presentation and Tour. Overview of UK approach to police co-operation.

Tuesday 20 January

- Morning: Visit to Cheriton (Channel Tunnel), Kent.
- Afternoon: Visit to Bouvary House (Multi-agency intelligence unit) in Folkestone, Kent.

Wednesday 21 January

- Morning: Visit to Gatwick airport, looking at Police, Customs and Immigration Service co-operation.
- Afternoon: Presentation at Police Headquarters, Strathclyde Police, Glasgow, Scotland on looking at Scottish police co-operation.

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Thursday 22 January

Presentation at Belfast Police Headquarters: Police Service of Northern Ireland, police co-operation with Garda and cross-border operations.

Friday 23 January

NCIS HQ– Clarifications and review.

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ANNEX 2

PARTICIPANTS

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