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### OUTCOME OF PROCEEDINGS

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From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	6901/24 +COR 1 + COR 2
Subject:	Council Implementing Decision setting out a recommendation on the implementation of the <b>best practices</b> identified in the 2023 thematic Schengen evaluation of Member States' capabilities in the areas of police cooperation, protection of the external borders, and management of IT systems to <b>fight against drug trafficking</b> into the Union

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Delegations will find in the annex the Council Implementing Decision setting out a recommendation on the implementation of the best practices identified in the 2023 thematic Schengen evaluation of Member States' capabilities in the areas of police cooperation, protection of the external borders, and management of IT systems to fight against drug trafficking into the Union, adopted by the Council at its meeting held on 4 March 2024.

In line with Article 24 of Council Regulation (EU) 2022/922 of 9 June 2022, this Recommendation will be forwarded to the European Parliament and national Parliaments.

Council Implementing Decision setting out a

**RECOMMENDATION**

**on the implementation of the best practices identified in the 2023 thematic Schengen evaluation of Member States' capabilities in the areas of police cooperation, protection of the external borders, and management of IT systems to fight against drug trafficking into the Union**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing Regulation (EU) No 1053/2013<sup>1</sup>, and in particular Article 24 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) A thematic Schengen evaluation of Member States' capabilities in the area of police cooperation, protection of the external borders, and management of IT systems to fight against drug trafficking into the Union was carried out in 2023. Following the thematic evaluation, a report containing the assessment and listing best practices identified during the evaluation was adopted by Commission Implementing Decision [C(2024) 257].

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<sup>1</sup> OJ L 160, 15.6.2022, p. 1.

- (2) The thematic evaluation aimed at harvesting best practices of Member States facing similar challenges in the view of identifying good operational solutions in the management of national capabilities to fight drug trafficking into the Union. The evaluation also contributed to a uniform, harmonised and efficient implementation of the Schengen *acquis* related to the prevention and fight against cross-border crime, in particular drug trafficking in accordance with EU legislation and common standards to increase internal security and border control.
- (3) All States applying the Schengen *acquis* in full have been evaluated as part of this thematic evaluation in accordance with the methodology provided for in the Schengen evaluation guide<sup>1</sup>.
- (4) The evaluation team operated under the coordination of lead experts from the Commission and France, and it was composed of 17 members, including national experts from Belgium, Bulgaria, Croatia, Estonia, Finland, France, Germany, Greece, Italy, Malta, the Netherlands, Poland, Slovakia, and Spain. Observers designated by Frontex, Europol and EMCDDA/EUDA supported the work of the evaluation team. In addition, eu-LISA also contributed to the thematic evaluation.
- (5) The evaluation team has developed a targeted questionnaire and analysed the responses received from the evaluated Schengen countries. In October 2023, visits were conducted at four major ports in the Schengen area: Rotterdam, Antwerp, Hamburg, and Marseille, upon the invitation of the Netherlands, Belgium, Germany, and France. Innovative operational solutions observed by the onsite teams have been extensively taken into account when drawing up these best practices.

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<sup>1</sup> Commission Recommendation C(2023) 6790 of 16 October 2023 on the establishment of a Schengen evaluation guide to be used for the implementation of the Schengen evaluation and monitoring mechanism.

- (6) Given that cross-border crime is linked to the implementation of the Schengen *acquis* in several policy areas, the thematic evaluation assessed Member States' capabilities in three different policy fields: police cooperation, protection of the external borders, and the management of IT systems related to combating drug trafficking. A special attention was given to best operational practices in the field of police cooperation: information sharing for the purposes of preventing and detecting criminal offences between relevant law enforcement agencies (including customs) at national and European/international level, cooperation and coordination of cross-border operational actions (such as surveillance, controlled deliveries and joint operations), harbour targeting and risk analysis, human resources and training, anti-corruption strategies and criminal maritime intelligence.
- (7) Best practices collected have been structured around four building blocks: (1) Providing strategic means to the Schengen area to fight against drug trafficking, (2) Mapping illicit drug flows, (3) Disrupting criminal networks upstream and downstream, and (4) Creating barriers and increasing the resilience of logistical hubs, as main focal points of the European fight against drug trafficking. These identified four main building blocks emphasise the importance of coordinated efforts among law enforcement agencies within the EU and with those in third source- and transit countries.
- (8) The thematic Schengen evaluation underlines the fundamental role of coordination and collaboration among law enforcement, police, customs, and border guard services on an integrated and cohesive way to ensure multidisciplinary operational cooperation at national, European and international level.

- (9) The active engagement of all stakeholders, including private companies operating in logistical hubs, alongside the creation of barriers and gatekeepers at EU entry points, aims to fortify the broader logistical chain and make it more resilient against criminal infiltration. The unprecedented surge in the availability of illicit drugs, most notably cocaine originating from South America, requires the Member States' joint effort to engage with global partners to target primary drug supply routes, with initial focus on Latin American partners.
- (10) Effectively addressing the challenge of drug trafficking requires a comprehensive strategy that simultaneously tackles both upstream and downstream distribution channels. This dual approach forms a more effective and holistic framework to combat complex challenges posed by the illicit drug trade. Targeting the upstream sources and supply chains is crucial for disrupting the production and transportation of drugs into Europe, while addressing downstream distribution is essential for intercepting and dismantling criminal networks responsible for the circulation and sale of illicit substances in the Schengen area. Therefore, it is vital to enhance law enforcement capabilities and ensure thorough investigations to dismantle organised crime networks involved in drug trafficking and distribution and disrupt their business models.
- (11) The Schengen *acquis* and existing European tools designed to combat organised crime represent valuable resources for combatting drug trafficking. However, maximising their impact requires going beyond their current application. This entails an enhancement of their effectiveness through the adoption of innovative and creative solutions in operational procedures.

- (12) Given that the primary aim of this thematic Schengen evaluation was to focus on the identification of best practices, the follow-up and monitoring should also be proportionate to its purpose. In this context, Member States are invited to consider the added value and feasibility of implementing the best practices in their national framework, in consultation, where relevant, with Member States, that have already implemented them. Member States are then invited to submit their action plans within three months after this Decision enters into force. Those action plans should follow the structure of the four building blocks mentioned above and indicate for each of those blocks the best practices Member States intend to adopt or have already adopted, explaining how they intend to implement or have implemented the relevant identified best practices in their national legal and operational frameworks. Member States may outline via the action plan the reasons which do not allow them to implement the best practices identified in this recommendation.
- (13) The implementation of the best practices will be monitored through periodic evaluations in accordance with the multiannual evaluation programme.
- (14) This Decision should be transmitted to the European Parliament and to the national Parliaments of the Member States.

## RECOMMENDS

that the Kingdom of Belgium, the Republic of Croatia, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Republic of Iceland, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Principality of Liechtenstein, the Republic of Malta, the Kingdom of the Netherlands, the Kingdom of Norway, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the Swiss Confederation analyse the best practices set out in the annex to this Decision and consider their implementation in their national legal and operational frameworks.

Done at Brussels,

*For the Council*

*The President*

*The following best practices were identified in the framework of the 2023 thematic Schengen evaluation of Member States' capabilities in the areas of police cooperation, protection of the external borders, and management of IT systems to fight against drug trafficking into the Union:*

#### **I. Providing strategic means to the Schengen area to fight against drug trafficking**

1. Adoption of both an 'offensive' and 'defensive' national drug strategy aiming to dismantle criminal networks involved in drug trafficking and build barriers, especially in logistical hubs. The national drug strategy follows a multidisciplinary approach, combining prevention, interdiction, and international cooperation.
2. Adaptation of the legal framework to ensure that the necessary legal tools and state of the art investigative technics are updated and available to support national and international investigations into drug trafficking, tailored to operational needs.
3. Conclusion of inter-ministerial agreements or memoranda of understanding to facilitate the inter-agency exchange of information.
4. Development of a national centralised integrated multidisciplinary anti-narcotics structure comprising, *inter alia*, judicial, police, customs, financial unit, coast guards, and criminal intelligence units, with appropriate investigative and policy making/advisory powers.
5. Implementation of integrated action plans against drug trafficking containing strategic objectives to be achieved through an incremental approach, translating policy responses into local needs.
6. Promotion of the 'bottom-up method' in national strategies and action plans with a strong focus on coordination, collaboration, and a shared vision among key stakeholders to combat drug trafficking.
7. Allocation of the necessary earmarked funds to the action plans, allowing smooth inter-agency cooperation using innovative working methods adapted to the drug market's variables and traffickers' ever-evolving *modus operandi*.
8. Setting up a national strategy implementation evaluation mechanism, with a prioritisation of the 'offensive' component.

## **II. Mapping illicit drug flows**

1. Concluding information-sharing agreements to ensure a unified and effective response to emerging challenges and drawing up joint threat response plans.
2. Establishment of a national multi-agency risk and threat analysis, and intelligence coordination structure. Empower the structure with a centralised information system to effectively manage data and intelligence by integrating strategic and operational data from diverse sources, and to enable the creation of risk indicators, profiles, and facilitate the production of analytical reports.
3. Implementation of automated data collection methods at the local, regional, and national levels to gather statistical data and operational information related to drug trafficking. Utilisation of an IT platform with embedded automated risk indicators.
4. Dissemination of frequently updated information and analysis at European, national, regional, and local levels to law enforcement authorities to enable a common understanding of the threat and facilitate the development of risk profiles and indicators.
5. Systematic integration of EU-level tools into national procedures to receive and share additional information for combatting drug trafficking (e.g. Schengen Information System, Europol Information System, European Border Surveillance system), in particular as regards ensuring a systematic reporting of drug seizures at the external borders in the European Border Surveillance system (EUROSUR) for a comprehensive situational picture.

## **III. Disrupting criminal networks upstream and downstream**

1. Integration of the systematic consultation of the Schengen Information System into customs procedures, including crosschecks of containers.
2. Running automatic query checks in the Schengen Information System and national databases for all vehicle entries and exits in logistical hubs via automated number plate recognition cameras, potentially returning a hit with an associated report.
3. Providing direct and decentralised access to Europol's Secured Information Exchange Network Application and Europol Information System for all competent authorities involved in the prevention, detection, and investigation of drug trafficking at local, national, and regional levels.

4. Systematic provision of information related to the prevention, detection, and investigation of drug trafficking to Europol and other concerned Member States.
5. Implementation of standardised and common procedures at the national level to identify, prioritise and target individuals, groups, and networks posing the highest organised crime threat. This approach serves as the foundation for the EU-level high-value target/operational task force concept maintained by Europol.
6. Adoption of the necessary measures at the national level to enforce the Council Recommendation (EU) 2022/915 on operational law enforcement cooperation in the context of preventing, detecting, and investigating drug trafficking.
7. Conclusion of bilateral/multilateral agreements to further facilitate the cooperation with authorities of other Member States for the purpose of preventing, detecting, and investigating drug trafficking.
8. Active participation in the two European Multidisciplinary Platform Against Criminal Threats (EMPACT) priorities on drug trafficking, and in the horizontal priority focusing on high-risk criminal networks and the related Europol operational task forces. Making full use of the analytical, operational, technical, and forensic support provided by Europol.
9. Integrated operational cooperation with key partners outside the European Union along drug trafficking routes, including source, and transit countries.
10. Strengthening of the use and capacity of special and intrusive investigative techniques in order to dismantle criminal networks.

#### **IV. Creating barriers and increasing the resilience of the logistical hubs**

*- Inter-service cooperation between relevant national law enforcement agencies (including customs) in the logistical hubs*

1. Establishing inter-agency task forces to conduct joint investigations in high-risk zones, such as logistical hubs, and providing those task forces remote direct access to national databases and the Schengen Information System.
2. Setting up of a common case management system for drug-related proceedings accessible to all national law enforcement agencies and judicial authorities.

3. Integration of police information into border management systems to issue alerts and create risk profiles on illicit drug flows at the borders.
4. Implementation of advanced detection and surveillance equipment for on-site law enforcement, including the use of a closed-circuit camera system along the perimeter and within ports, coupled with smart technologies such as, *inter alia*, specially equipped vehicles, and drones. Ensuring extensive, and where possible, remote access for law enforcement authorities to the footage to prevent, detect, and investigate drug-related offenses.
5. Enhanced access control to high-risk port areas, permitting the entry for cleared and authorised personnel only, using innovative methods such as biometrics, and two-factor authentication.
6. Introduction of a ‘port ban’ as an ancillary penalty aimed at tackling drug-related offences, preventing suspects and convicted criminals from posing a continued risk to port security.
7. Reinforcement of the maritime surveillance system, to foster effective cooperation between main authorities involved in countering drug trafficking in the maritime domain and ensure information exchange.

*- Effective public-private partnership*

8. Inviting the private sector to play a key role in the fight against drug trafficking, including through the conclusion of joint declarations, action plans, or memoranda of understanding between national authorities and entities such as private shipping companies, postal services, port and airports authorities, and private security companies, but also by promoting and enforcing anti-corruption measures in this context.
9. Close dialogue between law enforcement and the port industry, including port facility security officers of private terminal operators, to enhance a shared situational picture and facilitate coordinated, complementary responses.
10. Enhanced operational cooperation between law enforcement and port security officers in port areas, including via the use of port security committees whenever they exist.
11. Enhanced cooperation with universities and the private sector to develop new technologies to increase detection capabilities of illicit drug shipments.

12. Reinforced cooperation with the private sector to develop and implement innovative technologies to detect and deter drug trafficking via logistical hubs. Such collaboration could include the use of, among other things, mobile X-ray container scanners installed in terminals at risk, Artificial Intelligence to analyse scanned images by customs or streamline the collection and processing of electronic data from maritime carriers within the national port information system.

*- Preventing and combating corruption along the drug supply chain*

13. Adoption of a code of ethics and conduct applicable to law enforcement officials exposed to corruption risks associated with their duties.
14. Mitigate the risk of corruption for officials and increase the likelihood of detecting deviant behaviour by fostering cooperation across various agencies in logistical hubs.
15. Regular education and training programmes for law enforcement, including instruction on identifying individuals who may pose a security threat in logistical hubs.
16. Protection of whistle-blowers in the law enforcement community and the private sector, including the provision of whistle-blowing procedures or anonymous reporting systems to allow port workers to report suspicious activities anonymously.
17. Regular screenings and rotation of officers in vulnerable positions (e.g. those operating in logistical hubs) to avoid establishing links with organised crime groups.
18. Analysis of corruption factors and risks conducted in conjunction with the illicit market, including a targeted assessment of the infiltration in sensitive logistics areas.
19. Adoption of screening procedures allowing background checks of employees in logistical hubs and requiring a certificate of good conduct for their employment. Prohibiting the employment of convicted criminals and of those who are suspects in drug related proceedings in logistical hubs.
20. Development of educational and awareness programmes for private sector employees in logistical hubs, aimed at preventing and combating infiltration and corruption. This includes promoting ethical behaviour, dispelling the myth of earning easy money with crime, informing about the dangers of involvement with criminal groups (e.g. criminal sanctions, extreme violence of criminal networks), and the emphasising the importance of reporting suspicious activities.
21. Setting up a dedicated inter-agency team mandated to investigate alleged cases of bribery and corruption that affect the integrity of the logistical hubs.