Operational police cooperation

2021/0415(CNS) - 09/12/2021 - Legislative proposal

PURPOSE: to set out recommendations to enhance operational police cooperation as a tool to counter migrant smuggling and support the prevention and detection of irregular migration.

PROPOSED ACT: Council Recommendation.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: criminality across Europe undermines EU citizens' security and well-being. According to Europol's 2021 EU Serious and Organised Crime Threat Assessment, almost 70% of criminal networks are active in more than 3 Member States and around 65% of the criminal networks active in the EU are composed of members of multiple nationalities. These criminal networks are involved in major types of cross-border crimes, including trade in drugs, property crime, trafficking in human beings and migrant smuggling.

In that context, law enforcement authorities need to be able to exchange data, in a timely manner. However, the current rules on information exchange and police cooperation in the EU have proven not to be sufficiently clear, leading to uncertainty, diverging practices across Member States and practical obstacles to cooperation. Enhanced cooperation and information sharing as well as robust and performant tools are needed to effectively combat crime.

CONTENT: this proposal for a recommendation aims to set out a **clearer and coherent legal framework to ensure convergence of national practices and effectiveness of information exchange**. It will create common standards for better cooperation between police officers participating in joint operations and acting in the territory of another Member State through:

- clearer rules for working across borders, with an extended list of crimes for which **hot pursuits and surveillance** across border are possible and **no more geographical or time limits** on such operations. The recommendations on cross-border hot pursuits relate not only to the crossing of land borders, but also of **water** (sea, river, lake) and air borders. The proposal also includes clear and common rules on the executive powers police officers can use when engaging in hot pursuits, surveillances and joint operations across borders. Police officers should for instance be able to **conduct identity checks** during joint operations, or to carry their service weapon and arrest suspects after a hot pursuit, pending the arrival of national police officers;

- **effective access** to information during cross-border operations: Member States should give police officers operating in other EU countries remote and secure access to their own databases and to EU databases as well as secure messenger tools to communicate directly with their colleagues in the host Member State;

- **joint planning and risk analysis**: existing police customs cooperation centres should become joint police stations capable of not only exchanging information, but also planning, supporting and coordinating joint operations based on shared risk analysis;

- the use of **targeted joint patrols** and other joint operations in specific intra-EU border areas, based on **prior analysis**, to counter migrant smuggling as well as to prevent and detect illegally staying migrants and cross-border crime linked to irregular migration;

- the creation of a **coordination platform**, together with the Commission and Europol, to support and target joint operations and patrols across the EU to maintain and improve public order and safety, prevent criminal offences or help address specific crime waves in key locations or during specific times (e.g. tourist areas, key criminal hubs, holiday season), during mass gatherings (e.g. large sport events, international summits), or in case of disasters and serious accidents;

- **broadening joint training and exchange programmes** for police cadets and lifelong training of officers involved in operational cross-border cooperation and reflecting on the creation of a large-scale pan-European joint training programme on operational cross-border cooperation to create a true EU culture of policing. Language courses for officers from intra-EU border areas should be significantly stepped-up.

Lastly, Member States are invited to initiate, within six months of the adoption of this recommendation, a process to change their national rules and bi- and multilateral agreements with other Member States to implement the measures of this recommendation. One year after the adoption of the recommendation, the Commission should publish a report assessing the Member States' implementation of it.