Police cooperation: improvement of cooperation between the Member States at the Schengen area internal borders amending the Convention implementing the Schengen Agreement

2005/0131(CNS) - 18/07/2005 - Legislative proposal

PURPOSE: to lay down general rules for cross-border police cooperation, especially at the common borders and to amend the Schengen Convention.

PROPOSED ACT : Council Decision.

CONTENT: the Treaty of Amsterdam made the progressive establishment of an area of freedom, security and justice a new goal of the Union. Free movement of persons within that area requires action to counter security deficits caused by the abolition of border controls, as perpetrators of criminal acts are equally able to move as freely as law abiding citizens. Impunity caused by obstacles to cooperation must be removed.

In border regions the impact of the permeable coexistence of different jurisdictions is most felt in everyday police work. The need for appropriate cooperation mechanisms is therefore most acute in those regions, i.e. to address the security challenges exceeding those existing elsewhere in the Union.

The Decision provides for a transparent, common framework within which cross-border police cooperation, especially at the common borders, is carried out and can further develop. To that end, the Decision lays down general rules to promote strategic and operational cooperation between law enforcement authorities. This will be achieved by

- strengthening and improving information exchange on all matters concerning cooperation between law enforcement authorities;

- taking joint action in the coordination of strategic and operative activities on a permanent basis;

- taking joint action in carrying out operational activities;

- extending existing cross-border capabilities and

- providing oversight and cooperation structures to further future development.

This Decision does not affect the abolition of internal border checks as laid down in Article 2 of the Schengen Convention.

A Regulatory Committee should meet regularly, estimated twice a year, to discuss what planning and measures need to be taken in order to implement Article 3 of the proposal. This concerns information exchange in the following areas:

- identification of vehicle owners and drivers, including ships and aircraft;

- driving licence enquiries, including those relating to ships and aircraft;

- tracing whereabouts and residence;

- identification of telecommunications subscribers (telephone, fax and internet);

- obtaining information from the persons concerned by the police on a voluntary basis;

- identification of persons;

- transmission of criminal intelligence from databases or files controlled by the authorities covered by the Decision subject to compliance with the relevant provisions governing data protection;

- preparation of plans and coordination of search measures and the initiation of emergency searches ;

- tracing the origins of goods, particularly weapons and vehicles, for instance, by tracing sales channels;

- examination of evidence, for instance, vehicle damage after hit and run accidents, and erasures in documents;

- examination of national official documents;

- organisation of operational actions involving cross-border surveillance and pursuit, controlled deliveries and covert operations;

- local criminal groups or individuals and their modus operandi.

There are provisions on structural and operational cooperation. Member States must establish permanent cooperation structures between the authorities in each of the border regions at the internal borders.

FINANCIAL IMPLICATIONS:

An estimated total annual amount of EUR 202.500 will be incurred on the EU budget for human resources and administrative expenditures, in the context of the meetings of the Regulatory Committee set up by this Decision. At the beginning of its activities, until such time as the proposals contained in the Decision have become operational, the Committee will have to meet more frequently and will need more intensive administrative support to find solutions, for example, in the context of the drafting of model agreements, creation of common structures and evaluation aspects. The Regulatory Committee should meet regularly, estimated twice a year, to discuss what planning and measures need to be taken in order to implement Article 3 of the Council Decision on improved police and customs cooperation. These meetings will have to be organised and hosted by the Commission.

Total staff : 1.5.