

**14037/04**

**LIMITE**

**ENFOPOL 149  
COMIX 649**

**NOTE**

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from :	Presidency
to :	Police Cooperation Working Party
No. prev. doc. :	11048/04 ENFOPOL 86 COMIX 447
Subject :	Draft Council Recommendation concerning the reinforcing of police cooperation in the areas surrounding the internal borders of the EU

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1. On 11 and 12 March 2004, a seminar was held on "Policing without frontiers". The conclusions thereof are set out in document 8770/04 ENFOPOL 46. Building upon those conclusions, the Presidency has set out the issues under consideration and the operational objectives in document 11048/04 ENFOPOL 86 COMIX 447.
2. As indicated in the meeting of the Police Cooperation Working Party of 28 September 2004, the Presidency now wishes to submit the attached draft Council Recommendation on the strengthening of police cooperation at the internal borders and notably the conclusion of bilateral and/or regional agreements.

## **DRAFT COUNCIL RECOMMENDATION**

### **on reinforcing law enforcement cooperation in the areas surrounding the internal borders of the EU**

THE COUNCIL OF THE EUROPEAN UNION,

Whereas:

- (1) One of the Union's objectives is to provide citizens with a high level of safety within an area of freedom, security and justice; closer cooperation between Member States' police forces is essential for the achievement of that objective.
- (2) The police forces of the Member States are increasingly confronted with issues of a cross-border nature in the prevention and combating of offences. This is mainly the case in areas along the national borders between the Member States (hereafter referred to as the internal borders).
- (3) With a view to effectively and efficiently preventing and combating these offences with cross-border aspects, it is essential that police forces are enabled to co-operate and provide assistance in these areas in a structural way.
- (4) Bilateral and/or regional agreements on enhanced law enforcement co-operation at the internal borders have proved to be valuable instruments for ensuring such efficient and structural co-operation.
- (5) It is noted that, where an efficient and structural law enforcement co-operation is set up in certain border areas, criminal phenomena move to other areas. It is therefore of common interest to ensure that a comparable level of law enforcement co-operation exists in all internal border areas.

APPROVES THE FOLLOWING

1. The Council deems it necessary to prevent and combat international offences that occur in the regions along the national borders between the Member States to reinforce cross-border police cooperation in these areas.
2. The Council recommends Member States to examine for every one of its internal border areas, in co-operation with the other concerned Member State(s), what the specific problems are that arise in connection with the law enforcement co-operation in that area.
3. The Council recommends Member States to put in place effective solutions for enabling a structural, flexible and efficient law enforcement co-operation, addressing in particular the problems relevant to the concerned area.
4. The Council recommends Member States in that framework, to consider the possibility of concluding bilateral/regional agreements, for which existing agreements aim to provide an example.
5. The Council recommends Member States to inform each other, pursuant to the provisions of Article 39(5) of the Schengen Convention, of such bilateral/regional agreement; this information should be gathered at the Council Secretariat.
6. The Council recommends Member States to inform about issues related to law enforcement cooperation in the internal border areas that should be more usefully dealt with at EU level.