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Subject : European Best Practice Guidelines for Police and Customs Cooperation Centres

1. Strengthening operational cooperation and the sharing of operational information between Member States is one of the priorities of the French Presidency. Police and customs cooperation centres (PCCCs) should for this reason be promoted and developed. The French Presidency has therefore submitted Best Practice Guidelines regarding these centres, thereby using of the ways to implement the principle of convergence.
2. The guidelines have been further elaborated by a group of experts from different Member States and were discussed at the Police Cooperation Working Party meeting of 15-16 September 2008 and subsequently submitted to the Article 36 Committee on 2 October 2008.
3. The Article 36 Committee agreed that these Best Practice Guidelines for Police and Customs Cooperation Centres, as out in doc. 13096/08 ENFOPOL 160 ENFOCUSTOM 86 FRONT 78 COMIX 668 should be forwarded to Coreper/Council for approval.

4. **Coreper is therefore requested to invite the Council to approve the Best Practices Guidelines for Police and Customs Common Centres, as set out in annex.**

DRAFT

**EUROPEAN BEST PRACTICE GUIDELINES FOR
POLICE AND CUSTOMS COOPERATION CENTRES**

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PREAMBLE

These draft practical guidelines for PCCCs follow on from the work carried out in 2006 by the Customs Cooperation Working Party and are intended to promote this pragmatic form of cross-border cooperation. It is hoped that the information provided will be useful to Member States wishing to set up their own PCCCs.

INTRODUCTION

One of the goals of the European Union is the free movement of persons between the Member States. The progressive achievement of that goal has brought a growing need for enforcement agencies to cooperate.

The removal of controls at the internal borders between States belonging to the Schengen area, which began in 1995, generated the need to enhance information exchange in border areas, prompting the introduction of joint police stations followed by police and customs cooperation centres, *as one of the compensatory measures to the abolition of the internal border control. It is recognised that such centres can also be used to enhance cooperation with third States.*

Police and customs cooperation centres (PCCCs) are a valuable local tool in the process of direct cross-border cooperation, *taking to account recent and future developments, especially regarding to information exchanges.*

They bring together, on one site, all the security authorities of all participating States. Located in positions of strategic importance for observing cross-border crime, PCCCs play a key intelligence role for the operational services. Using a simple procedure they can deliver quick replies in all fields of the border agencies' activities.

As a tool of local collaboration PCCCs are thus ideally suited to the day-to-day needs of cross-border cooperation.

PCCCs have flourished since their inception, with the number of questions referred to them rising steadily and more and more centres being established throughout Europe.¹

¹ The list of PCCCs can be found in document 7968/08 ENFOPOL 63.

These guidelines are designed to provide practical recommendations for setting up and operating PCCCs.

I. ESTABLISHMENT

A. Definition and legal framework

1. Definition

A PCCC is a *support* structure for exchanging information and providing support to the activities of the operational agencies responsible for police, *border* and customs tasks in the border area. PCCCs bring together staff from the authorities responsible for security in a single location. The fact that staff from the agencies of different States work side by side with common objectives contributes to narrowing the gap between methods and administrative cultures and to a better understanding of the working procedures of each.

2. Legal framework

PCCCs are established on the basis of agreements between the partner States in accordance with *Article 39(5) of the Convention implementing the Schengen Agreement (CISA)* : "The provisions of this Article shall not preclude more detailed present or future bilateral agreements between Contracting Parties with a common border [...]."

In these agreements Member States *generally* define the basis for their cross-border cooperation, including the PCCCs' tasks, legal framework, and the procedures for establishing and operating them. Agreements are generally divided into two parts: one concerning the PCCC, the other dealing with direct cross-border cooperation between operational agencies.

A model agreement is set out in **Annex 1**. Agreements are signed and ratified in accordance with each party's national law.

B. Location of PCCC's

PCCC's are set up in the immediate vicinity of the *borders between participating States*. The participating host country and the location of the centre are chosen by common agreement.

While they usually involve Schengen States, PCCC's can be established between any European Union Member State and its neighbours, a possibility which is to be encouraged as contributing to the security of the external borders.

C. Territorial competence of PCCC's

The activities of a PCCC are primarily related to and carried out in the border area. However, the agreement establishing the PCCC may allow requests to be referred to it by agencies outside that area.

II. OPERATION OF A PCCC

The specific rules for operating a PCCC may be laid down in an operating regulation approved by the various participating administrations (see model operating regulation in **Annex 2**). The operating regulation may be a joint instrument of the participating States.

The regulation will have two types of provisions: rules on the implementation of the agreement and specific provisions.

It may, for example, lay down rules on:

- the status of the PCCC's staff and their coordination;
- the tasks, operating arrangements and technical means of cooperation ;
- the financial aspects (preparation of budgets) and logistics of the agreement with regard to each party ;
- training, etc.

A. Tasks of a PCCC

1. Collecting and exchanging information

Generally speaking, a PCCC acts as a "facilitator" of information exchange between States : its staff are the interface between their national operational agencies and the representatives of the partner State in the PCCC. In the interests of efficiency, staff should be encouraged to consult the various administrations' data files. The exchange of information must comply with current data protection and data dissemination provisions *in the respect of the national legislation*.

Information exchanged via PCCCs relates in particular to petty and moderately serious crime, illegal migration flows and public order problems.

2. Assisting operations taking place in the border area

PCCCs facilitate the operational agencies' activities in real time by providing information exchange and assistance with coordination, in particular in the following areas:

- surveillance, investigations and operations in border areas ;
- joint *control and surveillance* in border areas ;
- *cross-border* operations for maintaining or restoring public order.

The task of PCCC staff is to rapidly provide the operational agencies on assignment with information requested, in accordance with Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States² and Article 46³ of the Schengen Convention. Such information may include identification of *persons and vehicles* undergoing checks or of telephone subscribers, the verification of the appropriateness and authenticity of ID and travel documents, etc.

The competent authorities of the parties may jointly decide to transform a PCCC into an operational coordination centre at the service of all the agencies concerned, in particular in the case of major incidents (natural catastrophes) or *major* scheduled events (*G 8*, Olympic Games, Football World Cup, etc.).

PCCC staff also facilitates the smooth conduct of cross-border surveillance and hot pursuit measures by quickly providing the authorities concerned with information and fulfilling an advisory and non-operational support role.

They may also take part in the preparation of readmission measures.

Other tasks of PCCCs can be set out by agreements between the Partner States.

² OJ L 386 of 29.12.2006, p. 89.

³ "1. In specific cases, each Contracting Party may, in compliance with its national law and without being so requested, send the Contracting Party concerned any information which may be important in helping it combat future crime and prevent offences against or threats to public policy and public security.
2. Information shall be exchanged, without prejudice to the arrangements for cooperation in border areas referred to in Article 39(4), via a central body to be designated. In particularly urgent cases, the exchange of information within the meaning of this Article may take place directly between the police authorities concerned, unless national provisions stipulate otherwise. The central body shall be informed of this as soon as possible."

3. Specific analysis of cross-border crime

PCCCs enrich the analysis of cross-border crime by exploiting the full range of operational and statistical information which passes through their hands.

B. Coordination

1. PCCC coordinator

Each PCCC participating State appoints a coordinator to represent it. The coordinator receives a mission statement signed by all his national administrations represented at the centre. The PCCC coordinator is the reference person for the authorities employing staff who have the same nationality as him.

Each PCCC coordinator organises the working arrangements of staff under his authority, taking into account the statutes of each of the administrations involved. A PCCC coordinator is also responsible for the use of the premises.

A PCCC coordinator must be able to exercise his authority over all the PCCC staff of his nationality.

A PCCC coordinator represents the centre together with his foreign counterpart(s).

2. National coordination of PCCCs

In order to facilitate the coordinators' activities each State may set up a national coordination post. This coordinator will have the task of ensuring interministerial consistency on behalf of all the national agencies represented in a PCCC and that the PCCCs remain within their remit.

3. Distribution of responsibilities between the PCCCs and the national central units coordinating international cooperation

PCCCs *keep close contact* with national central bodies dealing with international cooperation (NCBs Interpol, Europol national units or Schengen Sirene bureaus)

A PCCC's responsibilities must not encroach on those of the national central units (in particular with regard to organised crime and terrorism) so as not to compromise the latter's competences and objectives.

If, nevertheless, a PCCC receives information within the central units' remit, that information must be forwarded immediately. Under the Council *Framework Decision of 18 December 2006* on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States, law enforcement agencies have to send Europol information within the latter's remit. PCCCs must therefore forward such information to the Europol national unit, which will if necessary relay it to Europol itself.

C. Functional organisation

1. Human resources

– Staff

In the interests of the group's cohesiveness and the centre's efficiency, it is recommended that the centre's staff be specifically and exclusively assigned to it. Within each PCCC the staff of the various administrations represented are organised into units. Heads of unit are appointed by their home administrations for a set period.

Staff work in multinational, interministerial teams. They should help one another.

– Staff training

PCCC staff should have considerable operational experience, sound knowledge of the organisation of their home administration and sufficient command of their partners' languages. *The PCCC staff's language skills and juridical knowledge contribute to the success of the support provided.*

It is recommended that they have the same entitlement as staff in other departments of their home administrations to in-service training. Such training courses are provided both nationally and at European level (e.g. by CEPOL).

In addition, they will receive training in common with all PCCC staff regarding each participating administrations' responsibilities and the legal instruments specific to international cooperation. This training places them on an equal knowledge footing, so ensuring good group cohesiveness.

2. Material resources and day-to-day management

– Opening hours

The parties determine in agreement the opening hours by reference to the need for the PCCC's services.

In the interests of a smoothly running service, the parties should adopt the same opening hours.

The aim should be for the PCCC to be open twenty four hours-a-day, seven days a week. *In case that the parties can't open 24 hour-a-day, they should keep a permanent contact point.*

- Communications

It is advisable for PCCCs to have a secure internal and external communications system, using systems similar to those employed by the national operational agencies (telephony, fax, e-mail, etc.). To increase efficiency and budgetary rationality, each PCCC party should be able to use a national line to communicate with its home country agencies and authorities.

- Access to national databases

Each unit should have permanent direct access to its own national databases.

- Budgetary aspects

The costs of installing and operating PCCCs are shared between the participating States, which decide on the rules for sharing expenditure. Questions regarding the host State's financial responsibility for the initial equipment are to be dealt with in the bilateral or multilateral agreements establishing PCCCs. Then, at national level, the operating regulation specifies the share payable by each participating administration for a centre's operating expenses.

- Computerised management of PCCC activities

Dedicated software should be installed in order to facilitate the circulation of information within the PCCC in real time and to ensure daily recording and fast processing of questions referred to it and standardised recording of statistics. This software should be available in the languages used in the PCCC and should comply with the data protection and privacy requirements under both countries' current laws and regulations.

It should, in addition, provide the coordinator with a tool for evaluating the PCCC's activities, enabling him among other things to improve the centre's operating arrangements.

III. EVALUATION

A PCCC has to be evaluated if it is to operate efficiently *regarding to its tasks and its functional organisation*. Joint evaluation exercises should be carried out periodically. An ad hoc committee may be set up for that purpose. Its findings will be aimed at improving the centre's operational efficiency *and the reaching of their mutual expectation*.

The frequency of such evaluation will depend on the perceived need to further enhance cross-border cooperation.

A. Composition of the evaluation committee

1. Status

The joint evaluation committee is a dedicated body established by common agreement of the participating States.

2. Composition

The evaluation committee will be composed of representatives of each administration and of each State participating in the PCCC. The committee is led jointly by the national coordinators, where such coordinators have been appointed, or by representatives of the central administration designated for that purpose.

3. Role

The evaluation committee will make one on-site inspection of the PCCC, during which it should identify difficulties potentially compromising the centre's action and propose solutions to address them.

B. Evaluation procedure

1. Questionnaire

Before the committee visits the PCCC, a questionnaire will be prepared on the basis of the centre's reports (**Annex 3**: model report).

General questions which could be asked will include:

- any perceived brakes on the centre's activities ;
- their causes ;
- *do the PCCCs meet the needs of the users?*
- any changes considered necessary ;
- mutual expectations.

2. Inspection of the PCCC

The inspection must be pre-announced, since the coordinators, in liaison with the heads of unit, will need to prepare their replies to the questionnaire and contribute to ideas on any ways of improving the centre's performance on the basis of previous years' reports.

- Organisation of the inspection

The following sequence is recommended for the on-site evaluation:

- Inspection of the centre's equipment and workstations;
- Interviews with the various actors.

The coordinators (assisted by their respective heads of unit) should preferably be heard separately.

- Record of the joint inspection

On completing their visit, the committee leaders should initial a jointly drafted record in each of their languages setting out their factual observations and the information collected.

C. Follow-up of the evaluation

1. Final evaluation report

For the purposes of the final evaluation report the committee will hold a final meeting to draw up joint conclusions on the basis of the record referred to above. The evaluation report will conclude with the recommended solutions for improving the operation of the centre.

2. Submission to the higher authorities

The evaluation report together with recommendations will then be forwarded to the participating States' competent national authorities for approval.

3. Implementation of the recommendations

It is recommended that the joint evaluation report should set a deadline for implementing the recommendations. Similarly, the inclusion of a rendez-vous clause will make it possible to ensure at a later date that the partner States have implemented the recommendations properly.

ANNEX 1 OUTLINE MODEL COOPERATION AGREEMENT
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Names of the Parties

PART I. Scope, purpose of cooperation

- Agencies concerned and, where appropriate, geographical scope for each Party
- Areas(s) and objectives of cooperation
- Legal framework of cooperation

PART II. Organisation of cooperation

The various cooperating agencies

Title I. Cooperation in police and customs cooperation centres (PCCCs)

- Objectives of PCCCs : information exchange services and coordination of operations in border areas – non-operational mission
- Tasks: harmonising operations, support for hot pursuit and cross-border surveillance, assistance with readmission measures, etc.
- PCCC staff: status, information exchange, *opening hours*, etc.
- Equipment of PCCC premises

Title II. Direct cooperation

- Secondment of liaison officers
- Measures, procedures
- Cross-training measures

Title III. General provisions on cooperation

- Cross-border surveillance
- procedures, competent authorities, etc.
- Hot pursuit

PART III. Implementing rules and final provisions

ANNEX 2

OUTLINE MODEL OPERATING REGULATION OF A POLICE AND CUSTOMS COOPERATION CENTRE

A. GENERAL

1. Origins and purpose of PCCCs
2. Reference texts

B. TASKS OF PCCCs

1. Information gathering and exchange
2. Coordination
 - General principles
 - Scope
3. Other tasks
 - Assistance and unsolicited communication of information (Articles 39 and 46 Schengen Convention)
 - Assistance with cross-border surveillance and hot pursuit
 - Management of readmissions

C. ORGANISATION AND OPERATION

1. Regulatory framework and organisation
2. The coordinator
3. Operation
4. Organisation of data processing

D. TECHNICAL MEDIA OF COOPERATION

1. Data files
2. Links

E. FINANCES AND LOGISTICS

F. TRAINING AND REPRESENTATION

FINAL CLAUSE

ANNEX 3
OUTLINE ANNUAL REPORT OF A CENTRE

1. Police and customs cooperation centre: budgetary and logistical aspects

1. Human resources: current staff numbers and trends
2. Logistics: premises, inventory of computer equipment, etc.
3. Budget for the past year: development of budget headings

2. Activities and measurement of performance

1. Overall activity (volume of requests, processing time)
2. Origins and nature of requests (see table below)
3. Key events (decisive contributions to investigations)

3. Outlooks

	Requested by foreign agencies		Requested by <i>national</i> agencies		TOTAL
	Total requests	Change (%)	Total requests	Change (%)	
1. Number of requests					
2. Subject of referrals					
Assistance on request					
Unsolicited assistance					
Cross-border surveillance					
Hot pursuit					
Readmissions					
3. Type of referral					
Offences against persons					
Offences against property					
Financial offences					
Non-drug related customs offences					
Offences related to the Aliens' Police					
Road traffic offences					
Drugs					
False documents					
Vehicle identification					
Public order					
Other					
TOTAL					

Statistical report
