DECLARATION OF THE EXECUTIVE COMMITTEE

MAIN CONCLUSIONS FROM THE SEMINAR HELD IN LISBON ON 14 & 15 APRIL 1997 ON JOINT MEASURES AS OPPOSED TO INDIVIDUAL MEASURES TAKEN BY THE SCHENGEN STATES (ARTICLE 2(2) OF THE SCHENGEN CONVENTION)

The Executive Committee hereby acknowledges and approves the "Main conclusions from the seminar on 14 & 15 April 1997 on joint measures as opposed to individual measures taken by the Schengen States (Article 2(2) of the Schengen Convention)" contained in document SCH/1 (97) 89 rev. This document broadly presents the results from exchanging experience and means of cooperation between the police services in the various Schengen States, the objective of which is to prevent the abolition of controls at internal borders from ultimately impairing security on their territory and thus entailing recourse to Article 2 (2) of the Schengen Convention.

The Executive Committee acknowledges and welcomes the importance of holding this seminar as well as the interest shown by the States in furthering the exchanges of experience and information which took place by organizing more seminars and training in the future.
All of the speakers stressed that exchanging information was essential to cooperation, but that this hinged on these three areas' being dealt with properly.

New means could be applied to improve the functioning of certain provisions in the Convention: the use of aircraft could be given serious consideration (as these are used in other forms of cross-border cooperation) as could the use of Ringalarmfahndung (ring of steel searches).

In addition, broadly speaking, more pilot projects could be run as these yield useful information for improving cooperation and actually produce tangible results in the course of the individual project itself.

Several speakers stated that jointly-manned police stations would be the right structure for these exchanges, and that in the future police and customs cooperation centres representing all of the law enforcement services concerned could be used.

Through such centres the departments within one State or even in several Member States could be better coordinated and the complementary nature of their activities could be improved.

The participants generally welcomed the change in attitudes today that is making it possible for pragmatic solutions to be found to everyday problems and to the difficulties encountered when using closer cooperation methods, and by setting up cooperation at local level, which was deemed to be the most effective, yet without ignoring the competent central authorities.

Direct cooperation, combined with frequent contact between the border control authorities and meeting between counterparts, with as little formality as possible, should help bridge shortcomings in security and thus avoid resorting to the radical instrument that may be used exceptionally as pursuant to Article 2(2) of the Schengen Convention.

The participants at the seminar thought that Group I's future work should focus on how Schengen is functioning in practice. Sharing experience and opinions, as had been possible through the seminar, was thought to be of utmost importance. Such exchanges should become a regular feature of Group I's working programme.

The seminar also concluded that Group I should study the conclusions and the content of the seminar in the not too distant future.
NOTE FROM THE PORTUGUESE PRESIDENCY

Re: Main conclusions from the seminar held on 14 & 15 April 1997 on joint measures as opposed to individual measures taken by the Schengen states (Article 2 paragraph 2 of the Schengen Convention)

Further to an initiative taken by the Dutch Presidency in Group 1 on Police and Security, the Portuguese Presidency held a seminar in Lisbon on 14 & 15 April 1997 to share experience on the forms of cooperation between the law enforcement departments at the internal borders of the Schengen States so that abolishing controls at these borders does not ultimately impair security levels on their territory, and hence call for the exceptional provisions foreseen under Article 2(2) to be triggered.

Moreover, this cooperation between the police services is provided for explicitly by the Convention, as one of the compensatory measures for abolishing controls at internal borders.

The Presidency confirmed that the issue of joint measures as opposed to the individual measures adopted by the Schengen States was indeed extremely important. Police cooperation should be considered as the hard core to Schengen cooperation.

The presentations by the various speakers concluded that police departments are cooperating more, in particular due to Articles 39, 40, 41 and 46 of the Convention, which provide a legal basis for this cooperation. This positive cooperation should be monitored and encouraged in the future.

It was clear from all of the presentations that any possible shortcomings in security ensuing from the staunchly defended principle within Schengen, namely for the free movement of individuals, needed to be compensated for in particular by considerably improving police cooperation. Terms such as "trust" and "exchanges" were used by all of the speakers. Whatever measures necessary should be taken so that each of the Member States jointly assume responsibility for the security of the Schengen area.
The presentations from the Nordic countries also highlighted the importance of the departments' concerned being able to work together closely, and also of coordinating work with the customs authorities, and in the case of the Nordic states this is facilitated by their using one language and by the fact that their legal systems and the structures of their services are similar.

The participants at the seminar therefore concluded that their Nordic partners had a unique opportunity and were able to benefit from the long tradition and extensive experience in police and customs cooperation.

The seminar concluded that in the future Group I should keep a close eye on the Nordic model of cooperation that had developed over the last few years, as well as on the instruments used within this model.

The participants also stressed that the framework offered by the Schengen Convention could only be fully operational if all of the instruments it provided on bilateral or multilateral cooperation were well known.

The interventions revealed two lines of action within the objectives and the provisions of the Convention that could be considered as complementary:

- on means
- and on structures.

The means implemented in the future should be pragmatic and based on past experience. In this respect, the experience gained by the Nordic Union states could serve as an example to Schengen. By way of example, liaison officers could be common to several Member States and thus help all of the States concerned pool information.

In the same vein, the practical provisions for officials from one Schengen state to participate more in operations run in another member state could also be based on how the Nordics cooperate.

The possibilities for officers to be seconded into corresponding units in a neighbouring country could also be studied further.

This would obviously entail sound training in three areas:

- languages, as this was a major obstacle that the Nordic states did not have, since they all understood one another;
- the Schengen provisions, as the police officers involved would have to be well versed in these;
- the functioning and structures of the different departments in the other Member States (through exchange schemes, for example).