096326/EU XXV.GP
Eingelangt am 09/03/16

Council of the
European Union

Brussels, 8 March 2016
(OR. en)

6848/16

Interinstitutional File:
2015/0312 (NLE)

PARLNAT 48

NOTE

From:	General Secretariat of the Council
To:	National Parliaments
Subject:	Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2015 evaluation of the application of the Schengen acquis in the field of the Schengen Information System by Belgium

In accordance with Article 15(3) of Council Regulation 1053/2013 of 7 October 2013, establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen, the Council hereby transmits to national Parliaments the Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2015 evaluation of the application of the Schengen acquis in the field of the Schengen Information System by Belgium.

ANNEX

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of Schengen Information System by Belgium

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen[1], and in particular Article 15 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The purpose of this Recommendation is to recommend to Belgium remedial actions to address deficiencies identified during the Schengen evaluation in the field of the Schengen Information System carried out in 2015. Following the evaluation, a report covering the findings and assessments, listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision [C(2015)9000].

(2) The competence of the Belgian SIRENE Bureau to delete alerts on missing persons and on persons sought to assist with a judicial procedure in case the competent authority fails to delete such alerts on a timely manner is to be considered as best practice.

[1] OJ L 295, 6.11.2013, p. 27.

(3) In light of the importance to comply with the Schengen acquis, in particular with the requirements concerning the obligation to have a national legislation and procedures in place to process the alerts within the second generation of SIS, the obligation to adopt a security policy or security plan, the equivalence of the results of searches in the national copy, in the ANG-BNG Controle application and CS-SIS, the implementation of transliteration and transcription rules in the ANG-BNG Controle application as well as the establishment of uniform post-hit procedures, priority should be given to implement recommendations 1, 2, 3, 4, 5, 6, 7, 8, 9 and 13.

(4) This Recommendation should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, the evaluated Member State shall, pursuant to Article 16 of Regulation (EU) No 1053/2013, establish an action plan to remedy the deficiencies identified in the evaluation report and provide this to the Commission and the Council,

HEREBY RECOMMENDS:

Belgium should:

1. adopt as soon as possible the necessary national legislation and instructions to process alerts within the second generation of SIS;

2. adopt a security policy and a security plan as it is required by Article 10 of Regulation (EC) No 1987/2006[2] and Council Decision 2007/533/JHA[3];

3. further develop the national ANG-BNG Controle application with regard to binary data;

4. further develop the national ANG-BNG Controle application in relation to the misused identity extension. Moreover, establish clear follow-up procedures on the misused identity;

[2] Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381, 28.12.2006, p. 4).

[3] Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205, 7.8.2007, p. 63).

5. further develop the search functionalities of the SIS national copy in order to ensure that a search on a person in the SIS national copy produces a result equivalent to that of a search on a person in the Central SIS;

6. further develop the national ANG-BNG Controle application with regard to different types of searches on persons in SIS;

7. make the necessary improvements on implementation of the transliteration and transcription rules of CS-SIS into N.SIS as well as into the ANG-BNG Controle application;

8. establish in a short term mandatory and harmonised post-hit procedures;

9. ensure the access to and the readability of the supplementary information sent under SIS1+ before 9 April 2013;

10. improve the algorithms on the serial numbers of objects so that new object categories (such as industrial equipment) provided by the second generation of SIS could be found when performing the search;

11. make the necessary improvements on the algorithms of the serial numbers of objects, especially regarding the new object categories (such as industrial equipment) provided by the second generation of SIS;

12. make the necessary security improvements on the password policy in the SIRENE Bureau;

13. further improve the national ANG-BNG Controle system, with regard to clear display of the information;

14. establish a special focus of the training activities on the procedures following a hit on discreet and specific check alerts, in particular when this alert was issued by a national state security service and an M form is sent with the supplementary information at the time of the alert creation;

15. establish a special focus of the training activities on the procedures following a hit on discreet and specific check alerts;

16. ensure the automated transmission of data from the national systems to SIS concerning the alerts on persons and the object categories introduced by the second generation of SIS;

17. significantly improve the SIRENE case handling application and implement a proper case management system in order to ensure automation in the management of the daily workflow;

18. significantly improve the SIRENE case handling application;

19. subscribe to the services of CS-SIS concerning the alert deletion notification and the alert compatibility notification;

20. further develop the national ANG-BNG Controle application to highlight the immediate action to be taken in case of a hit on an alert for discreet and specific check requiring immediate reporting;

21. further develop the national ANG-BNG Controle application with regard to highlighting important information;

22. make adjustments in ANG-BNG Controle application with regard to displaying the warning markers;

23. keep paper logs to provide the necessary evidence on accesses of external contractors to N.SIS;

24. enhance the N.SIS access control recording methods;

25. adopt as soon as possible national legislation for the invalidation of identification documents used for travel purposes;

26. automatize the checks of crew lists against SIS in Antwerp harbour and verify the accuracy of the search algorithm of the "list" search of persons in SIS;

27. further develop the necessary automated check processes of the crew lists against SIS in Antwerp harbour;

28. adjust the information on the screen of ANG-BNG Controle in order to make the information more comprehensible for the end-users and to ensure that the end-users have specific and clear instructions;

29. increase the number and improve the functioning of mobile terminals, in particular the network connection;

30. connect the Automatic Number Plate Recognition System (ANPR) system to SIS;

31. update the operating system of computer stations that are still running on the Windows XP operating system.

Done at Brussels,

For the Council
The President