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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 Germany

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 Germany.

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 Germany

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 Schengen¹, 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 Germany 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(2016)24].
- (2) The high level of automation of border controls at the airports including checks of documents and persons against the SIS is considered as a 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 the obligation to add available photographs and fingerprints to an alert and to link alerts when there is a clear operational need, the serious enhancement of the linking functionality, the obligation to keep an inventory of technical copies and the requirement to check at entry and exit all third-country nationals against SIS, priority should be given to implement recommendations 1, 2, 3, 4, 5 and 6.
- (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:

Germany should:

1. fully implement without any delay the new functionalities provided by the second generation of the Schengen Information System so that SIS users can add, when available, photographs and fingerprints to an alert and create, when there is a clear operational need, links to other alerts;
2. take the necessary measures in order to avoid discrepancies in the link between the national copy and the central SIS database, and between the national copy and the technical copy in the central police information system;
3. further develop the SIS user interfaces of the police of the federal states and the border control application of the Federal Police to improve the identification and display of links;
4. take the necessary measures to keep an up-to-date inventory of, and ensure the supervision and security of, all technical copies of the SIS database that are in use;

5. implement fall-back procedures in the airports of Frankfurt and Düsseldorf that provide, in case third-country nationals' passports are not in compliance with ICAO standards, for a manual check against SIS;
6. further develop the user interface of the police of the federal state of Berlin in order to ensure that the photograph of a person whose identity had been misused is displayed;
7. introduce a monitoring mechanism throughout the federal states in order to ensure the proper and timely implementation and use of SIS functionalities and procedures by all SIS user authorities in Germany;
8. provide a regular training to end-users on SIS and Schengen matters in the federal states. The staff of the SIRENE Bureau should be involved in the development of such training programmes for police officers in the federal states and at the Federal Police;
9. increase the awareness and knowledge of SIS users concerning the procedures in case of a misused identity;
10. ensure that the SIRENE Bureau has a sufficient number of staff in order to ensure that the 12 hours deadline for a reply is respected, to avoid delays in processing requests based on SIS alerts, and to prioritise replies;
11. implement tools in the SIRENE Bureau for automated collection of statistics;
12. ensure that the internal hit-reporting form developed by the SIRENE Bureau is effectively used by all police authorities at federal level and by the police in the federal states. This would substantially contribute to reducing the workload of the SIRENE Bureau;
13. implement the notification about incompatible alerts in its national system;
14. fully implement the search options provided for in the national system in all user interfaces of the federal states and ensure that SIS users are fully aware of the search possibilities offered in SIS;

15. develop the user interfaces of the police of the federal states in a user-friendly way allowing effective means of carrying out SIS tasks;

16. ensure that the search in SIS is set as a default in the user interface of the police of the federal state of Berlin and that users cannot modify these settings;

17. consider implementing procedures in order to ensure that national alerts on missing persons are always also introduced at SIS level so that the possibilities of locating the missing person are maximised;

18. consider implementing procedures so that when an alert on a vehicle is created in SIS, the data concerning the vehicle are cross-checked with the data held by the vehicle registration authority.

Done at Brussels,

For the Council

The President
