



Brussels, 13 October 2016  
(OR. en)

13130/16

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**Interinstitutional File:**  
**2016/0201 (NLE)**

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**SCH-EVAL 171**  
**SIRIS 134**  
**COMIX 658**

## OUTCOME OF PROCEEDINGS

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From: General Secretariat of the Council  
On: 13 October 2016  
To: Delegations

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No. prev. doc.: 12613/16

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Subject: 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 the Schengen Information System by Liechtenstein

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Delegations will find in the annex the 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 the Schengen Information System by Liechtenstein, adopted by the Council at its 3490th meeting held on 13 October 2016.

In line with Article 15(3) of Council Regulation (EU) No 1053/2013 of 7 October 2013, this Recommendation will be forwarded to the European Parliament and national Parliaments.

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 the Schengen Information System by Liechtenstein**

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<sup>1</sup>, and in particular Article 15 thereof

Having regard to the proposal from the European Commission,

Whereas:

- (1) The purpose of this Decision setting out a recommendation is to recommend to Liechtenstein 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 containing findings and assessments and listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision [C(2016)3251].

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<sup>1</sup> OJ L 295, 6.11.2013, p. 27.

- (2) Certain features of the SIRENE workflow application, such as the automatic verification of all incoming SIRENE forms against pre-defined keywords and against national databases, resulting in 'hot hits', the default text templates for creating SIRENE forms, and the immediate display of key data from the incoming forms to the user are to be considered as best practice.
- (3) In light of the importance of compliance with the Schengen *acquis*, and in particular with the obligation to adopt a security plan, implement a proper procedure for checking whether vehicles presented for registration have been entered into SIS for seizure or are sought as evidence in criminal proceedings, and ensure proper implementation of the access rights of authorities responsible for issuing residence permits, priority should be given to implementing recommendations 1, 2 and 3.
- (4) This Decision setting out a 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(1) 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:

Liechtenstein should:

1. adopt a security plan as required by Article 10 of Regulation (EC) No 1987/2006<sup>2</sup> and Council Decision 2007/533/JHA<sup>3</sup>;

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<sup>2</sup> 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).

<sup>3</sup> 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).

2. ensure that the procedure for checking whether vehicles presented to the traffic department (MFK) for registration have been entered into SIS for seizure or are sought as evidence in criminal proceedings is in accordance with the purpose of Regulation (EC) No 1986/2006<sup>4</sup>; this should be implemented either by giving the traffic department direct access to SIS or by suspending the vehicle registration procedure until the relevant check has been performed;
3. ensure that the Migration and Passport Office does not perform queries on alerts relating to EU/EEA nationals;
4. provide more extensive training on querying the new SIS II object categories;
5. verify the content and correctness of SIS query statistics and implement a traceable process for gathering statistics; in particular, the content of the statistics provided by the Swiss Border Guard should be reviewed with a view to ensuring that SIS checks are not tantamount to border control;
6. implement transliteration for querying license plates with special characters (umlauts) in the EneXs search application;
7. increase the password complexity requirements;
8. ensure that only regular staff of the national police have access to SIS data.

Done at Brussels,

*For the Council*

*The President*

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<sup>4</sup> Regulation (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates.