



Brussels, 9 February 2017
(OR. en)

6099/17

Interinstitutional File:
2016/0334 (NLE)

PARLNAT 40

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 2016 evaluation on the application of the Schengen acquis in the field of the Schengen Information System by Luxembourg

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 2016 evaluation on the application of the Schengen acquis in the field of the Schengen Information System by Luxembourg¹.

¹ Available in all official languages of the European Union on the Council public register, doc. 5727/17

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2016 evaluation on the application of the Schengen *acquis* in the field of the Schengen Information System by Luxembourg

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 Schengen², and in particular Article 15 thereof

Having regard to the proposal from the European Commission,

Whereas:

The purpose of this decision setting out a recommendation is to recommend to Luxembourg remedial actions to address deficiencies identified during the Schengen evaluation in the field of the Schengen Information System carried out in 2016. 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)3258].

² OJ L 295, 6.11.2013, p. 27.

The automatic notification received by the SIRENE Bureau of a hit achieved by the National Road Vehicle Agency, the systematic verification of the number of the foreign identity document with the issuing authority and the automatic setting of the expiry date of the alert to one month when the document number is unknown as well as the systematic check of the documents of all passengers against SIS and SLTD at the external border crossing point at Luxembourg-Findel Airport are to be considered best practice.

- (1) Priority should be given to implementing recommendations 1 and 2, in light of the importance of complying with the Schengen *acquis*, in particular with the obligations to systematically use SIS in the course of police checks and provide access to SIS data only to authorised national authorities and to duly authorised staff.
- (2) 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, paragraph 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:

that Luxembourg should:

1. implement a parallel and automatic search of SIS with the national systems via a single interface;
2. take the necessary measures to ensure that only duly authorised staff of the national authorities have access to SIS;
3. further develop the SIS II Application to better display binary data;

4. consider increasing the automation of processes in the SIRENE Bureau in order to reduce the workload generated by the high number of manual interventions and to ensure data quality; in particular consider the automated or semi-automated introduction of data into SIS by establishing a connection between the relevant national databases and the N.SIS;
5. implement a notification on the incompatibility of alerts in N.SIS;
6. further develop the border control application with regard to the display of the warning markers;
7. further develop the SIS II Application with regard to the display of the warning markers;
8. further develop the border control application in order to display information in accordance with the requirements of Appendix 2 to the SIRENE Manual ³;
9. develop and provide regular follow-up training on SIS to the end-users;
10. ensure appropriate access control to SIS data by introducing a separate log-in for accessing the SIS II Application;
11. provide a transliteration table or an equivalent solution to end-users allowing for the use of certain characters;
12. consider the use of mobile devices.

Done at Brussels,

For the Council

The President

³ Commission Implementing Decision (EU) 2015/219 of 29 January 2015 replacing the Annex to Implementing Decision 2013/115/EU on the Sirene Manual and other implementing measures for the second-generation Schengen Information System (SIS II) (notified under document C(2015) 326) OJ L 44, 18.2.2015, p. 75–116.