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COMIX 126

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
On:	17 February 2017
To:	Delegations
No. prev. doc.:	5764/17
Subject:	Council implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Greece on the application of the Schengen <i>acquis</i> in the field of the Schengen Information System

Delegations will find in the annex the Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Greece on the application of the Schengen *acquis* in the field of the Schengen Information System, adopted by the Council at its 3518th meeting held on 17 February 2017.

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 2016 evaluation of Greece on the application of the Schengen *acquis* in the field of the Schengen Information System

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 decision setting out a recommendation is to recommend to Greece remedial actions to address deficiencies identified during the Schengen evaluation in the field of the Schengen Information System (SIS) 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)6015].
- (2) The uniform implementation of the "General Search Application" to all SIS user authorities, the training of the end-users and the functionality for notifying the SIRENE Bureau when an end-user has a possible hit on a discreet or specific alert for which immediate action is required are considered as best practices.

¹ OJ L 295, 6.11.2013, p. 27.

- (3) In light of the importance to comply with the Schengen acquis, in particular priority should be given to implementing recommendations 1-8.
- (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, 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 Greece should

1. implement without delay a tested business continuity plan and an operational and secured back-up infrastructure for its national system;
2. extend to all end-users the search functionalities in SIS, including "any name" and incomplete searches on persons, "any number" searches on objects and searches on travel and identity documents on the basis of biographic data;
3. develop the search interface in order to ensure that, when carrying out a search in SIS on a person on the basis of surname and first name, the system will also return alerts only containing a surname;
4. enable searches in SIS to be carried out on the basis of a name containing a hyphen;
5. remove "nationality" as a mandatory search parameter during border checks or when using mobile equipment for searching SIS;
6. further develop the mobile devices to enable photographs and links to be displayed in case of a hit;

7. ensure that passengers are not systematically brought to the second line checks in the event of a hit on discreet check alert (Article 36 of Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) ²) at Athens airport;
8. implement for the Aliens Service of the Police Directorate of Lesvos the obligation to attach, if available, fingerprints and photographs to alerts for refusal of entry or stay (Article 24 of 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) ³;
9. develop an integrated electronic case management system for the SIRENE Bureau;
10. continuously ensure that the number of staff assigned to the SIRENE Bureau is sufficient with a view to handling the increasing workload;
11. revise the procedures for entering alerts at the Hellenic Police, including by implementing an automated workflow;
12. strengthen the use of discreet or specific check alerts for prosecuting criminal offences and preventing threats to public security (Article 36 (2) of Council Decision 2007/533/JHA) by the Hellenic Police;
13. continue to increase the number of SIS queries on police checks;
14. intensify the checks of travel documents of persons enjoying the right of free movement against SIS at the external borders (see Article 8 (2) of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) ⁴;

² OJ L 205, 7.8.2007, p. 63.

³ OJ L 381, 28.12.2006, p. 4.

⁴ OJ L 77, 23.3.2016, p. 1.

15. ensure that during border checks, biometric data stored on passengers' travel document chips are displayed on border guards' screens;
16. consider connecting its Automated Number Plate Recognition systems to SIS;
17. ensure that the Customs Service has access to the online information and training material stored on the Intranet POL (Police on line);
18. extend the use of the hit reporting form to all SIS user authorities, including the Customs Service and the Hellenic Coast Guard;
19. ensure that the first screen of the "General Search Application" indicates when fingerprint records attached to the alert are available;
20. ensure that the information and photograph of a victim of misused identity is immediately displayed on the first screen of the "General Search Application";
21. integrate the transliteration rules in the "General Search Application";
22. ensure that when carrying out a search in SIS on the basis of a name of a person, the system simultaneously checks the data on the person as well as on his travel or identity documents;
23. further develop the "General Search Application" so that during police checks end-users are not compelled to specify which category of data (for example, person, vehicle, boat) they wish to query;
24. resolve the current backlog at the Aliens Service of the Police Directorate of Lesbos for entering alerts for the purpose of refusing entry or stay;
25. increase the performance of the mobile equipment used by the Hellenic Police in terms of availability and user-friendliness;

26. provide direct access to SIS alerts concerning vehicles to the Ministry of Infrastructure, Transportation and Networks.

Done at Brussels,

For the Council

The President
