



Council of the
European Union

Brussels, 8 June 2017
(OR. en)

10152/17

COSI 133
ASIM 71
ENFOPOL 300
SIRIS 104
DAPIX 231
CT 60
JAI 593
COMIX 432

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

On: 8 June 2017

To: Delegations

No. prev. doc.: 9454/17

Subject: Council conclusions recommending security checks in case of irregular migration
- Council conclusions (8 June 2017)

Delegations will find in the annex the Council conclusions recommending security checks in case of irregular migration, adopted by the Council at its 3546th meeting held on 8 June 2017.

Council conclusions recommending security checks in the case of irregular migration

THE COUNCIL OF THE EUROPEAN UNION

RECALLING that terrorists could potentially exploit irregular migratory movements, to enter into the European Union,

RECALLING that the carrying out of checks at the external borders remains one of the main safeguards of the area without internal border control and significantly contributes to guaranteeing the long-term security of the Union and its citizens. Such checks are carried out in the interest of all Member States. One of the purposes of such checks is to prevent any threat to the internal security and public policy of the Member States, irrespective of the origin of such threat, including where such a threat derives from Union citizens,

RECALLING the recent amendment to the Schengen Borders Code as regards the reinforcement of checks against relevant databases at external borders,¹ which obliges Member States to check systematically persons against relevant databases at external borders,

BEARING IN MIND that Member States must ensure that their competent authorities have access at external border crossing points to the relevant national and international databases, including the Schengen Information System (SIS) and Interpol's Stolen and Lost Travel Documents ('SLTD') database,

¹ Regulation (EU) 2017/458 of the European Parliament and of the Council of 15 March 2017 amending Regulation (EU) 2016/399 as regards the reinforcement of checks against relevant databases at external borders, OJ 18.3.2017, L 74, 1.

AWARE that checks at the external borders are a pivotal security measure,

REFERRING TO the Commission recommendation on proportionate police checks and police cooperation in the Schengen area², which recognises that intensifying police checks across the entire territory of the Member States is an effective tool to remedy the threats to public policy or internal security,

HIGHLIGHTING that security checks on irregular migrants should be carried out in accordance with national law and with rules relating to the use of the databases, be in full compliance with Union law, including the Charter of Fundamental Rights of the European Union ('the Charter'),

HIGHLIGHTING the importance of setting best practices in terms of security checks of irregular migrants,

CONVINCED OF THE NEED to ensure that databases that are relevant in external border controls are checked in the case of security checks on irregular migrants carried out by the police across the territory of Member States,

UNDERLINING that Member States should, in their own interest and in the interests of other Member States, enter data into the Union databases. They should also ensure that the data are processed in line with data protection principles, in particular the purpose limitation principle, and that the data are accurate and up-to-date,

STRESSING the need to feed databases and increase the feed and the use of biometric data, including the further development of facial recognition technology,

CALLING on Member States and Union agencies within the remit of their mandates to actively commit to run security checks against relevant databases,

WELCOMING the work achieved in the High Level Expert Group on information systems and interoperability,

² 8899/17

HIGHLIGHTING the importance of training and awareness raising regarding the national, European and international databases in Member States,

CONSIDERING that the security checks on irregular migrants performed in the territory of the Member States against the Union security databases include those covered by the instruments related to the implementation, application and the development of the Schengen acquis, the Mixed Committee should be able to address these matters in order to implement the following recommendations in all Member States, including the Schengen associated countries,

RECOMMENDS that Member States in exercising their prerogatives with regard to the maintenance of law and order and the safeguarding of internal security in accordance with national and European law, when faced with irregular migrants, perform checks against, where relevant, the following non exhaustive list of databases in accordance with the rules relating to these databases:

- a) at national level,
 - investigation databases fed and used by competent authorities;
 - national Automatic Fingerprint Identification System (AFIS);
- b) at European and international level,
 - Schengen Information System (SIS)
 - the Europol data
 - Visa Information System (VIS)
 - EURODAC
 - through INTERPOL (I-24/7 network) and more specifically:
 - Nominal Data,
 - Stolen and Lost Travel Documents (SLTD),

- Foreign Terrorist Fighters (FTF),
- automatic fingerprint identification system (AFIS),
- Travel Documents Associated With Notices (TDAWN).

and where there are barriers in doing so, endeavour to overcome them.
