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

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 of Belgium on the application of the Schengen acquis in the field of the Schengen Information System¹.

¹ Available in all official languages of the European Union on the Council public register, doc. 12214/17

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2016 evaluation of Belgium 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 Schengen², and in particular Article 15 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The purpose of this decision is to set out a recommendation to Belgium for remedial actions to address the deficiencies identified during the Schengen evaluation in the field of the Schengen Information System carried out from 18-21 October 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(2017)2633.

² OJ L 295, 6.11.2013, p. 27.

- (2) A special pre-filled form for creating international alerts on suspected foreign terrorist fighters, the procedure for an automatic notification in case of a hit on a suspected foreign terrorist fighter, information on international alert management on the intranet of the Liège local police and implementation of the Automated Number Plate Recognition (ANPR) system in some parts of the country and its connection to SIS are to be considered best practices.
- (3) In light of the importance of complying with the Schengen acquis, in particular with the requirements of equivalence of the results of searches in the national system and Central SIS; timely deletion of supplementary information; ensuring the integrity of the security plan and having a case management system that allows a great deal of automation in the management of the daily workflow, priority should be given to implementing recommendations 1, 2, 3, 4, 5 as well as 6 and 7 below.
- (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 in relation to all recommendations to remedy any deficiencies identified in the evaluation report and provide this to the Commission and the Council,

HEREBY RECOMMENDS:

that Belgium should

1. further develop the national ANG-BNG Controle application to enable it to display and make available links, pictures of objects and all available aliases of the main identity;

2. further develop the search functionalities of the ANG-BNG Controle application in order to ensure that a search on a person in the SIS national copy produces a result equivalent to that of a search on a person in the Central SIS;
3. improve search algorithms on the serial numbers of objects so that the search returns all possible results on objects, including alerts with special characters;
4. further develop the national ANG-BNG Controle application so that it allows partial or fuzzy searches on persons in SIS;
5. introduce procedures for timely deletion of supplementary information in accordance with Article 38(2) of the SIS II Regulation³ and Article 53(2) of the SIS II Decision⁴;
6. further improve the security plan by mapping the security countermeasures to the list of security measures provided in Article 10 of the SIS II Regulation and the SIS II Decision;
7. significantly improve the SIRENE case handling application and implement a proper case management system in order to ensure automation in the management of the daily workflow;
8. provide training to end-users on misused identity, in particular on the rules and procedures as to how to add data relating to a victim of misused identity and the victim's consent to the misused extension of a SIS alert;
9. provide training to end-users on the transliteration and transcription rules;

³ 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).

⁴ 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).

10. ensure complex password requirements for the PCN case management system and consider including PCN in the Single Sign On integrated authentication mechanism;
11. intensify training efforts and increase the number of information sessions for end-users and SIRENE officers on international alerts and on the internal Directives of the Minister of Justice and the Minister of the Interior on international police cooperation which contain compulsory rules on information management by the judicial and administrative police, and also make wider use of the e-learning tools;
12. ensure the automated transmission of data from the national systems to SIS concerning the alerts on persons and the new object categories introduced by the second generation of SIS;
13. implement tools in the SIRENE Bureau for automated collection of statistics;
14. subscribe to the services of CS-SIS concerning the alert compatibility notification;
15. further develop the national ANG-BNG Controle application with a view to highlighting important information;
16. automate the procedure for prolonging the expiry date of an alert and send an automatic notification to the issuing authorities replacing the manual notifications sent by the SIRENE Bureau;
17. ensure that all relevant authorities make use of their access to SIS;
18. accelerate the automation of the checks of crew lists against SIS and verify the accuracy of the search algorithm of the "list" search of persons in SIS;

19. solve the discrepancy in the display of the Schengen ID between the ANG-BNG Controle and the N.SIS application;
20. update the operating system of computer stations that are still running on the Windows XP operating system;
21. revise the national procedure for inserting refusal of entry alerts (Article 24(2) of Regulation 1987/2006) on third-country nationals who are not present on the territory of the Member State;
22. ensure that alerts on issued documents entered automatically in SIS contain both the document number and the name of the person or his/her date of birth, when this information is available;
23. take the necessary measures to ensure that hits with immediate reporting action are reported following the (designated) procedure;
24. revise the procedures for dealing with European Arrest Warrants (EAWs) when the SIRENE Bureau receives an EAW and SIRENE A form which indicates a possible residential address of a suspect in Belgium, in accordance with Article 17(1) of the Council Framework Decision on execution of EAW⁵;
25. further develop the ANG-BNG Controle application and implement a time out or warning message when the running of the application is interrupted in order to inform end-users about the time-out and enable them to repeat the queries if necessary.

Done at Brussels,

For the Council

The President

⁵ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.07.2002, p.1).