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European Union

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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 2015 evaluation of the application of the Schengen acquis in the field of the Schengen Information System by Austria

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 2015 evaluation of the application of the Schengen acquis in the field of the Schengen Information System by Austria.

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 Austria

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 ¹, and in particular Article 15 thereof

Having regard to the proposal from the European Commission,

Whereas:

- (1) The purpose of this Recommendation is to recommend to Austria remedial actions to address deficiencies identified during the Schengen evaluation in the field of the Schengen Information System (SIS) carried out in 2015. 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(2015) 6300.
- (2) The state of art of the technical infrastructure of the N.SIS and the SIRENE Bureau is excellent and it should be considered as a best practice.

¹ OJ L 295, 6.11.2013, p. 27.

- (3) In light of the importance to comply with the Schengen acquis, in particular the requirements concerning the equivalence of results of searches in SIS and concerning the timely deletion of alerts and the secured design of the control booths in Salzburg airport, priority should be given to implement recommendations 1, 2, 3 and 4.
- (4) This 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 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:

Austria should:

1. make an effort to further develop the search functionalities of the SIS national copy in order to ensure that a search on a person using only a limited number of mandatory search parameters produces a result equivalent to that of a search on a person in the Central SIS;
2. take the necessary measures for the timely deletion of alerts on persons sought to assist in a judicial procedure pursuant to Article 34 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 upon the communication of the whereabouts of the person to the competent authority in line with Section 6.5 of the SIRENE Manual ³;
3. further develop the border control application to enable photographs attached to a SIS alert to be displayed in case of a hit;

² OJ L 205, 7.8.2007, p.63.

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) (OJ L 44, 18.2.2015, p. 75).

4. design the exit control booths in Salzburg airport so that the screen of the border guard computers displaying SIS data cannot be seen by unauthorized parties;
5. further develop the SIS end-user interface in order to display and highlight warning markers and important information on the first screen;
6. further develop the SIS end-user interface so that linked alerts may be opened by clicking a hyperlink;
7. take the necessary measures to further strengthen business continuity of N.SIS by geographically separating the main site of N.SIS from the back-up site;
8. perform full business continuity tests to validate the readiness and restoration time in case of a disaster recovery;
9. make more use of the new object categories and functionalities provided by the second generation of SIS;
10. continue and encourage the consultation of the SIS on persons and objects;
11. intensify the checks of travel documents of persons enjoying the right of free movement against SIS in the relevant airports (cf. Article 7(2) of Regulation (EC) No 562/2006⁴);
12. develop a national procedure for executing hits for the seizure of invalidated documents of persons enjoying the right of free movement, that are being used for travel purposes;
13. consider further extending the access to SIS by officers performing customs checks in line with Article 40(1)(b) of Council Decision 2007/533/JHA.

Done at Brussels,

*For the Council
The President*

⁴ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) OJ L 105, 13.4.2006, p. 1.