



Brussels, 26 February 2018
(OR. en)

6396/18

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NOTE

From: Presidency
To: Permanent Representatives Committee/Council

No. prev. doc.: 15119/17 + COR 1, 15729/17 + COR 1

Subject: Interoperability between EU information systems:
a) Interoperability Regulation (borders and visa)
b) Interoperability Regulation (police and judicial cooperation, asylum and migration)
= Policy debate

Background

Interoperability of EU information systems in the area of justice and home affairs has been a priority at the highest political level for the past few years, as stated by the European Council in its Conclusions of 18 December 2015: "The recent terrorist attacks demonstrate in particular the urgency of enhancing relevant information sharing, notably as regards (...) ensuring the interoperability of the relevant databases with regard to security checks"¹.

¹ EUCO 28/15

The Commission on 6 April 2016 published a Communication on Stronger and Smarter Information Systems for Borders and Security². On the basis of this Communication, the High-Level Expert Group on Information Systems and Interoperability was set up and prepared a report³ with an overall strategic vision on interoperability and interconnection of information systems and on a more effective and efficient data management for borders and security in the EU.

In the light of the recommendations of the High-Level Expert Group, the Council at its meeting on 8 June 2017 adopted Conclusions on the way forward to improve information exchange and ensure the interoperability of EU information systems⁴. The Council welcomed the final report by the Group and outlined its vision as regards bringing forward the recommendations contained in the report.

The Council in particular invited the Commission to work towards developing **interoperability components**, while ensuring the full compliance with the requirements of the Charter of Fundamental Rights and in particular the comprehensive framework for the protection of personal data in the EU:

- European search portal capable of searching in parallel all relevant EU systems in the areas of borders, security and asylum;
- a shared biometric matching service for all types of biometric data;
- a common identity repository.

The Commission was invited to make legislative proposals as appropriate in line with the outcome of feasibility studies, including a thorough impact assessment, in order to implement these interoperability solutions in practice by 2020.

In order for the interoperability solutions to function properly, the Council also called on the relevant stakeholders to improve the **quality of data** in the EU information systems and to consider ways to establish **Universal Message Format (UMF)** governance at EU level.

² 7644/16

³ 8434/1/17 REV 1

⁴ 10151/17

Furthermore, the Council called on the Commission to explore options for achieving greater simplification, consistency, effectiveness and attention to operational needs as regards **law enforcement access to EU information systems** in the area of Justice and Home Affairs.

A number of other **longer-term recommendations** of the High-Level Expert Group on Information Systems and Interoperability were highlighted by the Council in its Conclusions of 8 June 2017, in particular as regards exploring the feasibility of the following developments and presenting the respective findings to the Council in the course of 2018:

- systematic recording of border crossings of all EU citizens,
- targeted registration of achieved SIS hits and improved availability of supplementary information contained in SIS forms;
- establishment of a central EU repository containing information on long-stay visas, residence cards and residence permits,
- interoperability of security and border management systems with customs systems;
- centralised mechanism for advance passenger information (API), including the need for a centralised router, as well as its possible use for passenger name records (PNR).

The Council also reminded its invitation to the Commission to present a proposal for ensuring the sustainability of **e-CODEX**, and to take the necessary actions, including a legislative proposal establishing the system of False and Authentic Documents Online (**FADO**) on a more solid basis.

The European Council in its conclusions of 22-23 June 2017⁵ also invited the Commission to prepare, as soon as possible, draft legislation enacting the proposals made by the High Level Expert Group on interoperability.

⁵ EUCO 8/17

State of play

On 12 December 2017 the Commission adopted two legislative proposals on establishing a framework for interoperability between EU information systems: one focusing on large-scale information systems relating to borders and visa⁶, the second one focusing on information systems relating to police and judicial cooperation, asylum and migration⁷.

The Commission made a presentation of these proposals at the Working Party on Information Exchange and Data Protection (DAPIX) on 15 December 2017, which were generally welcomed by delegations. The Working Party has been examining both proposals Article-by-Article at its meetings on 8-9 January, 22-23 January and 15-16 February 2018.

During this examination several technical and operational questions were raised, including in relation to the functioning of each of the interoperability components, the expected data workflow and the overall interoperability architecture as well as its roll out, the implications of interoperability components for the current technical set up at national level and for the response times at borders, and as regards the practical functioning of user profiles and access rights. Delegations welcomed the organisation by the Commission of technical workshops on 14 February 2018 and another one scheduled for 16 March 2018 to address these questions in further detail.

During the aforementioned discussions it also became apparent that the implementation of interoperability solutions will require adequate financial means as well as technical (e.g. mobile equipment) and human resources and careful planning and preparation both at the EU level and within Member States. In particular the possible implications of manual verification of different identity data for border guards and SIRENE bureaus was raised. It was also concluded that EU institutions and agencies as well as Member States will need to work hand in hand in order to ensure that interoperability components can be implemented in a timely manner in order to reap their benefits as soon as possible.

⁶ 15119/17

⁷ 15729/17

In the light of the above and in order to give political guidance to the ongoing examination of legislative proposals on establishing a framework for interoperability between EU information systems, the Ministers are kindly invited to reflect upon the following questions:

- 1) Do you agree that the proposed interoperability components - notably the European Search Portal, the shared Biometric Matching Service, the Common Identity Repository and the Multiple Identity Detector - adequately address the calls by the **European Council** and the Council as regards developing interoperability between EU information systems? Will the (obligatory) use of these components, together with other proposed measures⁸, sufficiently facilitate the work of the end-users, and help to enhance external border management and internal security in the EU?
- 2) Considering that the development of the central interoperability components will require actions at the national level to ensure that all Member States will be able to make full use of the future new functionalities, would you welcome certain coordination at the EU level for preparing the implementation at national level?
- 3) Do you consider that any additional elements should be considered in the current legislative proposals on interoperability, such as should storing biometric data from national databases, Europol and Interpol in the shared Biometric Matching Service?
- 4) Do you agree that the Commission, together with Member States, should examine the feasibility of other longer-term recommendations of the High-Level Expert Group on Information Systems and Interoperability in order to address the remaining information gaps and to improve the existing information systems contributing to completion of the interoperability landscape in the justice and home affairs area?

⁸ Such as improving data quality, the setting up of the Common Repository for Reporting and Statistics as well as streamlining of law enforcement access to non-law enforcement systems.