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From: General Secretariat of the Council

On: 13 March 2018

To: Delegations

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Subject: Council Implementing Decision setting out a Recommendation on addressing the serious deficiencies identified in the 2016 evaluation of **France** on the application of the Schengen acquis in the field of the **Schengen Information System**

Delegations will find in the annex the Council Implementing Decision setting out a Recommendation addressing the serious deficiencies identified in the 2016 evaluation of France on the application of the Schengen acquis in the field of the Schengen Information System, adopted by the Council at its meeting held on 13 March 2018.

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 serious deficiencies identified in the 2016 evaluation of France 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 France remedial actions to address deficiencies identified during the Schengen evaluation in the field of the Schengen Information System 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(2017) 82.

¹ OJ L 295, 6.11.2013, p. 27.

- (2) The connection of an Automated Number Plate Recognition (ANPR) system called LAPI to the SIS; verification of a hit in ANPR (which is SIS partial technical copy) against the full SIS database; generation of an automated M form and automatic dissemination of such a form to all SIRENE Bureaux once an Article 36(3) alert is created; availability of a dedicated translation service in SIRENE France; availability of Ministry of Justice experts in the SIRENE Bureau during business hours, and on-call availability of a magistrate during night shifts; implementation of a monitoring console on a video wall in the IT monitoring centre and the new type of 'NEO' mobile tablets used by the Gendarmerie are to be considered as best practice.
- (3) In light of the importance of complying with the Schengen acquis, in particular with the obligations to adopt a security plan in accordance with Article 10 of the SIS II Regulation² and SIS II Decision³; to ensure the equivalence of results of searches in the national copy, the national Police FPR, Gendarmerie FPR and COVADIS applications with CS-SIS in accordance with Article 9(2) of the SIS II legal instruments; to ensure that all border checks are conducted in accordance with Articles 8(2) and 8(3) of the Schengen Borders Code⁴; to ascertain whether an alert constitutes a multiple or incompatible entry in accordance with Section 2.2 of the SIRENE Manual⁵; and to ensure that a photograph or fingerprints are entered whenever available in accordance with Article 20 of the SIS legal instruments, priority should be given to implement recommendations 1,2,3,4,5,6,7,8,9,13 and 20 below.

² 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).

³ 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).

⁴ 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) (OJ L 77, 23.3.2016, p. 1).

⁵ Commission Implementing Decision (EU) 2016/1209 of 12 July 2016 replacing the Annex to Commission Implementing Decision 2013/115/EU on the SIRENE Manual and other implementing measures for the second generation Schengen Information System (SIS II) (notified under document C(2016) 4283) OJ L 203, 28.7.2016, p. 35.

- (4) This decision setting out a recommendation should be transmitted to the European Parliament and to the parliaments of the Member States. Within one month of its adoption, the evaluated Member State shall, pursuant to Article 16, paragraph 1 of Regulation (EU) No 1053/2013, establish an action plan listing all recommendations to remedy any deficiencies identified in the evaluation report and provide this to the Commission and the Council,

HEREBY RECOMMENDS:

that France should

1. officially adopt the security plan required under Article 10 of the SIS II Regulation and SIS II Decision;
2. further develop the National Police FPR application, namely to enable it to display photographs, the type of offence, the 'absconded' warning marker, links, the misused identity extension and to provide reference to the existence of fingerprints and a European Arrest Warrant (EAW);
3. further develop the Gendarmerie FPR application, namely to enable it to display photographs, the type of offence, links, warning markers, the misused identity extension and to provide reference to the existence of fingerprints and an EAW;
4. further develop the Gendarmerie FPR application in order to avoid displaying aliases as 'misused identity' and in order to avoid displaying the same alias several times;
5. ensure that all end-users systematically consult the SIS by integrating the SIS and national queries in the Gendarmerie FPR application;
6. further develop the COVADIS application, namely to enable it to display photographs, the type of offence, warning markers, links, the misused identity extension, alert information in cases of a hit on a document for seizure and to provide reference to the existence of fingerprints and an EAW;

7. improve the availability of the N.SIS and the availability of the full chain of national applications used for SIS queries, in particular at the Border Crossing Points;
8. further develop national applications in order to be able to ascertain when creating an alert whether the alert being created constitutes a multiple or incompatible entry in accordance with Section 2.2 of the SIRENE Manual;
9. establish a clear procedure ensuring that a photograph or fingerprints are entered whenever available in accordance with Article 20 of the SIS II Regulation and SIS II Decision;
10. establish a clear procedure that allows the SIRENE Bureau to systematically receive information from the national alert issuing authorities, enabling it to retain this in order to forward supplementary information upon the request of another Member State and create and forward an M Form as required under Section 5.5 of the SIRENE Manual;
11. develop a technical tool or establish a procedure enabling the SIRENE Bureau to meet its obligations under Article 7(2) of the SIS II Regulation and SIS II Decision, namely to coordinate the verification of the quality of information entered in SIS for alerts other than Article 26 alerts;
12. ensure that Schengen IDs, which should be a unique identification number, are not regularly re-used;
13. ensure the effectiveness of the data synchronisation mechanism (iDCC) between the national copy and the technical copies;
14. ensure that not only person alerts but also document alerts are consulted when a passport scan is not successful and a manual check is performed at Charles De Gaulle airport and at the Eurostar Terminal at Paris North Station;
15. ensure that at Charles De Gaulle and Nice airports, passengers are not systematically brought to second line checks in the event of a hit on discreet check alert (Article 36 of SIS II Decision);

16. further develop the end-user applications in order to enable them to display the 'immediate reporting' action;
17. implement the transliteration tools in the end-user applications and provide training to the end-users on transliteration rules;
18. significantly increase the number of staff at the SIRENE Bureau to ensure the effective exchange of supplementary information in accordance with Article 7 of SIS II Regulation and SIS II Decision;
19. ensure that the alerts on documents for seizure are created containing the document number;
20. further develop the end-user applications to enable the addition of the 'terrorism-related activity' remark to alerts;
21. ensure the visa issuing authorities have access to Article 38 alerts on documents;
22. establish a comprehensive data quality control mechanism for issuing SIS alerts;
23. further develop the SIRENE case management system so as to reduce the amount of manual processes in the management of the daily workflow and increase the use of automation;
24. further develop the SIRENE query application in order to enable it to display the person/objects related remarks (warning markers) on the first screen where there are multiple possible hits;
25. further develop the SIRENE query application in order to enable it to display not only the photograph of the perpetrator but also the photograph of the victim in cases of misused identity;
26. enhance the effectiveness of coordination in the area of international police co-operation by integrating the SIRENE workflow system with other international police co-operation channels;

27. ensure the effective integration of the national systems at SIRENE level;
28. establish a written follow-up post-hit procedure for the end-users;
29. provide regular follow-up training on SIS to all end-users;
30. further develop automated tools and procedures in order to be able to differentiate specific useful features of statistical data;
31. enhance the management of the N.SIS Office and ensure that the N.SIS Office is in the best possible position to take all the necessary measures to ensure compliance with the provisions of the SIS II legal instruments in accordance with Article 7 of the SIS II Regulation and SIS II Decision;
32. further develop the FOVeS application, namely to enable it to display and highlight all warning markers on objects.

Done at Brussels,

For the Council

The President
