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SIRIS 26
DAPIX 68
CT 41
COMIX 142

OUTCOME OF PROCEEDINGS

From: Working Party for Schengen Matters (SIS/SIRENE) - Mixed Committee
(EU-Iceland/Norway/Switzerland/Liechtenstein)

On: 16 March 2018

Subject: Summary of discussions

1. Adoption of the agenda

The agenda set out in CM 1816/18 was adopted without changes.

2. Report by the Presidency on relevant issues addressed at other meetings

The Presidency provided information to the Working Party (WP) regarding the ongoing interinstitutional discussions concerning the SIS legislative package, the interoperability proposals and the ETIAS proposal.

3. Draft Council conclusions on strengthening the cooperation and the use of Schengen Information System (SIS) to tackle persons involved in terrorism or terrorism related activities, including foreign terrorist fighters (6812/18)

The Presidency introduced the draft Council conclusions as a follow-up to the relevant discussions in the Standing Committee on Operational Cooperation on Internal Security (COSI) held on 21 February 2018 and underlined that strengthening the cooperation and the use of the SIS to tackle persons involved in terrorism was an important priority for the Bulgarian Presidency.

Most delegations taking the floor expressed some surprise that the Presidency had already tabled draft conclusions. They would have preferred more discussions at technical level first. Speakers recognised the importance of the subject and agreed that the SIS/SIRENE community can indeed contribute to dealing with persons involved in terrorism. However, delegations also stressed that first and foremost, the problems to be solved should be clearer; the real needs should be properly identified; the feasibility and added value of the actions as well as the impact on the SIRENE Bureaux should be taken into consideration. Most speakers also underlined that creating additional workload for the SIRENE Bureaux was to be avoided. On this point, the Commission noted that there was no such risk: in most cases the security services would have to assess to what extent additional information was to be shared with other Member States.

Otherwise, the Commission fully supported the draft and, among other points, underlined the importance of adding all relevant information to the alerts when they are introduced into the system and that relevant data should be displayed to end-users. The representative of Europol also supported the draft.

At the request of CZ, HU and the UK, the Commission also clarified that security services could already have access to the SIS provided that 1) they had law enforcement powers and 2) they complied with the EU data protection regime.

A series of comments were made regarding several points of the draft, and the Presidency reassured the delegations that the document was just the starting point of the discussion. All speakers promised to get back with comments in writing. The Presidency set 28 March as a deadline for those comments and indicated that the draft would be discussed at the Terrorism Working Party (TWP) on 19 March 2018 and in a joint SIS/SIRENE - TWP meeting on 24 April 2018.

4. AFIS component of the Schengen Information System

The Presidency briefly presented its document (7045/18), which aimed to promote this new functionality of the SIS. The document would be distributed to the DAPIX and Frontiers communities.

The representative of eu-LISA gave a presentation on the AFIS and its go-live, which went very well. Currently four Member States were using AFIS to search with fingerprints. Many Member States would join in the coming weeks.

The Commission welcomed this new functionality and thanked eu-LISA and the Member States for their work. It took the opportunity to remind delegations that uploading fingerprints and photos to the SIS was mandatory (when they were available). Statistics clearly showed that almost all Member States failed to comply with this rule.

5. Court case ECJ C-240/17: Effects of ongoing consultations on enforcement of the return decision and the coming into force of the entry ban — Article 25(2) of the Convention implementing the Schengen Agreement

BE briefly called the attention of the Member States to this important Court case relating to Article 25 of the Convention Implementing the Schengen Agreement. The case was relevant in the context of the ongoing negotiations on the new legal framework of the SIS and worth discussing further.

6. Follow-up to the Council conclusions on the development of the SIRENE Bureaux in the framework of the Schengen Information System as set out in 15560/17

As a follow-up on this matter, AT, CZ and HR gave presentations on their SIRENE workflow systems.

Afterwards, the Presidency reminded the delegations that according to the Council conclusions a unified annual assessment of the SIRENE capacity-building should be set up. To that end, the Presidency requested Member States to come up with relevant criteria in writing on which such an assessment could be based. The Presidency would circulate a short questionnaire in that connection.

When closing the meeting, the Presidency signalled that the next WP meeting would be a joint meeting with the Terrorism Working Party and would take place on 24 April 2018.