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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 2017 evaluation of Portugal 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 2017 evaluation of Portugal on the application of the Schengen acquis in the field of the Schengen Information System[1].

[1] Available in all official languages of the European Union on the Council public register, doc. 11187/18

ANNEX

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2017 evaluation of Portugal on the application of the Schengen acquis in the field of the Schengen Information System

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning 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[2], and in particular Article 15 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The purpose of this Decision is to recommend to Portugal remedial actions to address deficiencies identified during the Schengen evaluation in the field of the Schengen Information System (SIS) carried out in 2017. 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(2018) 301.

[2] OJ L 295, 6.11.2013, p. 27.

(2) The Portuguese SIS II application provides SIRENE operators with data quality reports and facilitates regular data monitoring. All incoming customs declarations are checked against the SIS centrally and via automated processes. The end-users can access post-hit forms electronically via the intranet and also directly from the SEI (application which is used by the Public Security Police) itself.

(3) In light of the importance to comply with the Schengen acquis, in particular with the obligation to ensure that a search in a national copy of the SIS produces a result equivalent to that of a search in the SIS II database and to attach photographs or fingerprints to the alert when they are available, priority should be given to implement recommendations 1, 2, 4, 5, 6, 7, 9, 10, 12, 13, 14 and 15 below.

(4) This Decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, Portugal should, pursuant to Article 16 (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 that action plan to the Commission and the Council,

RECOMMENDS:

that Portugal should

1. establish mandatory national procedures that require the end-users to attach photographs or fingerprints to the alert when they are available, as required by Article 20 of the Regulation (EC) No 1987/2006[3] and Council Decision 2007/533/JHA[4];

[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).

2. further develop the national SIISEF application, which is available to the Immigration and Border Service, as to display the type of offence, all the information on the victim of misused identity and in particular the photograph and to display the full list of 'action to be taken' for Article 36 alerts;

3. improve the handling of aliases and types of identity in the SIISEF application and display the SIRENE contact details on the screen for the end-users when an SIS hit is achieved;

4. further develop the SIIOP-P application, which is available to the National Republican Guard, so as to provide access via this application to all relevant categories of SIS alerts;

5. further develop the SIIOP-P application to display photographs, fingerprints, European Arrest Warrants (EAWs) or provide an indication as to the existence of such binary data, and also to display links, the misused identity extension and clearly display the different types of identities returned with a hit;

6. ensure that searches conducted in the SIIOP-P application returns a result identical to and consistent with the SIS II central database;

7. ensure that the search possibility (*Pesquisa Composta)* that is available in the SIIOP-P application and which conducts a search only in national databases is not used as the default search option, so as to ensure that SIS is in fact systematically consulted in all cases when national databases are searched, thus ensuring a high level of security within the area of freedom, security and justice in accordance with Article 1(2) of the SIS legal documents;

8. further improve the SIIOP-P application to ensure that the warning markers are displayed on the first screen returning the list of results and are highlighted, to make the information on the type of offence immediately visible to the end-users and to display the SIRENE contact details on the screen for end-users when an SIS hit is achieved;

9. further develop the SEI application, which is available to the Public Security Police, to provide access via this application to all relevant categories of SIS alerts;

10. further develop the SEI application to display the type of identity in case of a hit on an SIS alert on persons and to provide an indication to the end-user as to the availability of the EAW in the case of a hit on an Article 26 alert;

11. further improve the SEI application to ensure that the 'any name' search functionality is available, that the 'immediate reporting' action is either highlighted or displayed more prominently, that any linked alerts can be accessed directly via hyperlink and to display the SIRENE contact details on the screen for end-users when an SIS hit is achieved;

12. further develop the SPO application, which is available to the Judiciary Police, to provide access via this application to all relevant categories of SIS alerts;

13. further develop the SPO application to provide for an automatic integrated query in national databases and in SIS as a default option;

14. further develop the SPO application to display photographs, fingerprints, EAWs or provide an indication as to the existence of such binary data, and to display linked alerts, the 'immediate reporting' action, the type of offence in the alert and to display the full list of 'action to be taken' for Article 36 discreet check alerts;

15. ensure that the 'action to be taken' is displayed for the invalidated document Article 38 alerts in the SPO application, as was not the case in Judiciary Police in Portimão;

16. establish clear timeframes within which the SIRENE Bureau must ensure that processes such as the insertion or deletion of alerts are completed;

17. ensure that services other than the SIRENE Bureau are able to create links between SIS alerts and ensure that a coherent procedure is implemented whereby end-users are required to inform the SIRENE Bureau in cases where a link between alerts should be created;

18. consider connecting the national Automated Number Plate Recognition (ANPR) system to SIS;

19. provide all SIRENE operators, regardless of the individual service to which they belong, with access to all relevant national databases on a 24/7 basis;

20. further develop the SIRENE workflow system so as to reduce the amount of manual processes in the management of the daily workflow and increase the use of automation to a level as required by section 1.12 of the SIRENE Manual;

21. ensure that incoming SIRENE forms marked by the issuing Member State as 'urgent' are automatically displayed as 'urgent' in the Portuguese workflow system;

22. reduce the number of manual processes at the SIRENE Bureau;

23. ensure that end-users receive regular follow-up training on SIS, incorporating practical training on the use and various functionalities of the available applications, including via case studies;

24. further develop the PASSE application, which is available to the Immigration and Border Service, to ensure that the warning markers are displayed on the first screen returning the list of results;

25. further improve the SIS II application, which is used as a primary search application at the SIRENE Bureau and as a supplementary search tool by other end-users, to ensure that any linked alerts can be accessed directly via hyperlink, to display the 'reason for request' immediately and in full to the end-user, to display the required 'action to be taken' immediately and in full to the end-user, to make the availability of the multi-category search functionality in the SIS II application on object alerts more clear for the end-users and to display the SIRENE contact details on the screen when an SIS hit occurs.

Done at Brussels,

For the Council
The President