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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 Spain 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 Spain on the application of the Schengen acquis in the field of the Schengen Information System¹.

¹ Available in all official languages of the European Union on the Council public register, doc.

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2017 evaluation of Spain 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 Schengen², 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 Spain 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)2210.
- (2) Searches in SIS are well integrated into the police checks carried out by the National Police and the Civil Guard, as the end-users have single systems for searching persons and objects.

² OJ L 295, 6.11.2013, p. 27.

- (3) In light of the importance of complying with the Schengen acquis, in particular with the obligation with regard to security, business continuity, completeness and the high quality of the information exchange, priority should be given to implementing recommendations 1 to 12.
- (4) This decision setting out a 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, 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 Spain should

1. adopt and implement a national security policy and a national security plan as required by Article 10 of Regulation (EC) No 1987/2006³ and Council Decision 2007/533/JHA⁴;
2. adopt and implement a business continuity and emergency recovery plan and set up an operational back-up infrastructure for its national system;
3. ensure that the physical access control at the SIRENE Bureau complies with the requirements of Article 10 of Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA;

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).

4. improve the quality of services provided by the - National Centre of International Communications (CENCI) with regard to SIRENE tasks, in order to ensure the quality of the supplementary information exchange and the smooth handling of SIRENE cases;
5. establish automated and structured procedures in all competent authorities for reporting hits;
6. fully develop the SIS II functionalities with regard to fingerprint data so that all competent authorities are able to add fingerprint data to alerts;
7. further develop the search application used by the National Police (ARGOS) so that all information available in the alert is clearly and completely displayed, in particular photographs, links, categories of identities, warning markers, misused identity and special characters;
8. further develop the search application used by the Civil Guard (SIGO) so that all information available in the alert is clearly and completely displayed, in particular the indication of availability of fingerprints, links and photographs;
9. extend the search functionalities of the search applications used by the National Police and the Civil Guard, in particular by including "any number" and "any name" searches, searches on the basis of incomplete name, making it possible to search a document with only a name and integrating the transliteration table for searches;
10. develop an application for SIS searches for end-users in the Mossos d'Esquadra which fully meets the SIS II requirements with regard to the information displayed and gives access to all alert categories in SIS;

11. establish internal procedures in order to ensure that the consultation required under Article 25 of the Convention Implementing the Schengen Agreement⁵ is initiated where necessary and completed within a reasonable timeframe;
12. provide training to the Aliens' Offices about the possibility of entering invalidated residence permits or residence cards in SIS;
13. include searches on issued or blank documents in SIS in the visa application process, in accordance with Article 27(3) of Regulation (EC) No 1987/2006;
14. extend the access rights of the Directorate-General for Traffic to cover alerts on licence plates and vehicle registration certificates;
15. give the Aliens' Offices access to alerts on third-country nationals to be refused entry and stay in the EU and alerts on issued or blank documents;
16. ensure that throughout the procedure for assessing applications for stay or residence in the EU, documents of the applicants are checked in SIS by the Aliens' Offices;
17. develop a more automated and integrated workflow system for the SIRENE Bureau;
18. implement tools in the SIRENE Bureau for the automated collection of statistics;
19. further develop the internal instructions for CENCI officers on SIS cases so that they are more complete and accurate, especially in relation to refusal of entry alerts and discreet and specific checks;
20. strengthen the role of the SIRENE Bureau in monitoring and taking follow-up actions on data quality issues;

⁵ OJ L 239, 22.9.2000, p.19.

21. revise the procedures for assessing on a case-by-case basis the need to prolong the expiry dates of alerts on blank and issued documents;
22. strengthen the use of the linking functionality and the possibility of attaching photographs;
23. increase the awareness and knowledge of special SIS procedures such as misused identity and suspicion of clones for end-users in the police forces and CENCI officers;
24. further develop the search applications used by the National Police and the Civil Guard so that the list of search results shows SIS hits before Interpol hits;
25. develop and document clear procedures in Madrid airport for handling and reporting SIS hits;
26. ensure that the procedures are put in place in Barcelona airport to handle hits on alerts for specific check appropriately;
27. improve the use of all SIS alert categories, in particular alerts on boat engines;
28. consider the use of mobile devices for the National Police and the Mossos d'Esquadra for searching SIS;
29. consider connecting the national Automated Number Plate Recognition (ANPR) system to SIS.

Done at Brussels,

*For the Council
The President*
