



Council of the
European Union

049589/EU XXVI. GP
Eingelangt am 10/01/19

Brussels, 8 January 2019
(OR. en)

5114/19

Interinstitutional File:
2018/0393(NLE)

SCH-EVAL 3
SIRIS 1
COMIX 6

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
On:	8 January 2019
To:	Delegations
No. prev. doc.:	15565/18
Subject:	Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2018 evaluation of Finland on the application of the Schengen <i>acquis</i> in the field of the Schengen Information System

Delegations will find in the annex the Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2018 evaluation of Finland on the application of the Schengen *acquis* in the field of the Schengen Information System, adopted by the Council at its meeting held on 8 January 2019.

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 deficiencies identified in the 2018 evaluation of Finland on the application of the Schengen acquis in the field of 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 Schengen¹, 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 Finland remedial actions to address deficiencies identified during the Schengen evaluation in the field of the Schengen Information System (SIS) carried out in 2018. 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)6170.

¹ OJ L 295, 6.11.2013, p. 27.

- (2) The following are considered as best practice: communication of matches achieved, when checking Advance Passenger Information data against SIS, to the first-line border control via 'quick message' system in the RATAS application and electronic display of those matches in the first-line border control; the feature of the RATAS application that allows the end-user to send instant messages; the privacy screens and privacy protection at the first-line border control booths in Helsinki airport preventing unauthorised parties from viewing SIS data; the possibility to make a copy of the ID document being used to access the Automated Border Control gates; the connection of LIPRE, the automated number plate recognition system used by the Customs, to SIS; direct, full and well-integrated access to SIS by the Customs; extensive roll-out of mobile devices throughout the territory allowing end-users to perform integrated queries in national databases and SIS,
- (3) In light of the importance of complying with the Schengen acquis, in particular the obligations: to ensure that fingerprints are attached to SIS alerts when available, in accordance with Article 20 read in conjunction with Article 23(2) of Regulation 1987/2006² and of Council Decision 2007/533/JHA³; to adopt the security plan in accordance with Article 10 of Regulation (EC) No 1987/2006 and of Council Decision 2007/533/JHA; to ensure that the vehicle registration authorities have direct or indirect access to SIS in accordance with Article 1 of Regulation (EC) No 1986/2006⁴; to consult the SIS systematically; and to provide the end-user with the entire data set of the SIS alert, as defined in Article 3, point(a) of Regulation (EC) No 1987/2006 and Decision 2007/533/JHA, priority should be given to implementing recommendations 1-7, 9, 11,12 and 17,

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 (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates (OJ L 381, 28.12.2006, p. 1).

- (4) This Decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, Finland 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 Finland should:

1. establish a technical tool or a mandatory procedure ensuring that photographs and fingerprints are entered in all cases when available, in accordance with Article 20 read in conjunction with Article 23(2) of Regulation (EC) No 1987/2006 and of Council Decision 2007/533/JHA;
2. ensure that the fingerprints be attached to the alert on a 24/7 basis, when available, in accordance with Article 20 read in conjunction with Article 23(2) of Regulation (EC) No 1987/2006 and of Council Decision 2007/533/JHA, by providing the SIRENE Bureau with direct or indirect access to the fingerprint database;
3. adopt the security plan required under Article 10 of Regulation (EC) No 1987/2006 and of Council Decision 2007/533/JHA;
4. provide the vehicle registration authority with direct or indirect access to SIS in accordance with Regulation (EC) No 1986/2006;
5. ensure that SIS is queried systematically by end-users by integrating national search applications with SIS;

6. further develop the PATJA application to enable it to display: photographs, availability of the European arrest warrant, links between alerts, action to be taken in full for Article 36 discreet check alerts, document issuing authority and document issue date in case of a hit on an alert with misused identity extension;
7. ensure that the PATJA application provides for an integrated query in national databases and in SIS when a search is performed on vehicle, licence plate or vehicle registration document;
8. require the PATJA application to highlight the action to be taken 'contact SIRENE immediately', indicate that the phone number displayed in case of a SIS hit is the phone number of the SIRENE Bureau, display the 'misused identity' cases in a more user-friendly way, simultaneously query person and document alerts, and enable 'any number' and 'any name' search functionalities;
9. further develop the Ulkonet application to enable it to display: the availability of the European arrest warrant and fingerprints, action to be taken 'contact SIRENE immediately', links between alerts, action to be taken in full for Article 36 discreet and specific check alerts, action to be taken and reason for request for invalidated document alerts, in cases of misused identity - both the photograph of the victim and the perpetrator with clear indication of these latter categories;
10. require the Ulkonet application to highlight the warning markers and display them on the first screen with the list of the hits, highlight 'misused identity' marker and improve user-friendliness of the display of the SIS hit in this application;
11. further develop the Ulkonet interface used by the Finnish Immigration Service to enable it to display photographs and availability of fingerprints, links, action to be taken and reason for request for invalidated document alerts;

12. further develop the RATAS application to display: links between alerts, action to be taken 'contact SIRENE immediately', action to be taken in full for Article 36 discreet and specific check alerts with immediate reporting, action to be taken and reason for request for invalidated document alerts;
13. further develop the RATAS application to highlight the warning markers and display them on the first screen with the list of the hits, the phone number of the SIRENE Bureau, and clearly indicate who is a victim and who is the perpetrator in cases of misused identity;
14. require the sKyse application to highlight the action to be taken 'contact SIRENE immediately' and open links via the hyperlink;
15. further develop the Advania application to display the type of offence more prominently, highlight the warning markers, open links via the hyperlink, and enable 'any number' search functionality;
16. further develop the SIRENE workflow system to increase automation;
17. implement a linking functionality available to all end-users when creating alerts and provide training on linking alerts;
18. provide guidelines for end-users on SIS alert creation to ensure that SIS alerts are issued in all cases when the case is adequate, relevant and important enough to warrant entry of alert in SIS;
19. further develop the UMA application to make it possible to update or extend SIS alerts in an automated way, without manually deleting them each time an update is required;
20. ensure that the Finnish Immigration Service has a possibility to insert invalidated residence permits and invalidated visas into SIS;

21. ensure that the Finnish Immigration Service checks document alerts in a systematic manner;
22. consider establishing a national procedure for inserting refusal of entry alerts (Article 24(2) of Regulation (EC) No 1987/2006) on third-country nationals who are not present on the territory of the Member State;
23. implement a tool for automated collection of statistical data including a function to provide statistics related to the geographical area or the use of the system by SIS end-user authorities;
24. ensure that the Revika application (national automated number plate recognition system owned and used by the Finnish Police) is integrated with SIS;
25. provide training to end-users on transliteration rules;
26. update the training material on SIS available on the Police intranet (SINETTI);
27. update the training material on SIS available on intranet used by the Finnish Border Guard;
28. provide regular follow-up training on SIS to all end-users;
29. improve and strengthen the overall management of SIS by the Finnish N.SIS Office.

Done at Brussels,

For the Council
The President
