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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 2021 evaluation of Malta 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 2021 evaluation of Malta 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. [10399/22](#)

RECOMMENDATION

on addressing the deficiencies identified in the 2021 evaluation of Malta 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 Schengen¹, and in particular Article 15(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) A Schengen evaluation in the field of the Schengen Information System was carried out in respect of Malta from 27 September to 1 October 2021. 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(2022) 820.
- (2) The on-site team appreciated the efforts made by Malta in order to establish procedures concerning checks of API data against the SIS and the possibility for the SIRENE Bureau to monitor hits in real time.

¹ OJ L 295, 6.11.2013, p. 27.

- (3) Recommendations should be made on remedial actions to be taken by Malta in order to address the deficiencies identified as part of the evaluation. In light of the importance of complying with the Schengen *acquis*, priority should be given to implementing the recommendations 1 to 9.
- (4) This Decision should be transmitted to the European Parliament and to the national Parliaments of the Member States. Within three months of its adoption, Malta should, pursuant to Article 16(1) of Regulation (EU) No 1053/2013, establish an action plan to remedy the deficiencies identified in the evaluation report and submit that action plan to the Commission and the Council.

RECOMMENDS:

that Malta should

1. ensure that the border application PISCES includes an encryption system;
2. ensure that the fingerprint search functionality of the Schengen Information System SIS-AFIS (Automated Fingerprint Identification System), is available to end-users to allow the identification of persons whose identity cannot be ascertained by other means in accordance with Article 22(3) of Council Decision 2007/533/JHA;
3. ensure that the SIRENE Bureau is made aware of the obligation of the issuing Member State to inform Europol of any hit on alerts related to terrorist offences according to Article 27a(8) of Regulation (EC) No 1987/2006 and Article 41(8) of Council Decision 2007/533/JHA;
4. establish and disseminate to the authorities entering alerts a clear procedure in order to determine the competencies related to the attachment of biometric data to alerts, in line with Article 20 read in a conjunction with Article 23(2) of Regulation (EC) 1987/2006 and Council Decision 2007/533/JHA;

5. ensure that the immigration services are granted user rights in the National Stop List (NSL) application to indicate the type of offence, in order for the services to (be able to) include this data when inserting Article 24 alerts in the SIS via the NSL;
6. improve the way the information is displayed in the national police application, by making available all existing aliases of the main identity and in cases of misused identity, in order to clearly distinguish victim and perpetrator, in particular by displaying the data of the main identity (perpetrator);
7. ensure that the SIS is consulted systematically by the police end-users in accordance with Article 1(2) of the Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA;
8. ensure that SIS is fully and directly accessible through the mobile devices in use by the Malta Police Force;
9. ensure that the border application PISCES displays the links, the photographs, the identity categories and the availability of the European Arrest Warrant and fingerprints;
10. ensure that the N.SIS office is staffed with the proper number of personnel;
11. ensure that the backup data centre's computer room access control system (fingerprint reader) is operational;
12. ensure that all workstations are equipped with an updated operating system that is supported by the manufacturer;
13. conclude an updated and long term service-level agreement in order to assure business continuity of the N.SIS Office;
14. ensure an effective integration of national systems at SIRENE level and improve the automation of the SIRENE case management system;

15. improve the use of discreet and specific checks and update the procedures for the insertion of these types of alerts;
16. improve the way the information is displayed while inserting alerts for discreet checks;
17. further promote the knowledge and awareness of the customs' authorities to ensure that the SIS is systematically checked;
18. ensure that the visa issuing authorities have full access to the data included in SIS alerts;
19. ensure that at the seaport an automatic or batch search possibility of passenger lists is available;
20. improve the existing transliteration tool available in the National Police System in order to include the transcription of Greek characters;
21. improve the way the information is displayed in the National Police System highlighting the warning markers for objects, the hits on alerts for discreet and specific check when an immediate action is required, the links between SIS alerts and clearly indicating the telephone number of the SIRENE bureau to be contacted. Improve the user friendliness of the multi-category search functionality on object alerts and the prioritisation of displaying SIS alerts;
22. improve the PISCES border application to ensure that immediate action and warning markers are highlighted, the SIRENE Bureau contact number is displayed, ensure that in the case of flagged alerts, the action to be taken is clear. Improve the search options taking into account the minimum data requirements of SIS alerts and ensure the prioritisation of displaying SIS alerts; ensure that at the airport booths and police stations the screens displaying the SIS alerts are not visible from the outside;

23. ensure that the SIS II application clearly displays the hits and that all the necessary information is immediately available in the first screen. Ensure that the alternative action to be taken in case of a hit on flagged alerts is clear;
24. ensure dedicated training for SIRENE staff alongside specialised training for end-users on SIS-related procedures, in particular police and customs officers on the use of the SIS-query applications.

Done at Brussels,

For the Council

The President
