



Council of the
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SCH-EVAL 119
SIRIS 62
COMIX 315

DECLASSIFICATION¹

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Subject: COMMISSION IMPLEMENTING DECISION of 16.5.2018 establishing the report of the 2017 evaluation of the **United Kingdom** on the application of the Schengen acquis in the field of the **Schengen Information System**

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

¹ Document declassified by the European Commission on 17/02/2023.



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SCH-EVAL 119
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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 18 May 2018

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: C(2018) 2250 final

Subject: COMMISSION IMPLEMENTING DECISION of 16.5.2018 establishing the
report of the 2017 evaluation of the **United Kingdom** on the application of
the Schengen acquis in the field of the **Schengen Information System**

Delegations will find attached document C(2018) 2250 final.

Encl.: C(2018) 2250 final



EUROPEAN
COMMISSION

Brussels, 16.5.2018
C(2018) 2250 final

COMMISSION IMPLEMENTING DECISION

of 16.5.2018

**establishing the report of the 2017 evaluation of the United Kingdom on the application
of the Schengen acquis in the field of the Schengen Information System**

(only the English text is authentic)

DECLASSIFIED

COMMISSION IMPLEMENTING DECISION

of 16.5.2018

establishing the report of the 2017 evaluation of the United Kingdom on the application of the Schengen acquis in the field of the Schengen Information System

(only the English text is authentic)

THE EUROPEAN COMMISSION,

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 14 thereof,

After consulting the Committee established by Article 21 of Council Regulation (EU) No 1053/2013,

Whereas:

- (1) Based upon Council Implementing Decision (EU) 2015/215³ on the [...] provisional putting into effect of parts of the provisions of the Schengen acquis on the Schengen Information System (SIS) for the United Kingdom of Great Britain and Northern Ireland an initial Schengen evaluation visit to the United Kingdom (the UK) was carried out from 7 to 13 June 2015.
- (2) Article 2(3) of the Implementing Decision stipulates that upon the successful completion of the necessary evaluations, the Council should examine the situation with a view to adopting an implementing decision setting the date for the final putting into effect by the UK of the provisions referred to in Article 1(a)(ii) of Decision 2000/365/EC, in so far as they relate to the functioning of the SIS. Accordingly, the Implementing Decision puts in place the application of SIS in the UK only on a provisional basis and a subsequent decision is needed for the final and full application of these provisions. The successful outcome of the Schengen evaluation is a precondition for the adoption of a second decision.

² OJ L 295, 6.11.2013, p. 27.

³ OJ L 36, 12.2.2015, p. 8.

- (3) The Evaluation Committee concluded in 2015⁴ that the UK had only partially implemented the Schengen acquis related to SIS and that a further visit was necessary in order to finalise the evaluation proceedings and to adopt an implementing decision for the final application of the SIS provisions by the UK.
- (4) At its meeting on 8-9 October 2015, the Council, in line with the requirement set out in the Decision (EU) 2015/215, took note of the state of play in relation to the adoption of an implementing decision setting the date for the final putting into effect by the UK of the provisions of the Schengen acquis on the Schengen Information System (I/A item note 12246/15)⁵. In its conclusions of 4 December 2015⁶ the Council agreed with the assessment of the Evaluation Committee, including the need for a further visit before the decision on the full application of SIS provisions is taken.
- (5) The Council noted that since its competences for carrying out Schengen evaluations ceases on 1 January 2016, the continuation of the evaluation process must take place in the framework of the new evaluation mechanism. The Council therefore invited the Commission to carry out the recommended revisit under the new Schengen evaluation mechanism⁷.
- (6) On this basis and in line with the multi-annual evaluation programme 2014-2019⁸ and the annual evaluation programme for 2017⁹, an on-site revisit was carried out in October 2017 to evaluate the application of the Schengen acquis in the field of the Schengen Information System by the United Kingdom.
- (7) A report should be elaborated following this evaluation, reflecting the findings and assessments of the on-site team, which should be based on the on-site visit and the replies of the Member State evaluated to the questionnaire¹⁰. Each finding should be

⁴ Schengen Evaluation of the United Kingdom – Report on the evaluation of SIS/SIRENE (Document number 11780/15 SCH-EVAL 20 SIRIS 57 COMIX 381 EU RESTRICTED).

⁵ Putting into effect of the provisions of the Schengen acquis on data protection and on the provisional putting into effect of parts of the provisions of the Schengen acquis on the Schengen Information System for the United Kingdom of Great Britain and Northern Ireland -State of play (Document number 12246/15 SCH-EVAL 27 SIRIS 63 SCHENGEN 29 COMIX 426 EU RESTRICTED).

⁶ Council conclusions on the evaluation of the correct application of the Schengen acquis in the field of police cooperation and on the completion of the process of evaluation of the state of preparedness to implement the relevant provisions of the Schengen acquis on the Schengen Information System (Document number 13378/1/15 REV 1 SCH-EVAL 41 SIRIS 75 COMIX 516 EU RESTRICTED).

⁷ *Ibidem*.

⁸ Commission Implementing Decision C(2014)3683 of 18 June 2014 establishing the multi-annual evaluation programme 2014 - 2019 in accordance with Article 5 of the Council Regulation (EU) No 1053/2013 of 7 October 2013.

⁹ Commission Implementing Decision C(2016) 7387 of 21 November 2016 establishing the first section of the annual evaluation programme for 2017 in accordance with Article 6 of Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis.

¹⁰ Commission Implementing Decision C(2014) 4657 of 11 July 2014 establishing a standard questionnaire in accordance with Article 9 of Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis.

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given one of the following assessments: compliant, compliant but improvement necessary or non-compliant.

- (8) Besides covering qualitative, quantitative, operational, administrative and organisational aspects, as considered relevant by the on-site team, the report should list any short coming identified during the evaluation.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 21 of Council Regulation (EU) No 1053/2013,

HAS ADOPTED THIS DECISION:

Article 1

The report of the 2017 evaluation of the United Kingdom on the application of the Schengen acquis in the field of the Schengen Information System is set out in the Annex.

Article 2

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 16.5.2018

For the Commission
Dimitris AVRAMOPOULOS
Member of the Commission

CERTIFIED COPY
For the Secretary-General,

Jordi AYET PUIGARNAU
Director of the Registry
EUROPEAN COMMISSION