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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 10 November 2020
To: Delegations

No. prev. doc.: 11839/20

Subject: Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2020 evaluation of Germany on the application of the Schengen acquis in the field of the **Schengen Information System**

Delegations will find enclosed the Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2020 evaluation of Germany on the application of the Schengen acquis in the field of the Schengen Information System, adopted by written procedure on 10 November 2020.

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 2020 evaluation of Germany 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 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The purpose of this Decision is to recommend to Germany remedial actions to address the deficiencies identified during the Schengen evaluation in the field of the Schengen Information System (SIS) carried out in 2020. 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(2020) 4820.

¹ OJ L 295, 6.11.2013, p. 27.

- (2) The on-site team considered the extensive roll-out of the SIS Automated Fingerprint Identification System (AFIS) functionality throughout the country; the standardised SIS hit-reporting form available to all end-users in Germany and the possibility to automatically import it in the Supplementary Information Request at the National Entries (SIRENE) workflow application; and the automatic upload of fingerprints and photographs to SIS alerts when available, as best practices.
- (3) In light of the importance of complying with the Schengen *acquis*, in particular the obligation to attach photographs to the alerts when available at national level, including those of the victim of misused identity, and the obligation to display all information included in the alerts, priority should be given to implementing recommendations 5, 7, 8, 12, 14 and 17.
- (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, Germany 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 Germany should

National Schengen Information System (N.SIS)

1. ensure an adequate level of physical security of the first data centre by installing automated fire suppression system and by avoiding the use of highly inflammable materials in the building;

Supplementary Information Request at the National Entries (SIRENE)

2. ensure that newcomers working in the SIRENE Bureau are adequately monitored and guided by senior operators in consonance with the level of responsibilities assigned during their training period;
3. ensure that the automated print-out of all incoming messages in the case management system used by the SIRENE Bureau is replaced by a paperless procedure;
4. ensure that the Schengen-ID is not re-used when a new alert is created in a different alert category;

Creation of Schengen Information System (SIS) alerts

5. ensure that photographs of the victims of misused identity are always attached to SIS alerts when available, in accordance with Article 36(3)(e) of Regulation (EC) No 1987/2006 and Article 51(3)(e) of Council Decision read in a conjunction with Article 20 and Article 23(2) of Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA;
6. consider selecting the ‘most relevant picture’ attribute when attaching pictures to German SIS alerts, in accordance with the possibility provided by SIS technical protocols (Section 5.3 of the ‘Data Dictionary’ in the Interface Control Document);

National police information system used for SIS queries

7. ensure that the photograph of the victim of misused identity is always displayed in the alert in the national police information system when available, in accordance with Article 9(2) read in a conjunction with Article 36 of Regulation (EC) No 1987/2006 and Article 9(2) read in conjunction with Article 51 of the Council Decision 2007/533/JHA; and ensure that it is clearly displayed in all query interfaces;

8. ensure that the results of the queries, in particular photographs, are clearly visible for the end-users and easily opened in all query interfaces of the national police information system;
9. ensure that all query interfaces of the national police information system display warning markers on the first screen and that these are properly highlighted;
10. ensure that all end-users querying SIS through the national police information system have a transliteration table available;
11. ensure that the all query interfaces of the national police information system clearly display links between SIS alerts;

Mobile devices used by the police

12. ensure that all mobile police smartphones used to query the Schengen Information System display the links between SIS alerts, in accordance with Article 9(2) of Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA;
13. ensure that all SIS-related data is clearly visible and accessible by the end-users in the mobile police smartphones by ensuring that the display of the information is adequately adapted to the dimensions of the devices;
14. ensure that the all mobile police smartphones used to query SIS provide for the possibility to query all categories of SIS alerts;

Border control application

15. ensure that the amount of matches displayed in the application used at the first line air border controls is manageable for the end-users and does not hinder the identification of the hits during the border control process, by defining the SIS object alert categories relevant for the first line air border controls, or using other tools defined in SIS technical protocols;

16. ensure that photographs are easily accessible by the end-users in case of a hit in the application used at the first line air border controls by eliminating the requirement of inserting the credentials again when the end-user tries to open photographs;

Application used by migration authorities

17. ensure that the application used by migration authorities to query the Schengen Information System displays the links between SIS alerts, in accordance with Article 9(2) of Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA;
18. ensure that migration authorities systematically check documents in the Schengen Information System.

Done at Brussels,

For the Council

The President
