Council of the European Union

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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 2018 evaluation of Estonia 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 2018 evaluation of Estonia on the application of the Schengen acquis in the field of the Schengen Information System[1].

[1] Available in all official languages of the European Union on the Council public register, doc. 14872/19

ANNEX

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2018 evaluation of Estonia 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 Schengen[2], 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 Estonia 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(2019)670.

[2] OJ L 295, 6.11.2013, p. 27.

(2) The state of the art infrastructure and physical security of the the primary N.SIS Data Centre, the user-friendly feature of the PIKO application enabling the first-line border control officers to pass the information about SIS hits electronically to the second-line border control, the possibility to communicate electronically matches achieved when checking the Advanced Passenger Information (API) data against SIS, the automated checking of advanced passenger lists from all ships, ferries, pleasure boats and cargo ships' crew lists against the SIS via the PIKO application as well as the user-friendliness of the APOLLO application are considered as best practice.

(3) In light of the importance to comply with the Schengen acquis, in particular the obligation to attach fingerprints to SIS alerts whenever available, display clearly all information included in the alerts, to ensure full compliance with the security requirements, Estonia should prioritise the implementation of recommendations 1 to 10, 15 and 18.

(4) This Decision should be transmitted to the European Parliament and to the Parliaments of the Member States. Within three months of its adoption, Estonia 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 Estonia should

1. enhance SIS alerts in accordance with Article 20 read in a conjunction with Article 23(2) of Regulation (EC) 1987/2006[3] and of Council Decision 2007/533/JHA[4];

2. enhance the relevant application to display the picture of the victim of misused identity and to display the availability of a European Arrest Warrant and fingerprints;

3. further develop the relevant application to provide for an *'any-name'* search feature; allow a query on industrial equipment alerts in SIS once querying against national databases is implemented; and to display the alternative action to be taken in case of flagged Article 26 alerts, document details of the victim of the misused identity, the availability of a European Arrest Warrant and fingerprints and to return consistent results on queries with transliterated values;

4. enable the relevant application to query alerts on industrial equipment;

5. further develop the relevant application to display photographs, the 'type of offence', the availability of EAW and fingerprints, the misused identity extension, the links between SIS alerts and the action to be taken 'contact SIRENE immediately';

6. further develop the relevant application to display the warning markers, the 'type of offence', the availability of a European Arrest Warrant and fingerprints, the links between SIS alerts and all pictures attached to the alert;

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[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).

7. further develop the relevant application to provide default integrated queries to national databases and SIS in case of manual search on the document alerts and to display photographs and 'the action to be taken' in full;

8. further improve the Migration Information System to display the links between SIS alerts;

9. improve the SIS related business continuity and disaster recovery processes to ensure expeditious switch-overs between primary and back-up sites whenever necessary;

10. install additional network connection (back-up local national interface) towards the Central SIS;

11. compile a consolidated SIS Security Plan;

12. improve the SIS alert validity review mechanism, in particular, establish a follow-up mechanism in cases where the case officer is absent for shorter periods such as leave or other duties;

13. consider expediting the entry of SIS alerts in relation to all missing minors and adults irrespectively from whether they are habitual absentees;

14. consider expediting the entry of SIS alerts in relation to all stolen, lost or misappropriated vehicles;

15. enhance the automated features of SIRENE i-SPOC case management system/application especially as regards the checking of data contained in incoming SIRENE forms against the national databases, the handling of dossiers and compilation of outgoing forms/replies as well as the inclusion of SIRENE Croatia's mailbox address amongst the list of the 'send to all' functionality;

16. ensure that the SIRENE i-SPOC case management system/application displays an error message informing the end-user about the outage when the application does not respond;

17. introduce harmonised SIS hit reporting forms and consider implementing automated hit reporting to the SIRENE Bureau directly from the applications;

18. provide further training on SIS to the front desk operators of the Single Point of Contact in particular on the action to be taken *'contact SIRENE immediately',* invalidated document alerts, 'suspicion of clone' in the vehicle alert and cases of misused identity;

19. implement a linking functionality available to all end-users when creating alerts and increase awareness about their use; consider drafting end-user guidelines explaining the procedures related to the linking of SIS alerts;

20. provide end-users with further training on SIS, especially practical training related to search applications, including training on the querying of industrial equipment, handling cases of misused identity and training on the action to be taken *'contact SIRENE immediately'*;

21. ensure that adequate transliteration tools are made available to end-users;

22. consider integrating the use (entry of alerts and querying) of the SIS in the relevant Estonian Customs processes and procedures requiring checks on physical persons or SIS relevant objects;

23. consider providing for possibility to perform integrated query to SIS via the Customs' application;

24. enhance further the SIRENE i-SPOC case management system/application by highlighting the misused identity marker;

25. enhance the relevant application by highlighting the misused identity marker, highlighting and rendering more distinguishable the action to be taken *'contact SIRENE immediately'* and displaying clearly the warning markers in the first screen;

26. perfect the relevant application by displaying clearly the warning markers on the first screen, displaying clearly the misused identity and distinguishing clearly the subject's data from that of the misused identity victim, highlighting and rendering more distinguishable the action to be taken *'contact SIRENE immediately'*, displaying the type of offence in the first tab and ensuring that it allows combined queries on persons and documents;

27. improve the relevant application by highlighting and rendering more distinguishable the action to be taken '*contact SIRENE immediately'*;

28. restructure the displays of the relevant applications by displaying clearly the aliases, multiple alerts on the same person, emphasising the information concerning the action to be taken and distinguishing clearly the subject's data from that of the misused identity victim, highlighting and rendering more distinguishable the action to be taken *'contact SIRENE immediately'*.

Done at Brussels,

For the Council
The President