**Council of the
European Union**

Brussels, 21 January 2020
(OR. en)

5428/20

Interinstitutional File:
2019/0266(NLE)

**SCH-EVAL 7
SIRIS 8
COMIX 25**

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
On:	21 January 2020
To:	Delegations
No. prev. doc.:	15252/19
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2019 evaluation of **Poland** on the application of the Schengen acquis 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 2019 evaluation of Poland on the application of the Schengen acquis in the field of the Schengen Information System, adopted by the Council at its meeting held on 21 January 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 2019 evaluation of Poland 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 Schengen[1], 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 Poland remedial actions to address deficiencies identified during the Schengen evaluation in the field of the Schengen Information System (SIS) carried out in 2019. 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) 6100.

(2)   The onsite team considered the data quality reporting tool used to detect alerts with data quality issues, the communication tool enabling the immediate mirroring of information from the first-line at second-line border control level, the structured reporting form used by first-line border control officers, the automatic reporting of all hits on SIS alerts to the border guard officer at the SIRENE Bureau via the border control application and the extensive use of mobile devices for checks in national databases and SIS as best practices.

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

(3)   Poland has yet to fully implement all the recommendations from the previous evaluation report (document No 15108/15 [SCH-EVAL 58, SIRIS 95, COMIX 671], dated 7 December 2015). In light of the importance of complying with the Schengen acquis, in particular the obligation to display all information included in the alerts, to align search requirements in national systems and SIS, to attach photographs and fingerprints to SIS alerts whenever available and to delete the personal data kept in files by SIRENE Bureau at the latest one year after the related alert has been deleted, priority should be given to implementing recommendations 1 to7.

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

Poland should

(1)   introduce procedures or implement technical tools ensuring that the users at the Office of Foreigners attach fingerprints to SIS alerts when they are available in accordance with Article 20 read in a conjunction with Article 23(2) of Regulation (EC) No 1987/2006[1] and of Council Decision 2007/533/JHA[2];

(2)   introduce procedures ensuring that available photographs and fingerprints are attached to Article 34 alerts 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;

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[1]   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).
[2]   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).

(3)   enable end-users to carry out queries in the SWD and the SPP applications (used by the police officers in Poland to access the SIS) entering only the surname of the subject in line with article 9(1) of Regulation (EC) No 1987/2006 and Decision 2007/533/JHA and the protocols and technical procedures established to ensure the compatibility of N-SIS II;

(4)   establish a procedure or technical tool within the Polish SIRENE Bureau for the systematic deletion of supplementary information at the latest one year after the deletion of the relevant alert, in accordance with the provisions of Article 38 of Regulation (EC) No 1987/2006 and Article 53 of Council Decision 2007/533/JHA;

(5)   display any photographs attached to SIS alerts to the users of the Pobyt 2 application (used by the Office for Foreigners for consulting the SIS alerts) in accordance with Article 3 (a) and 3(c) of Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA;

(6)   display the document details of the victim of the misused identity cases in the mobile SPP application, in accordance with Article 3(a) and 3 (c) of Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA;

(7)   display the document details of the victim of the misused identity cases in the SWD application used by the Police, in accordance with Article 3(a) and 3(c) of Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA;

(8)   re-assess the access to SIS data of the large number of authorities having access in Poland, considering their tasks and that some of them did not carry out any searches in the SIS in recent years;

(9)   facilitate the linking of Article 26 alerts for arrest for surrender and Article 34 alerts on persons sought to assist with judicial procedures;

(10)   automate and facilitate the exchange of the national hit forms for reporting SIS hits already available to all police end-users; Poland should assess the continued need for the printing out and signing of these forms by superior (duty) officers before sending them to the SIRENE Bureau;

(11) ensure that the picture in the SPP, the SWD and mobile SPP applications is displayed in a way which permits the end-user to identify the person who is a subject to the alert;

(12) ensure that the end-users can access the linked alert directly via a hyperlink without the need to copy the information and to carry out another search in order to retrieve the linked alert;

(13) render the SPP and the SWD applications more user-friendly, by better aligning the displays for these two main systems and by improving further the navigability of the data displayed in these systems, to make it easier for the end-user to acquire the essential information of the alert;

(14) reduce the response time of the SWD application;

(15) indicate the availability of the European Arrest Warrant and fingerprints in the SWD application used by the Police;

(16) display the 'warning markers' in the SWD application in the first window amongst the hit list information;

(17) implement the 'any number' search option in the SPP application and free end-users from the need of defining and selecting the object search category each time they perform a query;

(18) allow end users to query the Vehicle Identification Number (VIN) with any available number of digits via the mobile SPP application;

(19) reduce the back-log of cases at the SIRENE Bureau;

(20) grant Customs officers at the border crossing points direct access to the SIS;

(21) organise further training for Customs officers on SIS related processes;

(22) organise further training for border guards on the linking functionality in SIS;

(23) consider connecting the Automated Number Plate Recognition System (ANPR) to the SIS;

(24) upgrade any remaining outdated operating systems installed in workstations at the police stations;

(25) update the N.SIS business continuity plan;

(26) ensure that all identities included in the alert are displayed in the SWD and the SPP applications.

Done at Brussels,

For the Council
The President

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