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**SCH-EVAL 15
SIRIS 16
COMIX 43**

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

On: 28 January 2019

To: Delegations

No. prev. doc.: 5289/19 R-UE

Subject: Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2018 evaluation of **Latvia** 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 2018 evaluation of Latvia on the application of the Schengen *acquis* in the field of the Schengen Information System, adopted by the Council at its meeting held on 28 January 2019.

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 2018 evaluation of Latvia 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 Latvia 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(2018) 6720.

¹ OJ L 295, 6.11.2013, p. 27.

- (2) The implementation of the SIS AFIS search functionality and an integration of the SIS AFIS with the national Biometric Data Processing System; the user-friendly features of the REIS application such as the hit reporting and communication tool between first and second line border officers and the display of warning markers; as well as the automatic attachment of photographs to national alerts from the national register and their transfer to SIS alerts are considered as best practice.
- (3) In light of the importance to comply with the Schengen acquis, in particular the obligation to display all information included in the alerts, to integrate SIS search into the applications used for queries, to attach photographs and fingerprints whenever available, to ensure full compliance with security requirements, to provide end-users adequate training priority should be given to implementing recommendations 1-11 and 32-36.
- (4) This Decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, Latvia 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 Latvia should

1. establish a technical tool or a clear procedure ensuring that photographs and fingerprints are entered in all cases whenever available in accordance with Article 20 read in a conjunction with Article 23(2) of Regulation 1987/2006 and of Council Decision 2007/533/JHA;
2. render the IIS and the MobApp applications compliant with the security requirements listed under Article 10 of the Regulation 1987/2006 and Council Decision 2007/533/JHA;

3. further develop the general search option in IIS to enable it to query SIS with all passport numbers;
4. ensure that the SIS is systematically queried by end-users by providing for an integrated SIS search in the IIS Forms application;
5. further develop the specific functionality of the REIS application to display all relevant available information in accordance with the particular findings provided in the report for the 2018 evaluation of Latvia on the application of the Schengen acquis in the field of the Schengen Information System;
6. further develop the REIS application to indicate if the action to be taken in case of Article 36 alert is a discreet or a specific check;
7. further develop the REIS application to list all available alerts in the first window;
8. further develop the REIS application to display in cases of misused identity both the photograph of the victim and the perpetrator if available, with clear indication of these latter categories;
9. further develop the specific query functionality of the REIS application in accordance with the particular findings provided in the report for the 2018 evaluation of Latvia on the application of the Schengen acquis in the field of the Schengen Information System;
10. further develop the MobApp application to display all alerts on the same person and to display the 'type of offence';
11. establish a procedure for systematic self-auditing for monitoring the log files and a central tool for log analysis;
12. review the alert creation rules and enable the IIS Forms application to create a SIS alert by default with a possibility to implement the proportionality clause;

13. further develop the SIRENE workflow system to increase automation, user-friendliness and to replace paper filing;
14. further develop the SIRENE workflow system to display immediately if binary data was attached to the national alert sent for validation;
15. further develop the SIRENE workflow system to substantially reduce response time when creating alerts;
16. further develop the SIRENE workflow system to include a comprehensive audit and logging functionality;
17. ensure that the number of SIRENE operators corresponds to the tasks assigned to the SIRENE Bureaux;
18. increase the possibilities of language training for SIRENE operators;
19. ensure the effective validation and issuing of SIS alerts outside the office hours, in particular for issuing Article 32 alerts on missing persons and Article 36(3) alerts;
20. implement a linking functionality available to all end-users when creating alerts and provide training on linking alerts;
21. implement direct access to SIS for customs officers;
22. implement a tool for automated collection of statistical data including a function to provide statistics related to the geographical area or the use of the system by SIS end-user authorities;

23. further develop the display of the search results in the IIS application, in particular to clarify the priority of SIS alerts over Interpol alerts for end-users, to display the full action to be taken immediately, to render photographs easily accessible and to highlight action to be taken 'contact SIRENE immediately';
24. improve the user-friendliness of the query functions of the IIS application by increasing the visibility and accessibility of different search options ('fuzzy', 'partial' and 'any name ') within in the general search option;
25. integrate licence plate and vehicles searches in the IIS application;
26. implement the multi-category (person and document) search in the IIS application;
27. improve electronic logging in the IIS application to cover all logging requirements in order to discontinue all paper logs;
28. improve the display of the misused identity cases in the IIS application by clearly marking the victim and the perpetrator;
29. improve the display of results in the REIS application with a clearer structure to differentiate between multiple hits and to clearly indicate the priority of hits on Article 26 alerts;
30. further develop the MobApp application to highlight action to be taken 'contact SIRENE immediately', to display warning markers also in the first screen with the list of the hits and by integrating a transliteration table in the application;
31. make the hit reporting forms available in the end-user applications and consider implementing automated hit reporting to the SIRENE Bureau directly from the applications;

32. provide regular follow-up training on SIS to all end-users;
33. establish an efficient failover system to ensure business continuity of SIS;
34. ensure the proper back-up of N.SIS data;
35. establish a formal escalation procedure in case of an N.SIS incident including the availability of technical personnel at all times;
36. improve the physical security of one site and securely place the TESTA-ng racks.

Done at Brussels,

For the Council

The President
