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From:	General Secretariat of the Council
On:	13 July 2021
To:	Delegations
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Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2020 evaluation of **Austria** 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 Austria on the application of the Schengen acquis in the field of the Schengen Information System, adopted by the Council at its meeting held on 13 July 2021.

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 Austria 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[1], and in particular Article 15(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) A Schengen evaluation in the field of the Schengen Information System (SIS) was carried out in respect of Austria in October 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(2021) 1900.

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

(2) The on-site team considered the management of two different versions of the Interface Control Document and the high-level of availability ensured by the active-active setup of the National Schengen Information System; the successful full data consistency checks without discrepancies; the implementation and integration of the SIS Automated Fingerprint Recognition System at national level; the highly detailed statistics on the use of the Schengen Information System generated by the SIRENE Bureau (Supplementary Information Request at the National Entries); the extent range of functionalities and automation of the workflow system of the SIRENE Bureau; the automatic notification on alerts where immediate action is required; the automatic quality control check of the police logging system during the creation of alerts; the Austrian 'any-number search' functionality in the police application used in the workstations; the complete distribution of service mobile phones equipped to query the Schengen Information System to all police officers; and the possibility to transfer an alert from the mobile phone to the personal folder in the police intranet, as best practices.

(3) Recommendations should be made on remedial actions to be taken by Austria in order to address deficiencies identified as part of evaluation. In light of the importance of complying with the Schengen *acquis*, in particular the obligation to retain alerts only for the time required to achieve the purposes for which they were entered; to display all information included in the alerts; and to check whether the vehicles that are presented to the vehicle registration authorities for registration have been stolen, misappropriated or lost, priority should be given to implementing recommendations 6, 19 and 23.

(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, Austria should, pursuant to Article 16(1) of Regulation (EU) No 1053/2013, establish an action plan setting out the measures intended to implement the recommendations issued and to provide that action plan to the Commission and the Council.

RECOMMENDS:

that Austria should

National Schengen Information System (N.SIS)

1. grant access of the Service Manager 9 ticketing system (SM9) to the National Schengen Information System (N.SIS) Service Desk to inform on incidents to eu-LISA Service Desk;

2. adopt and implement a national security plan as required by Article 10 of Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA;

Supplementary Information Request at the National Entries (SIRENE)

3. consider establishing a single phone number served by several phones and operators to facilitate end-users' contact with the SIRENE officers;

4. increase the number of staff at the SIRENE Bureau in view of the ever increasing workload and responsibilities to ensure the effective exchange of supplementary information in accordance with Article 7 of Regulation (EC) 1987/2006 and Decision 2007/533/JHA;

Creation of SIS alerts

5. ensure that alerts on persons sought to assist with a judicial procedure (Article 34 of Council Decision 2007/533/JHA) are not issued for persons for whom a SIS alert for arrest for surrender or extradition (Article 26 of the Council Decision 2007/533/JHA) could be issued;

Deletion of SIS alerts

6. ensure that alerts for persons sought for judicial procedures are only retained for the time required to achieve the purpose for which they were entered (communication of the place of residence or domicile), and only keep them for longer if a comprehensive individual assessment proves that their keeping is necessary for that purpose, in accordance with Article 44(1) and Article 44(4) of Decisions 2007/533/JHA;

National applications used for SIS queries

7. ensure that all SIS-query applications prioritise the displaying of SIS alerts over Interpol alerts;

8. ensure that individual warning markers are displayed for their corresponding individual alert in the list of possible hits in all SIS-query applications;

9. ensure that in all police query applications 'SIS search' is set as default and that alerts on persons and alerts on documents can be simultaneously performed in a single search using only the personal data;

10. integrate the hit forms used by the police to report hits on SIS alerts in the police SIS-query applications;

Police application used in the workstations

11. improve the user-friendliness of the police application used in the workstations, in particular, by ensuring that it displays the links and the information of the misused identity; and making the information in the links more evident for the end-users;

12. ensure that when querying the police application used in the workstations without the main identity of the person in the alert, the corresponding alert in the list of possible hits clearly indicates its connection to the information queried;

13. ensure that when a linked alert is opened through the hyperlink in the police application used in the workstations, the alert displays the available pictures;

14. ensure the retrieval of an alert without entering the date of birth of the person when querying the Schengen Information System in the police application used in the workstations;

Mobile police query application

15. highlight the presence of information about misused identity in the alerts, differentiate the way this information is displayed to distinguish it from the information related to the main identity and display the picture of the victim of misused identity immediately in the alert in the mobile police query application;

16. ensure that the police application used in the mobile phones displays the links between SIS alerts in accordance with Article 9(2) of Regulation (EC) 1987/2006 and Decision 2007/533/JHA;

Border control application

17. further develop the border police application to make it user-friendly, in particular, by highlighting links, warning markers and the information on misused identity;

18. ensure better availability of the Schengen Information System in the border police application used in the first-line border controls at the airports by solving the connectivity problems and increasing the speed of the application;

19. ensure that the border police application displays the photographs of the alert in accordance with Article 9(2) of the Regulation (EC) 1987/2006 and of Council Decision 2007/533/JHA read in conjunction with Article 3(a) and 3(c) of Regulation (EC) 1987/2006;

Automatic Number-Plate Recognition (ANPR) system

20. consider re-connecting the Automatic Number-Plate Recognition system used in Austria to the Schengen Information System;

Training

21. ensure that the end-users receive specific training on SIS-related procedures, in particular police officers on the use of the SIS-query applications, the use of links, the need of prioritising SIS alerts and the need to query of alerts on documents when querying alerts on persons; and border police on discreet check procedures and on the meaning of the misused identity information in the alerts;

Customs

22. consider better integrating the Schengen Information System in the customs control processes in accordance with Article 40 (1) b of Council Decision 2007/533/JHA, while providing adequate information and training on the Schengen Information System for custom officers, to ensure that the Schengen Information System is systematically checked especially as regards of containers and other objects;

Vehicle registration authorities

23. ensure that vehicles are checked in SIS before being registered in Austria, in accordance with Article 1 of the Regulation (EC) No 1986/2006.

Done at Brussels,

For the Council
The President