Council of the European Union

Brussels, 14 June 2024
(OR. en)

11237/24

Interinstitutional File: 2024/0105(NLE)

SCH-EVAL 86
SIRIS 36
COMIX 289

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	10360/24
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2023 evaluation of Cyprus on fulfilling the conditions necessary for 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 2023 evaluation of Cyprus on fulfilling the conditions necessary for the application of the Schengen acquis in the field of the Schengen Information System, adopted by the Council at its meeting held on 13 June 2024.

In line with Article 23(2) of Council Regulation (EU) 2022/922 of 9 June 2022, this Recommendation will be forwarded to the European Parliament and to the national Parliaments.

ANNEX

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2023 evaluation of Cyprus on fulfilling the conditions necessary for 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) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing Regulation (EU) No 1053/2013, and in particular Article 23(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) In accordance with Article 4(2), the Commission organised a first-time evaluation of Cyprus on fulfilling the conditions necessary for the application of the Schengen *acquis* in the field of the Schengen Information System, between 2 and 6 October 2023. Following the evaluation, a report containing the findings and assessments, listing best practices, areas of improvements and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2024) 700.

(2) Best practices were identified during the visit, in particular the establishment of a state-of-the-art training centre within the SIRENE Bureau premises, and the creation of a full set of Manuals regarding workflows and procedures for all national authorities having access to the Schengen Information System. These initiatives have a positive impact on the use and awareness of the Schengen Information System.

(3) Recommendations should be made on remedial actions to be taken by Cyprus in order to address deficiencies identified and areas of improvement as part of the evaluation. In light of the importance of complying with the Schengen *acquis*, priority should be given to implementing recommendations 4, 7, 9, 10 and 18, concerning the necessary additional human resources to SIRENE Bureau; the legal possibility in the national legislation to enter the alerts on children at risk of abduction by a parent, a family member or a guardian, who need to be prevented from travelling; the adoption of the necessary technical changes to ensure that the end users receive the data required to perform their tasks, and where necessary, all the available data allowing for the identification of the data subject; the possibility to check in SIS all categories of objects by integrating their search in the CPCS application; the establishment of a process to attach fingerprints to return decisions, when available in the forensic fingerprint database.

(4) This Decision should be transmitted to the European Parliament and to the national parliaments of the Member States.

(5) Within two months of the adoption of this Decision, Cyprus should, pursuant to Article 23(3) in conjunction with Article 21(1) of Council Regulation (EU) 2022/922, establish an action plan to implement all the recommendations. Cyprus should provide that action plan to the Commission and the Council. Cyprus should report to the Commission and the Council on the implementation of its action plan every 6 months from the date of notice of receipt of the review of the action plan. The Commission should organise a verification visit before the closure of the action plan.

RECOMMENDS

Cyprus should:

Physical security of the data centres, access management and business continuity plan

1. ensure the installation of a fire suppression system in the rooms containing the N.SIS servers and equipment for communication with the Central System at both sites and ensure, at the minimum, the availability of a handheld CO2 extinguisher at the backup site;

2. ensure the availability of the Security and Business continuity plans to additional authorized staff in case of emergency;

SIS Automated Fingerprint Identification System (AFIS)

3. implement a technical solution to enable the software used for the live scanners to directly perform searches in the SIS;

SIRENE Bureau

4. provide the necessary additional human resources to SIRENE Bureau to ensure the timely and effective exchange of supplementary information;

5. ensure that the Case Management System displays the urgency of the SIRENE incoming forms;

Alert management

6. ensure direct access of the SIRENE officers to the fingerprints in the national forensic database;

7. implement the legal possibility to enter the alerts on children at risk of abduction by a parent, a family member or a guardian, who need to be prevented from travelling;

Access to SIS

8. ensure that technical changes are implemented in the N.SIS to find when querying Vehicle registration certificates alerts in SIS in accordance with Article 9 (2) of Regulation (EU) 2018/1861, Article 9 (2) of Regulation (EU) 2018/1862 and, as applicable to alerts on return, Article 19 of Regulation (EU) 2018/1860;

9. adopt the necessary technical changes to ensure that the end users receive the data required to perform their tasks, and where necessary, all the available data allowing for the identification of the data subject and for the requested action to be taken, as provided for in Article 9 (3) of Regulation (EU) 2018/1861 and Article 9 (3) of Regulation (EU) 2018/1862;

10. ensure that all categories of objects (other than vehicles, license plates and issued documents) can be checked in SIS via the CPCS, as well, by integrating a single search functionality in the CPCS;

11. ensure that warning markers are properly displayed in the initial list of possible hits;

12. ensure that in case of several identities in an alert, the confirmed identity is displayed at the top of the list;

N.SIS application

13. ensure that a query for issued documents is able to provide hits on alerts for persons containing corresponding document numbers in accordance with Article 9(2) of Regulations (EU) 2018/1862 and 2018/1861 and, as applicable to alerts on return, Article 19 of Regulation (EU) 2018/1860;

14. ensure that the display of information in the SIS alert (photographs, ID documents, personal identification numbers) is more user friendly and allows for an immediate identification of the subject of the alert;

15. consider reducing the number of numeric search fields and should implement "any-number" or "cross-field search" functionality that would produce hits even if the end user has entered the information in the wrong field;

Cyprus Police Computerisation System (CPCS)

16. implement the necessary technical solutions to carry out searches on blank and issued documents simultaneously;

Civil Registry and Migration Department (CRMD)

17. ensure that all available data is inserted in the alert in accordance with Article 4(2) of Regulation (EU) 2018/1860;

18. establish a process to attach fingerprints to return decisions, when available in the forensic fingerprint database, in accordance with Article 4(2) of Regulation 2018/1860;

19. ensure the timely insertion of return decisions by appointing additional resources to CRMD and introducing automated processes connected to the creation of SIS alerts on return;

CPCS used by Alien and Immigration Unit

20. ensure that the hits on discreet check alerts at the Border Xpress Kiosks and at the first-line border control booths at Larnaca International Airport are handled by the Cypriot competent authorities in compliance with Article 37(3) of Regulation (EU) 2018/1862 and Annex I to Implementing Decision C(2021) 92 as to not jeopardize the discreet nature of the checks and to not make in any way the subject of the alert aware of the existence of the alert;

21. ensure that the SIS-data on the screens of the first line border control officers at Larnaca Airport is not visible to unauthorized parties;

22. ensure that the "Schengen System Results" tab is displayed after the "STOPLIST RESULTS" tab and before the "Find" tabs in the CPCS used for the purposes of border checks;

Training

23. ensure continuous training to all the authorities with access to the SIS, in particular on the new functionalities of the renewed SIS (i.e. object extensions, links, inquiry checks, preventive alerts on minors, misused identity, SIS AFIS, etc.), SIS alerts management, and SIRENE procedures.

Done at Brussels,

For the Council
The President