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From:	General Secretariat of the Council
On:	21 September 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 **Liechtenstein** 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 Liechtenstein 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 September 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 Liechtenstein 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 was carried out in respect of Liechtenstein in November 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)1841.

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

(2) The on-site team considered the backward check on all Liechtenstein registered cars (as one-off remedy to the shortcomings identified in the previous Schengen evaluation cycle); the automatic check of all incoming messages against the national database, providing also 'hot-hits' (by identifying key words), in the upgraded SIRENE workflow system; the automatic check of SIS alerts on documents checked by the migration authorities; and the automated creation of the forms requesting to flag an alert in the SIRENE workflow system, as best practices.

(3) Recommendations should be made on remedial actions to be taken by Liechtenstein in order to address deficiencies identified as part of the evaluation. In light of the importance of complying with the Schengen *acquis*, in particular the obligation to access the SIS data for the sole purpose of checking whether vehicles presented to them for registration have been stolen, misappropriated, or lost or are sought as evidence in criminal proceedings, priority should be given to implementing recommendation number 10.

(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, Liechtenstein 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 Liechtenstein should

National Schengen Information System (N.SIS)

1. ensure the continuity of operations of the national system (N.SIS) by automating the process to activate the back-up server, enhancing the systems monitoring and moving the server back-up of the national system (N.SIS) to a separate building;

2. establish a second turn-key access point (TAP) as required by Article 4(1) of Regulation (EU) No 2018/1861[2];

3. collect statistics on the availability of the national system (N.SIS) to help ensuring the uninterrupted availability of SIS data to end-users, as required by Article 6 of Regulation (EU) No 2018/1861;

4. prevent the use of non-encrypted USB sticks in the desktop computers of the National Police;

5. adopt and implement a business continuity plan;

National applications

6. highlight the 'warning markers' in case of a hit in the Schengen Information System both in the SIRENE workflow system and in the police application, and highlight 'immediate action' in case of a hit on the second screen of the police application;

7. ensure that links between SIS alerts are clearly visible for the end-users and that 'fuzzy' and 'any name' searches are available for querying the Schengen Information System in the police application;

8. ensure that checks using the information of the misused identity retrieve the corresponding SIS alert;

9. enhance the application used by the vehicle registration authorities to enable queries using the vehicle registration document;

[2] Regulation (EU) No 1861/2018 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006 (OJ L 312, 7.12.2018, p. 14–55).

10. ensure that the staff working at the National Road Office have access to data entered into the Schengen Information System for the sole purpose of checking whether vehicles presented to them for registration have been stolen, misappropriated or lost, or are sought as evidence in criminal proceedings in accordance with Article 1(1) of Regulation (EC) No 1986/2006[3].

Done at Brussels,

For the Council
The President

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[3] Regulation (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates (OJ L 381, 28.12.2006, p. 1–3).