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From:	General Secretariat of the Council
On:	20 October 2020
To:	Delegations
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Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2019 evaluation of **Slovakia** 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 2019 evaluation of Slovakia on the application of the Schengen acquis in the field of the Schengen Information System, adopted by written procedure on 20 October 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 Slovakia 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 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The purpose of this Decision is to recommend to Slovakia remedial actions to address the deficiencies identified during the Schengen evaluation in the field of the Schengen Information System 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(2020)2001.

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

(2) The on-site team considered the availability of national hit reporting forms in most of the query applications that are sent electronically from the application directly to the SIRENE Bureau and are tailored for different categories of alerts; the wide range of useful features for the end-users available in the case management system; the automatic check of new foreign alert on a vehicle in the Schengen Information System (SIS) against the Slovak national systems; and the possibility of displaying a virtual transliteration keyboard in the police application, as best practices.

(3) In light of the importance of complying with the Schengen *acquis*, in particular the obligation to implement the relevant search possibilities in all search applications, to only enter in SIS one alert per Member State for any one person, to always attach fingerprints to SIS alerts when available, to issue each type of alert according to their specific objectives and conditions, and to display all information included in the alerts, priority should be given to implementing recommendations 2, 7, 8, 9, 11, 12 and 13.

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

National Schengen Information System (N.SIS)

1. ensure that the responsibilities of a technical single point of contact for the communication with eu-LISA are properly covered by N.SIS operators;

SIRENE Bureau

2. ensure that 'fuzzy' and 'any number' search options are available for querying SIS in the SIRENE case management system and query tool in accordance with Article 9(2) of Decision 2007/533/JHA[1] and Regulation (EC) 1987/2006[2];

3. foresee the possibility for end-users themselves to create links between SIS alerts;

4. ensure that the display of the description of the data relating to a person whose identity is misused in the SIRENE case management system and query tool is precise and understandable for the end-users;

5. highlight the 'misused identity' marker in case of a hit in the SIRENE case management system and query tool;

6. ensure that the procedure to open multiple photographs in case of a hit on SIS alerts in the SIRENE case management system and query tool is simple and user-friendly;

Creation of SIS alerts

7. ensure that only one alert per Member State is entered in SIS for any one person in accordance with Article 3(a) of Regulation (EC) 1987/2006 read in a conjunction with Article 20(2)(a), and also in line with the Section 2.2 of the SIRENE Manual[3];

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1 Council Decision 2007/533/JHA of 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).

2 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).

3 Commission implementing Decision (EU) 201/1528 of 31 August 2017 replacing the Annex to Implementing Decision 2013/115/EU on the SIRENE Manual and other implementing measures for the second generation Schengen Information System (SIS II) (OJ L 231, 7.9.2017, p. 6–51).

8. ensure that fingerprints are always attached to SIS alerts when available in accordance with Article 20 of Regulation (EC) 1987/2006 and Decision 2007/533/JHA read in a conjunction with Article 23(2);

9. ensure that alerts on persons sought to assist with a judicial procedure (Article 34 of Council Decision 2007/533/JHA) are not systematically issued on persons that are wanted for arrest at national level for serious crimes falling within the scope of the European Arrest Warrant Framework Decision, instead of issuing an SIS alert for arrest (Article 26 of the Council Decision 2007/533/JHA);

10. ensure that a proper procedure is established for the end-users to enter aliases in alerts on missing persons, alerts on persons sought to assist with a judicial procedure and alerts on persons or objects for discreet or specific check;

Applications

11. ensure that the police application can retrieve alerts on persons without entering 'first name', the month of 'date of birth' or the day of 'date of birth' when querying SIS in accordance with Article 9(2) of Regulation (EC) 1987/2006 and Council Decision 2007/533/JHA;

12. ensure that the mobile devices used to query SIS provide end-users all mandatory data in case of a hit in accordance with Article 3(1)(a) of Council Decision 2007/533/JHA and Article 3(a) and Article 9(2) of Regulation (EC) 1987/2006 read in conjunction with Article 46(2);

13. ensure that the application used to query SIS in patrol cars displays links between alerts in accordance with Article 9(2) of the Regulation (EC) 1987/2006 and of Council Decision 2007/533/JHA;

14. ensure that the wording used to indicate the presence of linked SIS alerts in the search applications is precise and understandable for end-users;

15. enable the different search possibilities of the police application to all the end-users querying SIS via this application;

16. ensure that the police application displays all warning markers of the alert in the first screen in case of a hit, and in the second screen warning markers are clearly visible;

17. reassess which information is highlighted in the police application in case of a hit to avoid that essential information is easily overlooked by the end-users;

18. ensure that industrial equipment can be searched in the application which used to query SIS in patrol cars using all possible identification numbers allowed to be entered by the SIS II Data Dictionary for alerts on industrial equipment;

ANPR

19. ensure that the number-plate recognition system also queries SIS when querying other databases;

Training

20. ensure that police officers receive specific training on the use of the 'any name' query possibility, the use of links and aliases, the meaning of the 'warning makers' and how to identify them in the national applications;

21. ensure that police officers are properly trained on the procedures to follow in case of a hit to avoid that they systematically call SIRENE Bureau regardless of the information displayed in the hit;

22. ensure that customs officers receive specific training on the purpose of SIS and the relevant SIS procedures;

Workstations

23. ensure that the operating system installed in the workstations used by the end-users to query SIS is up to date.

Done at Brussels,

For the Council
The President