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VISA 289
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NOTE

From:	Presidency
To:	JHA Counsellors / COSI Support Group Standing Committee on Operational Cooperation on Internal Security
No. prev. doc.:	9368/1/16 REV 1, 11954/16
Subject:	Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area: - State of play of the implementation of its Actions 17 to 40 (Chapter 3)

Introductory remarks

The Council at its meeting of 9-10 June 2016 endorsed the Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs (9368/1/16 REV 1). It aims to contribute to tackling migratory, terrorist and crime-related challenges by enhancing information exchange and information management by implementing specific, practical short- and medium-term actions and long-term orientations.

When endorsing the Roadmap, the Council also agreed that COSI will monitor the implementation of the Roadmap. It is the Presidency's intention to report on the progress of Chapter 3 on the detection of persons involved in terrorism to the Council in autumn.

State of play

The Presidency has prepared an overview of the progress made in relation to Actions 17-40 since the endorsement of the Roadmap, as set out in the Annex, based on the discussions in several Working Parties (TWP, SIS/SIRENE, DAPIX) as well as contributions by the Member States, the Commission Services and EU agencies (Europol¹, Eurojust, CEPOL, eu-LISA, Frontex).²

Actions 17, 18, 19, 20 and 22 are also being discussed within a group of Member States particularly affected by the phenomenon of foreign terrorist fighters (FTFs).

As regards several actions which mainly depend on the national practice and implementation, Member States are invited to indicate by 22 September 2016 whether the action has already been implemented or whether the implementation is underway and possibly indicate the foreseen timeline for the implementation of the action. Such contributions are expected in relation to the following actions:

- action 21 (making additional information on criminal records available to SIRENE Bureaux);
- action 23 (creation of a new type of action related to SIS alerts)³;
- action 26 (issuing SIS alerts for such third country nationals who are extremist speakers);
- action 27 (direct insertion of alerts in SIS by both law enforcement authorities and security services); and
- action 34 (creation of multidisciplinary platforms on the detection of travel movements at national level).

Further steps

In particular where the implementation of the actions is foreseen for 2016 and where the work should be undertaken by the Council fora, the following further immediate efforts seem to be necessary:

- action 17: agreement on indicative criteria for inserting terrorism related SIS alerts (to be followed by the implementation of action 18);

¹ See 11495/1/16 REV 1.

² SCIFA took note of the state of play of the implementation of Actions 41-50 regarding border management and migration (Chapter 4) at its meeting on 13 September 2016 (11954/16).

³ Contributions in relation to this action are expected by 30 September 2016, see 11088/16.

- action 22: common definition when ‘immediate reporting’ is required upon a hit as well as what action should be taken;
- action 35: sharing good practices on cooperation with third partners in relation to counterterrorism among MS and third country partners.

Delegations are invited to take note of this state of play as well as provide the requested information and further guidance if necessary, for example as regards prioritising certain Actions in the implementation of Chapter 3 of the Roadmap.

**ROADMAP TO ENHANCE INFORMATION EXCHANGE AND INFORMATION MANAGEMENT
INCLUDING INTEROPERABILITY SOLUTIONS IN THE JUSTICE AND HOME AFFAIRS AREA**

CHAPTER 3:

STRENGTHEN THE COLLECTION, CHECKING AND CONNECTION OF INFORMATION FOR THE DETECTION OF PERSONS INVOLVED IN TERRORISM AND TERRORISM RELATED ACTIVITY AND THEIR TRAVEL MOVEMENTS

Theme 1: Improving existing instruments – quantity, quality and timeliness

The delegates of the Working Party for Schengen Matters (SIS/SIRENE) at its meeting on 12 July 2016 discussed the actions falling within the scope of this Working Party - broadly speaking, actions 17 to 27 (see 10945/16). During this discussion Member States were invited to send written comments, which served as a basis for describing the state of play as regards the implementation of actions 17 to 27.

SIS

No.	Objective	Action	Primary Responsible Party/Parties	Stakeholders	Timetable	Implementation
17	Create a joint understanding of when a person should be entered in the SIS regarding terrorism and terrorism related activity	Agree on indicative criteria for inserting terrorism related SIS alerts	Member States, TWP, SIS VIS Committee	MS (SIRENE Bureau) eu-LISA	2016, ongoing	<p>A number of Member States (MS) recalled the Milan Conclusions of July 2016, which establish a list of criteria for inserting terrorism-related alerts with special focus on foreign terrorist fighters. MS further stated that these indicative criteria should be based on the Common Risk Indicators, which are reviewed and updated by DUMAS.</p> <p>Some MS recalled that their competent authorities must, despite the common indicative criteria, have full operational discretion to decide which persons alerts are issued for, when and how they are issued and which alert category is used.</p> <p>On the basis of a request by the Council in 2015, Frontex - in cooperation with Europol - prepared a booklet of the common risk indicators (CRI) for</p>

						<p>foreign terrorist fighters (FTFs) in January 2016 and updated it in June 2016. The purpose of the booklet is to serve as an aide memoire to the relevant MS and Schengen Associated Country border authorities and to officers deployed in Frontex forcoordinated operational activities at border crossing points (BCPs). Frontex provides joint briefings (with Europol) to Seconded Guest Officers (SGOs) that are being deployed to Frontex Joint Operations at BCPs. The agency also adapted operational plans in this regard to include the findings from the CRIs.</p>
18	<p>Ensure structural information to SIRENE Bureaux and SIS end users on persons involved of terrorism or terrorism related activity</p>	<p>Member States will create alerts once criteria are met (unless there are operational reasons not to)</p>	Member States	SIRENE Bureaux	2016, ongoing	<p>MS indicated that practice of which institution creates alerts varies as follows:</p> <ul style="list-style-type: none"> - such alerts in the SIS are created by national security or counter-terrorism departments, in cooperation with the SIRENE Bureau; - only the competent counter-terrorism units can ensure that structured information is provided. The SIRENEs only act as transmission channels for the information provided; - the insertion of alerts under Article 36.3 is performed manually by the SIRENE Bureau, at the request of the authorities responsible for national security. <p>There is a steady increase of alerts issued for discreet and specific check; to date there are about 86 000 such alerts in SIS out of which 9 500 are issued by the state security authorities.</p>

19	Ensure clear indication to SIRENE Bureaux and SIS end users that an alert concerns a person involved of terrorism or terrorism related activity	Use of marker ‘terrorism related activity’ where applicable	Member States	SIS VIS Committee, SIRENE Bureaux eu-LISA	2016, ongoing	<p>Many replies showed that the marker is currently being used when creating alerts in the SIS. Some MS supported the idea of making the type of offence marker mandatory for specific checks in the case of terrorism-related activity (except when it is impossible for legal or operational reasons), whilst others preferred it to remain optional. One MS recalled that it is essential to train end-users on how to use such markers and how to handle hits related to terrorism. This issue has also been discussed in the SIS VIS Committee. According to eu-LISA, an evolution to code table ST028_TYPEOFFOFFENCE done in 2015 is already technically supporting the possibility to use the marker “terrorism related activity”. Business-wise it needs to be addressed by SIRENE and SISVIS. As a recall, there is no change on that matter in the scope of next release (Nov-2016).</p>
20	Ensure sufficient quality of data in SIS, so that informed follow up actions can be taken	Minimum standards for data quality required by SIS should be respected by Member States	Member States, SIS/SIRENE, EC, SIS-VIS Committee	eu-LISA SIRENE Bureaux	2017, ongoing	<p>MS support efforts to increase data quality. On the other hand, minimum standards should not be an obstacle to issuing an alert. Not all information is always available, or it may not be possible to add information for operational reasons. If the party issuing the alert is obliged to fill in certain fields this may regrettably reduce the number of alerts issued. It is also possible that the compulsory additional information in the M form may also have an adverse effect on the number of intelligence-related Article 36(3) alerts issued by security and intelligence services. MS suggest that the development of a SIRENE form for use with terrorism-related SIS II alerts (other than Article 26 alerts) should be discussed further, possibly at a forthcoming Advanced SIRENE seminar. Another suggestion was that the DUMAS group could serve as a</p>

						<p>platform for these discussions. Relevant (SIS) experts from MS, COM and eu-LISA should be invited to these discussions.</p> <p>For the first HLEG subgroup of 20 July 2016, eu-LISA presented relevant statistics on data quality which highlighted areas in which data quality improvements may be necessary. Proposals for technical updates that could be implemented at central level were made. The proposals are being prioritised in collaboration with MS and Agencies' end-users in order to guide further concrete activities. Since 3 July 2016 eu-LISA also produces data quality reports concerning each MS which provides a clear indication about the alerts to be corrected.</p>
21	Ensure additional information on criminal records is available to SIRENE Bureaux and SIS end users	Insert additional information based on criminal records (national databases and ECRIS) with an alert	Member States, SIS VIS Committee	Eurojust, SIRENE Bureaux, EC	2016, ongoing	<p>Only one MS provided information that this procedure is already in place and that the SIRENE Bureau has full access to Criminal Records Register.</p> <p><i>MS are invited to indicate by 22 September 2016 whether they make additional information on criminal records available to SIRENE Bureaux and SIS end-users.</i></p>
22	Create a joint understanding on immediate reporting upon a hit in the SIS	Commonly define when 'immediate reporting' is required upon a hit as well as what action should be taken	TWP, SIS/SIRENE WG	SIRENE Bureaux Commission, eu-LISA	2016, ongoing	<p>Some MS consider that the services which are responsible for a case should inform the SIRENE Bureaux immediately of the reasons for the alert, in order for them to be available instantly if there is a hit.</p> <p>In addition, the criteria on when to insert an 'immediate action' should be commonly agreed. After that, in case of an immediate action, there should be a compulsory, commonly-defined procedure for reporting the immediate action: through its SIRENE National Unit which is to inform immediately the MS which inserted the alert and which is the owner of the information.</p> <p>Besides, in order to complete these actions correctly it is</p>

						<p>essential to train end-users.</p> <p>To perform an immediate reporting action requires considerable resources in MS, it is therefore considered advisable to use this action to persons representing high risk, such as returnees. On the other hand, some MS indicated that the definition of 'immediate reporting' should not be by default only in high-risk cases. For example, Article 36 action to be taken is very clear and mentioned in the related documents. Mandatory supplementary information according to the SIRENE manual should be always included in the M form indicating that the person is considered to be a foreign terrorist fighter.</p> <p>One MS has already put in place technical changes in the national databases, in order to highlight action to be taken for the Article 36(3) alerts, such as immediate reporting to the national SIRENE Bureau. Following a hit, the end-user should urgently contact the SIRENE Bureau and send the G form. In order to ensure harmonised use and understanding of 'immediate reporting', a procedure was disseminated at national level, specifying all cases in which this option should be used.</p> <p>There is an indication that this matter requires the input of the TWP or LEWP.</p>
23	Make possible that SIS alerts can call for preliminary and temporary holding or detention where sufficient national legal grounds are available	Create a new type of action	Commission (EC), SIS/SIRENE WG	Member States	2017-2018, ongoing (update SIS II Regulation and Decision)	The SK Presidency has put forward an initiative with specific questions to SIS/SIRENE WG (11088/16) aimed at identifying problems, possible solutions and modalities related to the use of Article 36 alerts and the creation of a new type of action facilitating preliminary and temporary holding or detention in the context of the fight against terrorism. MS were invited to provide their contributions by 30 September 2016.

24	Ensure that end users are equipped to conduct discreet and (where national legal ground are available) specific checks	Strengthen effective discreet and specific checks including through training the trainers	EC, Member States, CEPOL, eu-LISA	SIRENE Bureaux	2016 (start), ongoing	Some MS currently apply only discreet checks. According to the information provided by CEPOL , in 2016 a specialised course for SIRENE officers will be held, which covers handling the alerts of Article 36 of Council Decision on SIS II (discreet checks). MS should further discuss their end-user training needs and make proposals to CEPOL for the possible inclusion of specific events in the annual work programme. These aspects may also be included in any terrorism-related training provided by CEPOL.
25	Systematic feedback on hits or requests for immediate action to national SIRENE Bureaux and the issuer of an alert	Enable systematic reporting of a hit in SIS to the national SIRENE Bureaux of the Member State where the hit occurs as well as the Member State that issued the alert	SIS VIS Committee, EC, Europol, Member States	SIRENE Bureaux	2017, ongoing	One MS indicated that to secure immediate reporting, a 'link' between the end-user application and the SIRENE system will be implemented in Q1-2017. When an end-user has a hit with immediate reporting, the SIRENE will automatically be notified and can immediately initiate a follow-up by contacting the end-user (the 'Austrian solution'). Europol is improving its technical capabilities to enable a systematic cross-matching of SIS alerts against Europol data . A batch search mechanism is currently under development that is planned to be available by the end of 2016. The planned legal revision of the SIS framework should extend Europol's access rights to alerts on missing persons and on persons refused entry or stay in the Schengen territory and it should facilitate the systematic cross-matching of biographic and in the future – once AFIS for SISII is operational – biometric data against Europol systems. Europol could also support MS, if it is mandated to insert data received from third countries in the SIS, subject to data owners' consent. Moreover, Europol is willing to contribute to a business assessment for establishing a consistent procedure to ensure the most effective follow-up to SIS alerts, including by

						<p>systematically sharing relevant data with Europol and facilitating the exchange of all information related to hits via SIENA.</p> <p>According to eu-LISA, in early 2015, an evolution of SIS II alerts on persons for discreet and specific checks ensures that immediate action is taken towards the appropriate SIRENE bureaux.</p>
26	Ensure that information of extremist speakers, who are deemed to pose a threat to public order, is shared between Member States	Make optimal use of SIS, primarily through Article 24.3, and in accordance with national legislation, where appropriate issue alerts for third country nationals who are not present on the territory of MS	EC, co-legislators, follow-up Member States	Member States (e.g. SIRENE Bureaux)	2017, ongoing	<p>MS are invited to indicate by 22 September 2016 whether they issue alerts for such third country nationals.</p>
27	Ensure that both law enforcement authorities and security services can quickly enter alerts into the SIS	Where necessary, change national practice to ensure that both law enforcement authorities and security services can insert alerts in the SIS directly without interference of judicial authorities	Member States	Member States' SIRENE Bureaux TWP, SIS SIRENE	2016, ongoing	<p>Several MS indicated that they have national practice in line with this action, and the creation of Article 36 alerts does not require the intervention of the judicial authorities. Some MS indicated that this practice will increase the workload of the SIRENE Bureaux. In MS where no direct access is granted to the state security services to SIS, the police enters the alerts in SIS on their behalf. In most MS working arrangements are in place to ensure the effective use of SIS by the state security services.</p> <p>MS are invited to indicate by 22 September 2016 whether under their national practice both law enforcement authorities and security services can insert alerts in the SIS directly.</p>

Stolen and Lost Travel Documents database

No.	Objective	Action	Primary Responsible Party/Parties	Stakeholders	Timetable	<i>Implementation</i>
28	Allow checks against travel documents that have not yet been declared stolen, lost or invalidated	Insert documents associated to alerts on persons into the Interpol TDAWN when deemed necessary	Member States, third countries, Interpol	eu-LISA	2016, ongoing	Eu-LISA has submitted to COM a roadmap on the development of a single search interface (between eu-LISA, other EU and Interpol databases). It would allow insertion of information into systems as well as search against those systems. The roadmap will be presented at the next HLEG meeting on 20 September 2016.
29	Full connectivity to SLTD at external border crossings	Make the SLTD nationally available for automated and systematic checks	Member States	Interpol	2017, ongoing	Information from eu-LISA in relation to action 28 is also relevant here.

Europol

No.	Objective	Action	Primary Responsible Party/Parties	Stakeholders	Timetable	Implementation
30	Ensure that information on FTF is consistently and systematically uploaded to European systems and platforms, and synchronised where possible	Implement a consistent three-tier information sharing approach regarding FTF by making optimal and consistent use of SIS, the Europol Information System (EIS) and the relevant Focal Points at Europol	Member States, Europol	SIRENE Bureaux eu-LISA	2017, ongoing	Europol will continuously engage in assessing and promoting the opportunities of implementing a consistent three-tier information sharing approach regarding foreign terrorist fighters.
31	Ensure better use of existing secure channels for exchange of information regarding terrorism and terrorism related activity	A) Make better use of SIENA as a secure channel for the exchange of law enforcement information regarding terrorism and terrorism related activity, B) Consider introducing a 24/7 regime of work in order to improve the effectiveness of channels	Member States, Europol	TWP	A: 2016 B: 2017 (discussion) - onward (national implementation)	Europol will conclude the upgrading of SIENA to the confidentiality level of EU CONFIDENTIAL/UE CONFIDENTIEL by October 2016 , when the already deployed version is expected to be accredited formally. This will serve in particular the counter-terrorism units in the Member States. Europol is also working on the further extension of the SIENA web services.

Eurojust

No.	Objective	Action	Primary Responsible Party/Parties	Stakeholders	Timetable	<i>Implementation</i>
32	Ensure that Member States are informed on all prosecutions and convictions on terrorist offences in the EU	Transmit to Eurojust information on all prosecutions and convictions on terrorist offences	Member States, Eurojust	TWP	2016, ongoing	At the TWP meeting on 11 July 2016 , Eurojust briefed the delegates about counter-terrorism relevant elements of its activity (in line with the note on the feeding of databases 9201/16).
33	Ensure connection of Eurojust to the Focal Point Hydra at Europol	Connect Eurojust to the Focal Point Hydra at Europol	Eurojust, Europol	Member States	2016, 2017	According to Europol and Eurojust, the agreement to associate Eurojust to Focal Point HYDRA within the AWF Counter-terrorism was concluded in July 2016 .

Theme 2: Organise to protect: connect silos and expertise

No.	Objective	Action	Primary Responsible Party/Parties	Stakeholders	Timetable	Implementation
34	Nationally connect counterterrorism experts and other services involved in the detection of travel movements of persons involved in terrorism and terrorism related activity	At national level – if not existing -, it is advisable to create multidisciplinary platforms on the detection of travel movements of persons involved in terrorism and terrorism related activity	Member States		2016	<i>MS are invited to indicate by 22 September 2016 whether they have the multidisciplinary platforms on the detection of travel movements of persons involved in terrorism and terrorism related activity in place.</i>
35	Ensure that national good practices regarding cooperation with third countries on counterterrorism are shared between Member States	Share good practices on cooperation with third partners in relation to counterterrorism among MS and third country partners	Member States, TWP	EC	2017	TWP will hold a discussion on this during 2016.

36	Ensure common understanding between end users, regarding the detection of travel movements of persons involved in terrorism and terrorism related activity	Create joint and multidisciplinary training for CT, border and law enforcement experts in cooperation with existing expert groups such as SIS/SIRENE, regarding the detection of travel movements of persons involved in terrorism and terrorism related activity	Member States, CEPOL, Frontex	SIS/SIRENE, TWP, SIS VIS Committee	2017	According to information provided by CEPOL, it assessed training activities proposed for 2017 and SIS use has been included in the following activities mainly in the area of CT, migration and firearms: 2/2017: Organised crime facilitating illegal immigration; 3/2017: Combating facilitation of illegal immigration - EU external border policy; 5/2017: Hotspots – regional focus on migration; 28/2017: Firearms – Strategic aspects in law enforcement; 29/2017: Firearms – Cross-border investigations; 30/2017: Tackling firearms trafficking at the EU external borders; 33/2017: Identify and discover foreign fighters. CEPOL training is open for all law enforcement agencies.
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Theme 3: National detection capabilities by PIUs

At its meeting on 13 September 2016, DAPIX expressed the urge to reach a coordinated approach on these initiatives and, subsequently, to mention DAPIX in the Roadmap on Information Exchange as the monitoring WP for PIU issues.

No.	Objective	Action	Primary Responsible Party/Parties	Stakeholders	Timetable	Implementation
37	Ensure compatible national implementation of the PNR-directive in the Member States	Initiate operational PNR informal working group	Presidency, <u>DAPIX</u> , Member States and Commission	PIUs in Member States, Europol.	2016	The operational PNR informal working group has started its activities . Europol will contribute to the work of this group.
38	Use national practice of Member States in the construction of new PIUs	Offer technical assistance in construction of PIUs	Member States, <u>DAPIX</u>		2016	This will be organised via the operational PNR informal working group .
39	Agreement on how information is shared between PIUs and with third countries where possible	Ensure interoperability and share information on suspects and anomalous travel patterns and targeting rules	Member States, <u>DAPIX</u> , Commission /Europol,		2018	Europol is offering support to the EU level discussions regarding the interoperability of MS PIUs.
40	Make full use of Europol databases to support PIUs	Define Europol support of PIU practices, cooperation, and activities	Member States, <u>DAPIX</u> , Europol,	EC	2017	Europol will prepare a proposal on how it can support the national PIUs in the most effective way, including in relation to information sharing and development of targeting rules (both national and supra-national). Furthermore, Europol in partnership with eu-LISA will host a workshop in the 4th quarter of 2016 on the mapping and elaboration of workflows, processes and products in regard to PNR data exchange with a view to establishing a coherent and interoperable solution facilitating all parties involved.