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OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
On:	20 September 2019
To:	Delegations
No. prev. doc.:	11902/19 R-UE
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2018 evaluation of **Germany** on the application of the Schengen acquis in the field of the **Schengen Information System**

Delegations will find in the annex the Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2018 evaluation of Germany on the application of the Schengen *acquis* in the field of the Schengen Information System, adopted by the Council at its meeting held on 20 September 2019.

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 2018 evaluation of Germany 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 Germany remedial actions to address deficiencies identified during the unannounced Schengen evaluation in the field of the Schengen Information System (SIS) carried out in 2018. 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(2019) 2240.

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

(2) A standardised hit-reporting form which is available to all end-users in Germany; the automated import of the hit-reporting form in the SIRENE workflow application; the extensive roll-out of the SIS AFIS fingerprint search functionality; the automatic attachment of photographs and fingerprints to both the national and the SIS alerts at the time of the creation of the alert; functionality that makes it possible to save a copy of the passport used by the traveller passing through the Automated Border Control gates are considered as best practices.

(3) It is important to remedy each of the deficiencies identified. Therefore no indication of priority for implementation of the recommendations should be given.

(4) This Decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within six months of its adoption, Germany should, pursuant to Article 16(8) of Regulation (EU) No 1053/2013, provide the Commission with an assessment of the (possible) improvements and with a description of required actions,

RECOMMENDS:

that Germany should

1. further develop the INPOL/POLAS application used for queries in national databases and SIS and:

   – display the phone number of the SIRENE Bureau in the *'action to be taken'* field;

   – display the *person-related remarks* (warning markers) prominently in the first window of the application amongst the hit-list information;

   – display the photographs immediately on the screen;

   – display the cases of misused identity in more user-friendly way, indicating therein which picture relates to the wanted person;

2. consider installing vision-disruptive glass/film at the side-windows of the border control booths at the Hamburg Cruise Center 'Steinwerder' terminal in order to avoid SIS data from being seen by unauthorised parties;

3. make better use of the SIS in the processes and procedures of the Customs authorities in the Port of Hamburg whilst performing their customs related duties;

4. provide further training to the *Wasserschutzpolizei* performing border checks at the Port of Hamburg on the counterterrorism measures included in the SIS, in particular the action to be taken *'contact SIRENE immediately'*;

5. provide information or issue operational guidelines for the end-users on the recently introduced linking functionality between SIS alerts;

Done at Brussels,

For the Council
The President