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European Union

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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

On: 11 October 2018

To: Delegations

No. prev. doc.: 12503/18

Subject: Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of **Norway** 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 2017 evaluation of Norway on the application of the Schengen *acquis* in the field of the Schengen Information System, adopted by the Council at its meeting held on 11 October 2018.

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 2017 evaluation of Norway on the application of the Schengen acquis in the field of 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 Schengen¹, 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 Norway remedial actions to address deficiencies identified during the Schengen evaluation in the field of the Schengen Information System (SIS) carried out in 2017. 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(2018)2200.

¹ OJ L 295, 6.11.2013, p. 27.

- (2) The fact that the Norwegian N.SIS runs on two active sites guaranteeing a high level of availability for the end-users; the feature whereby the SIRENE² operators may add notes or comments against a case in the SIRENE case logging system; a comprehensive handbook, the 'Rulebook' covering internal procedures for handling SIS alerts which can be accessed directly from the SIRENE case handling application; the fact that operators can choose from appropriate sample text to assist them in speedily filling out the SIRENE forms; the fact that post-hit reporting forms and linked alerts can be opened directly from the alert itself in the ELYS II application and the hit reporting and the communication tool available at the first line border control are considered as best practice.
- (3) In light of the importance to comply with the Schengen acquis, in particular with the obligation for the vehicle registration authorities to have direct or indirect access to SIS in accordance with Article 1 of Regulation (EC) No 1986/2006³; to delete the supplementary information including the personal data held in files by the SIRENE Bureau at the latest one year after the alert itself is deleted; to ensure that a search in a national copy of the SIS produces a result equivalent to that of a search in the SIS II database and to fully implement the transliteration rules, priority should be given to implementing recommendations 1-4 below.
- (4) This Decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, Norway 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,

² SIRENE stands for Supplementary Information Request at the National Entries.

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).

RECOMMENDS:

that Norway should

1. implement Regulation (EC) No 1986/2006 by providing the vehicle registration authorities with direct or indirect access to SIS;
2. take the necessary measures to delete all the personal data held in files by the SIRENE Bureau as a result of information exchanged at the latest one year after the alert itself is deleted in accordance with Article 38(2) of the Regulation (EC) 1987/2006 and Article 53(2) of the Decision 2007/533/JHA;
3. further develop the ELYS II application to enable it to display the 'person related remarks' in the relevant field;
4. ensure, across all applications, that the transliteration table contains all possible characters that can be entered in SIS in accordance with the rules set out in Appendix 1 of the SIRENE Manual;
5. provide the end-users with the SIS-specific and regular follow-up training on SIS procedures, including more training on misused identity and newer SIS functionalities such as 'immediate reporting' action;
6. further develop the SIRENE workflow system to enable it to automatically reflect the urgency of the incoming form in field 311 of the form;
7. ensure that all unprocessed A forms contained in the SIRENE workflow system are cleared without further delay;
8. improve the manual processing of alert deletion notifications by the SIRENE Bureau, in particular on Article 24 alerts;

9. ensure that SIRENE operators have full access to the national immigration database to enable them to carry out the consultation procedure between Member States on Article 24 alerts efficiently;
10. take the necessary measures to better secure one data centre;
11. ensure that the Directorate of Immigration has access to Article 38 alerts on documents;
12. provide further training to officers of Police Security Service on the various possibilities and newer tools in SIS available for counter-terrorism purposes;
13. further develop the GTK application by limiting the number of the potential matches returned;
14. further develop the display of the list of search results in the GTK application by ensuring that SIS results are displayed before Interpol results;
15. further develop the ELYS II application to ensure that the multi-category ('any number') search is applied to all object categories;
16. further develop the ELYS II application by ensuring a more user-friendly display of the misused identity extension;
17. further develop the ELYS II application by highlighting the 'immediate reporting' action;
18. consider using an alternative procedure when entering the identity documents of deceased persons that were not returned to the authorities to SIS by entering them as Article 38 alert for seizure with 'reason for request 14' - object for seizure, instead of entering them with 'reason for request 16' - invalidated by the issuing authority;

19. ensure that customs authorities make use of the ability to access the SIS directly or indirectly;
20. make better use of the new object alert category for securities.

Done at Brussels,

*For the Council
The President*
