Council of the European Union

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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2022 evaluation of **Denmark** on the application of the Schengen *acquis* relating to the **Schengen Information System**

In accordance with Article 15(3) of Council Regulation 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, the Council hereby transmits to national Parliaments the Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2022 evaluation of Denmark on the application of the Schengen *acquis* relating to the Schengen Information System[1].

[1] Available in all official languages of the European Union on the Council public register, doc. 13337/23.

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2022 evaluation of Denmark on the application of the Schengen *acquis* relating to 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[2], and in particular Article 15(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) A Schengen evaluation relating to the Schengen Information System was carried out in respect of Denmark in October 2022. Following the evaluation, a report containing the findings and assessments, listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2023) 1750.

(2) The on-site team considered as best practices the automation in the processing of incoming SIRENE forms for persons and in the transfer of incoming forms on alerts related to terrorism to national security services.

2 **OJ L 295, 6.11.2013, p. 27.**

(3) Recommendations should be made on remedial actions to be taken by Denmark in order to address deficiencies identified as part of the evaluation. In order to ensure the systematic use and full development of the Schengen Information System, priority should be given to implementing recommendations 2, 4, 7, 16, 19 and 20.

(4) This Decision should be transmitted to the European Parliament and to the national Parliaments of the Member States.

(5) Council Regulation (EU) 2022/922[3] applies as of 1 October 2022. In accordance with Article 31(3) of that Regulation, the follow-up and monitoring activities of evaluation reports and recommendations, starting with the submission of the action plans, should be carried out in accordance with Regulation (EU) 2022/922.

(6) Within two months of the adoption of this Decision, Denmark should, pursuant to Article 21(1) of Council Regulation (EU) 2022/922, establish an action plan to implement all recommendations and to remedy the deficiencies identified in the evaluation report. Denmark should provide that action plan to the Commission and the Council,

RECOMMENDS:

that Denmark should

N.SIS Office and N.SIS data centre, availability

1. ensure that a reliable monitoring is in place to provide statistics on the availability of SIS data to end-users;

3 Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*, and repealing Regulation (EU) N° 1053/2013 (OJ L160 of 15.6.2022, p. 1).

SIRENE procedures for exchange of supplementary information

2. increase the number of staff employed at the SIRENE Bureau in order to carry out all the tasks assigned to the office;

3. ensure that the Danish SIRENE Bureau does not systematically use the SIRENE O form to initiate the consultation procedure, in accordance with Article 34 of the SIRENE Manual for borders and return[4] and Articles 8(1) and 27 of Regulation (EU) 2018/1861[5];

4. ensure that Europol is informed through the exchange of supplementary information of hits on alerts related to terrorist offences, in accordance with Article 35(8) of Regulation (EU) 2018/1861 and Article 48(8) of Regulation (EU) 2018/1862[6];

SIRENE procedures in the field of data quality

5. coordinate the verification of the data quality of alerts on the basis of the data quality reports sent by eu-LISA;

Workflow system

6. ensure in the SIRENE Case Management System the automation and integration of the different national registers, applications and databases;

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4 Commission Implementing Decision of 18 November 2021 laying down detailed rules for the tasks of the SIRENE Bureaux and the exchange of supplementary information regarding alerts in the Schengen Information System in the field of border checks and return ('SIRENE Manual - Borders and return').

5 Regulation (EU) 2018/1861 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).

6 Regulation (EU) 2018/1862 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 police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56).

SIRENE Bureau – physical and logical security

7. establish in the SIRENE Back office physical access control in accordance with Article 10(1)(b) of Regulation (EU) 2018/1861 and Article 10(1)(b) of Regulation (EU) 2018/1862;

Creation and deletion of alerts

8. improve the level of automation in the SIS alert creation process;

9. provide the migration authorities with procedures and tools to forward the alias identity information to the SIRENE Bureau in order to ensure that the alias data is always added to the SIS alert when it is available in the national databases;

10. ensure that alerts on invalidated documents sought for seizure and created in SIS at the request of the police districts are issued as 'object for seizure' instead of being systematically issued as 'invalidated by the issuing authority';

Access to the sis via national applications

11. provide the end-users using the applications for querying the SIS with an electronic transliteration table;

National Police applications

12. ensure that in case of a hit on documents alerts in the POLKON application the SIS alert is displayed first above the Interpol alert;

13. improve in the POLKON application the display of misused identity extensions in order for the end-users to distinguish clearly between the victim and who is the perpetrator;

14. connect the national Automated Number Plate Recognition (ANPR) system to the SIS;

15. provide the main page of POL-INTEL Finder with default integrated search against both national and SIS databases, in accordance with the very objective and functioning of the legal framework and with the purpose as referred to in Article 1 of Regulation (EU) 2018/1861 and in Article 1 of Regulation (EU) 2018/1862;

16. ensure that the POL-INTEL Finder application displays photographs, identities included in the alerts and links, in accordance with Article 9(1) and (3) read in conjunction with Article 3(1) of Regulation (EU) 2018/1861 and Article 9(1) and (3) read in conjunction with Article 3(1) of Regulation (EU) 2018/1862;

17. ensure that in the POL-INTEL application the misused identities and warning markers are highlighted, and the 'fuzzy' and 'any-name' search functionalities are available to the end-users;

Mobile applications

18. further develop the application for mobile devices Search App in order to allow queries of vehicles in the SIS, to display photographs, type of offence, misused identities, aliases and links included in the SIS alerts and to display the alternative action for flagged Article 26 SIS alerts, in compliance with Article 9(1) and (3) read in conjunction with Article 3(1) of Regulation (EU) 2018/1861 and Article 9(1) and (3) read in conjunction with Article 3(1) of Regulation (EU) 2018/1862;

19. further improve the application for mobile devices Search App in the display of information and in the search functionalities;

20. ensure that the BIFROST application provides for integrated queries in the national police database and the SIS, in accordance with the very objective and functioning of the legal framework and with the purpose as referred to in Article 1 of Regulation (EU) 2018/1861 and in Article 1 of Regulation (EU) 2018/1862;

Migration authorities

21. ensure that the 'Public360' application in use at the migration authorities displays all the information available in the alerts, in accordance with Article 9(1) and (3) read in conjunction with Article 3(1) of Regulation (EU) 2018/1861 and Article 9(1) and (3) read in conjunction with Article 3(1) of Regulation (EU) 2018/1862;

Customs authorities

22. grant to the Danish customs authorities direct access to the SIS for carrying out checks on objects or people during customs controls;

Training

23. provide the end-users at the operational centres and at the second-line border control at the Copenhagen Airport with more training on SIS procedure.

Done at Brussels,

For the Council
The President