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From:	General Secretariat of the Council
On:	14 December 2021
To:	Delegations
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Subject:	Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2021 evaluation of **France** 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 2021 evaluation of France on the application of the Schengen acquis in the field of the Schengen Information System, adopted by the Council at its meeting held on 14 December 2021.

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 2021 evaluation of France 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) A Schengen evaluation in the field of the Schengen Information System (SIS) was carried out for France in March 2021. Following the evaluation, a report covering the findings and assessments, listing the best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2021) 6580.

(2) It is clear that a major effort has been done to remedy the deficiencies identified during the 2016 evaluation and still present during the 2019 visit. A positive aspect of the improvements made at technical level is the automation of the insertion of photographs and identity data from the national database when creating SIS alerts. At operational level, the discreet check procedure at Lille airport is worth highlighting.

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

(3) Recommendations should be made on remedial actions to be taken by France in order to address the deficiencies identified as part of the evaluation. In light of the importance of complying with the Schengen acquis, priority should be given to implementing the recommendations 1, 2, 5-7 and 9-15.

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

National Schengen Information System (N.SIS)

1. finalise the process to increase the effectiveness of the data synchronisation mechanism (iDCC) between the national copy and the technical copies in accordance with Article 9(2) of Regulation (EC) 1987/2006 and Article 9(2) of Council Decision 2007/533/JHA and introduce a monitoring tool for the availability of the chain of national applications in order to ensure better availability of the SIS for the end-users;

2. swiftly implement the possibility to search fingerprint data in the Automated Fingerprint Identification System (AFIS) of the SIS in accordance with Article 22(3) of Regulation (EC) No 1987/2006 and Article 22(3) of Council Decision 2007/533/JHA;

SIRENE workflow

3. ensure the effective integration of the national systems at SIRENE level;

4. further develop the SIRENE case management system so as to reduce the amount of manual processes in the management of the daily workflow and increase the use of automation as well as to add a statistical component and integrate the SIRENE case management system with other international police cooperation channels;

Creation of alerts

5. further develop the solution for attaching fingerprints to SIS alerts in order to ensure that the fingerprints are always added when available without delay and for all alert categories;

6. ensure that it is possible to add the type of offence 'terrorism related activity' to all the alerts, not only the alerts which are 'judicial cases', as required in accordance with Article 20 of Regulation (EC) 1987/2006 and Article 20 of Council Decision 2007/533/JHA and enable the possibility to add object related remarks such as 'suspicion of clone' when entering SIS alerts via the national application;

7. always insert the additional data of the victim of a misused identity ('misused identity extension') to the French alerts in accordance with Article 36 of Regulation (EC) 1987/2006 read in conjunction with Article 3(a) and 3(c) of that Regulation and with Article 51 of the Council Decision 2007/533/JHA read in conjunction with Article 3(1)(a) and 3(1)(c) of that Decision;

8. extend the functionality of creating links between different alerts to the end-users;

Deletion of alerts

9. ensure as soon as possible the identification and deletion of the remaining alerts for refusal of entry and stay on EU nationals in order to comply with the provisions laid down in Article 34 of Regulation (EC) 1987/2006 and Article 49 of Council Decision 2007/533/JHA;

National applications providing access to SIS

10. ensure that the 'action to be taken' in alerts on discreet and specific checks is displayed in full and in a user-friendly manner in the applications FPR2 (used by police and gendarmerie), CTF2 (used for queries at the border) and NEO (on mobile devices), as required in accordance with section 2.1.5. of Appendix II to the SIRENE Manual. In addition, ensure that CTF2 displays the correct 'reason for request' when a hit on a document alert occurs in accordance with the provisions in section 2.2. of the Appendix II to SIRENE Manual;

11. specifically for the FPR2 application:

- modify the algorithm used for queries at the N.SIS level, in order to retrieve an alert when the search is performed using the name at birth, as required in accordance with Article 9(2) read in conjunction with Article 3(a) and 3(c) of Regulation (EC) 1987/2006 and Article 9(2) read in conjunction with Article 3(1)(a) and 3(1)(c) of Council Decision 2007/533/JHA;

- implement the 'any name search' functionality in the FPR2 application;

- display the document details of the victim of the misused identity cases as required in accordance with Article 9(2) read in conjunction with Article 3(a) and 3(c) of Regulation (EC) 1987/2006 and Article 9(2) read in conjunction with Article 3(1)(a) and 3(1)(c) of Council Decision 2007/533/JHA;

12. further develop the NEO mobile application (mobile phone and tablet), namely to enable it to display pictures attached to the SIS alert and links in accordance with Article 9(2) read in conjunction with Article 3(a) and 3(c) of Regulation (EC) 1987/2006 and Article 9(2) read in conjunction with Article 3(1)(a) and 3(1)(c) of Council Decision 2007/533/JHA;

13. improve the FPR2 and FOVES applications to enable end-users:

- to access the linked alert directly via a hyperlink without the need to copy the information and to carry out another search in order to retrieve the linked alert;
- to perform a multi-category query;

14. ensure that the authorities issuing visas and residence permits have access to alerts on documents in accordance with Article 27(3) of Regulation (EC) 1987/2006;

15. swiftly replace the 'AGDREF' application (used by the authorities issuing residence permits) with the new AEF application, so the authorities issuing residence permits have access to photographs, links, 'type of offence' in accordance with Article 9(2) read in conjunction with Article 3(a) and 3(c) of Regulation (EC) 1987/2006 and Article 9(2) read in conjunction with Article 3(1)(a) and 3(1)(c) of Council Decision 2007/533/JHA;

Human resources and training

16. provide regular follow-up training on SIS to all end-users and provide information on SIS related matters on an intranet platform or in paper format.

Done at Brussels,

For the Council
The President