Council of the European Union

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**NOTE**

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| From: | General Secretariat of the Council |
| To: | National Parliaments |
| Subject: | Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2021 evaluation of **Italy** on the application of the Schengen acquis in the field of 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 2021 evaluation of Italy on the application of the Schengen acquis in the field of the Schengen Information System[1].

[1] Available in all official languages of the European Union on the Council public register, doc. 15007/22

Council Implementing Decision setting out a

**RECOMMENDATION**

**on addressing the deficiencies identified in the 2021 evaluation of Italy 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) 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[1], and in particular Article 31(3) thereof,

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 in the field of the Schengen Information System was carried out in respect of Italy in September 2021. 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(2022) 4310.

[1] OJ L 160, 15.6.2022, p. 1–27.
[2] OJ L 295, 6.11.2013, p. 27.

(2) Article 31 (3) of 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 foresees that for evaluations carried out before 1 February 2023, the adoption of evaluation reports and recommendations shall be carried out in accordance with Regulation (EU) No 1053/2013 and in particular Article 15 thereof.

(3) As part of the evaluation, the on-site team identified a number of best practices, in particular automatic attachment of photographs and fingerprints of a person to a SIS alert taken from the relevant national systems; the fact that the data quality report, which includes warnings related to data quality issues of SIS alerts, is easily available for all the end-users who created these alerts; Italian authorities established a mandatory procedure whereby the alphanumeric data and fingerprint data are checked in the Schengen Information System before issuing resident permits, which ensures that it is verified whether the person who applies for such permit is subject to a SIS alert, and this is considered a best practice.

(4) In view of the importance of complying with the Schengen acquis, in particular the obligation to ensure the systematic use and full development of the Schengen Information System, priority should be given to implementing recommendations 1, 2, 11 and 12.

(5) This Decision should be transmitted to the European Parliament and to the national Parliaments of the Member States. Within two months of its adoption, Italy should, pursuant to Article 21(1) of Council Regulation (EU) 2022/922, establish an action plan to implement all recommendations to remedy the deficiencies identified in the evaluation report and provide that action plan to the Commission and the Council,

RECOMMENDS:

that Italy should

1. increase the number of staff employed in the SIRENE Bureau and enhance the automation of the procedures in order to respond effectively to requests for the exchange of supplementary information on time, in accordance with the time limits for response provided for in section 1.13 of the SIRENE Manual[1] and the obligation of the Member State to ensure exchange of all supplementary information in accordance with the provisions of the SIRENE Manual as established in Article 7(2) of Regulation (EC) 1987/2006[2] and Council Decision 2007/533/JHA[3];

2. ensure the functioning of the free text message mailbox at the SIRENE Bureau in order to process free text messages received from other Member States, in accordance with section 1.10.3 of the SIRENE Manual;

3. ensure the integration of SIS queries and national queries in the old version of Interrogazione di Sintesi application, which is used by most of end-users to query SIS;

4. ensure that person-related remarks (warning markers) are highlighted when displayed in the query applications;

5. ensure the connection of the Automatic Number Plate Recognition (ANPR) system to the Schengen Information System;

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[1] Commission Implementing Decision (EU) 2017/1528 of 31 August 2017 replacing the Annex to Implementing Decision 2013/115/EU on the SIRENE Manual and other implementing measures for the second generation Schengen Information System (SIS II) (notified under document C(2017) 5893) OJ L 231, 7.9.2017, p. 6.

[2] Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II). OJ L 381, 28.12.2006, p. 4–23.

[3] Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II). OJ L 205, 7.8.2007.

6. enhance the automation at the first-line border control at Fiumicino Airport in order that border guards do not have to manually type additional data (nationality) to finalise each SIS query;

7. increase the awareness on the invalidated document alerts of the border guards at Fiumicino Airport and at Civitavecchia Port;

8. ensure that border control booths inside the first-line at Malpensa Airport do not allow for unauthorized observation of the computer screen;

9. enhance the utilisation of the Stranieri-Web application nationwide, amongst more immigration authorities;

10. reinforce the use of the possibility to check if the document presented to the migration authorities is lost, stolen or invalidated, when issuing the residents permits;

11. ensure that the mobile applications used for SIS queries on the mobile devices (Mercurio, Odino, SIF mobile and Grifo) display all information in the alert in case of a SIS hit, in accordance with Article 9(2) of Regulation (EC) 1987/2006 and Council Decision 2007/533/JHA;

12. ensure that the officers of the Guardia di Finanza can perform SIS queries on boat alert category, in accordance with Article 9(2) of Regulation (EC) 1987/2006 and Council Decision 2007/533/JHA.

Done at Brussels,

*For the Council*
*The President*