Council of the European Union

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NOTE

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 **Ireland** on fulfilling conditions necessary for 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 Ireland on fulfilling conditions necessary for 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. 6429/22

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2021 evaluation of Ireland on fulfilling conditions necessary for 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(3) thereof,

Having regard to Council Implementing Decision (EU) 2020/1745 of 18 November 2020 on the putting into effect of the provisions of the Schengen acquis on data protection and on the provisional putting into effect of certain provisions of the Schengen acquis in Ireland[2], and in particular Article 2 thereof,

Having regard to the proposal from the European Commission,

[1] OJ L 295, 6.11.2013, p. 27.
[2] OJ L 393, 23.11.2020, p. 3.

Whereas:

(1) A Schengen evaluation in the field of the Schengen Information System was carried out in respect of Ireland in June 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(2021)8080.

(2) The on-site team appreciated the outstanding efforts made by Ireland in the area of training, with the close involvement of the Garda management at all levels, to be considered a best practice for other Member States.

(3) Recommendations should be made on remedial actions to be taken by Ireland 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 recommendations 1 to 8.

(4) This Decision should be transmitted to the European Parliament and to the national Parliaments of the Member States. Within one month of its adoption, Ireland should, in accordance with Article 16(1) of Regulation (EU) No 1053/2013 and Article 2(5) of Council Implementing Decision (EU) 2020/1745, establish an action plan to remedy the deficiencies identified in the evaluation report and provide that action plan to the Commission and the Council.

RECOMMENDS:

that Ireland should

1. ensure that access to data entered in the Schengen Information System is reserved exclusively to the authorities referred to in Article 40 of Council Decision 2007/533/JHA and is not granted to the staff of the Immigration Service Delivery, as an administrative service in charge of taking decisions related to the stay of non-EU nationals on the territory;

2. ensure that the Irish customs authorities are granted access to the Schengen Information System, in accordance with Article 40(1)(b) of Council Decision 2007/533/JHA;

3. ensure that the services responsible for issuing vehicle registration certificates are granted access to the Schengen Information System, in accordance with Article 1(1)(c) of Regulation No 1986/2006;

4. ensure that the fingerprint search functionality of the Schengen Information System-Automated Fingerprint Identification System, is available to end-users so they are able to use it when needed to identify a person where the identity of the person cannot be ascertained by other means according to Article 22(3) of Council Decision 2007/533/JHA;

5. ensure that alerts for arrest for extradition purposes issued by Switzerland and Liechtenstein are no longer flagged systematically, contrary to Article 24(1) and Article 31(2) of the Council Decision 2007/533/JHA;

6. correct the registration in the Schengen Information System of stolen, misappropriated, lost or invalidated documents which are wrongly registered as ‘invalidated by the issuing authority for travel purposes’;

7. ensure that the Schengen Information System is accessible through the operational application Police Using Leading Systems Effectively (PULSE) on the mobile devices in use by the An Garda Síochána;

8. ensure that PULSE allows the search in the Schengen Information System with a registration plate number only under the category Object (Multi Category);

9. ensure the use of the data quality reports submitted by eu-LISA on a monthly basis to the N.SIS office;

10. improve the quality of the Irish A forms received from the Extradition Unit, assuring that all the required information are filled in, in line with Annex 3 of the SIRENE Manual;

11. ensure alerts for arrests entered in the Schengen Information System in accordance with Article 26 in conjunction with the additional data referred to in Article 27 of Council Decision 2007/533/JHA are given the effect required by Article 31(1) of that Council Decision.

12. identify alternative modalities rather than the telephone to transfer the information used for creating an incident record in PULSE to the Garda Information Service Centre;

13. improve the prioritisation of the pending incident records to be assessed for the creation of alerts in the Schengen Information System, namely reference to the alerts on objects;

14. improve the way the information is displayed in the PULSE application, especially in cases of misused identity and suspicion of clone;

15. consider the establishment of procedures in order to automatically cross-check in advance information of airline or ferry passengers in the Schengen Information System before their arrival;

16. consider the supply of passport readers at the Cork Port to carry out border checks, and in Dublin and Cork port the supply of Automatic Number Plate Recognition system in order to carry out automated checks of license plates and vehicles in the Schengen Information System;

17. further promote the knowledge and awareness about specific procedures to follow in case of hits in the Schengen Information System, namely in case of misused identity, immediate action or clone vehicles alongside the improvement on how to carry out checks of objects, in particular vehicles, in the Schengen Information System.

Done at Brussels,

For the Council
The President