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 2019 evaluation of the Czech Republic on the application of the Schengen acquis in the field of 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 2019 evaluation of the Czech Republic on the application of the Schengen acquis in the field of Schengen Information System[1].

[1] Available in all official languages of the European Union on the Council public register, doc. 6196/20

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2019 evaluation of the Czech Republic 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 Schengen[1], 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 the Czech Republic remedial actions to address deficiencies identified during the Schengen evaluation in the field of the Schengen Information System (SIS) carried out in 2019. 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(2020) 41.

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

(2) The on-site team considered the SIRENE workflow enabling automation in the distribution of cases, in the checks against multiple databases, in the management of forms and in the translation of forms; the post-hit procedure, including the creation of hit-reporting forms automatically from the search application IS DOTAZY; the integration of SIS in the working procedures of Customs; the roll-out of 6 000 mobile devices; the good knowledge about SIS and awareness of its added value among the end-users; the transliteration virtual keyboard displayed, and the icons visualising the person related remarks in the search application IS DOTAZY as best practices.

(3) In light of the importance of complying with the Schengen acquis, in particular the obligation to include all data required for an alert to be created and to display all information included in the alerts, priority should be given to implementing recommendations 1 to 3.

(4) This Decision should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, the Czech Republic 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 the Czech Republic should:

1. enable the possibility to add the type of offence, person related remarks and aliases when creating alerts on discreet checks in the source system IS OPATŘENÍ;

2. ensure that in mobile applications all categories of data in SIS can be queried;

3. display person related remarks, links and type of offence in the search application IS KODOX;

4. re-assess the need to grant access to SIS to the municipal police;

5. establish periodical reviews of the documentation related to security plan, business continuity plan and disaster recovery procedures;

6. ensure that officers in the SIRENE Bureau receive specific training on SIS;

7. re-assess the need to increase the number of authorities allowed to create links between alerts;

8. ensure the verification of the data quality reports sent by eu-LISA and the monitoring of the data quality;

9. enable alternative telephone lines for the Operational Cooperation Department Permanent Service (SPOC, Front Desk) to ensure the uninterrupted availability of the service by telephone;

10. enable a straightforward procedure for the creation of alerts;

11. ensure that alerts entered through the national source systems are by default entered in SIS to avoid the transmission is done at discretion of the end-user;

12. ensure that the Ministry of Transportation inserts alerts on license plates reported lost into the SIS;

13. ensure that only lost vehicle registration certificates are registered as lost in SIS;

14. ensure that the entry of alerts on vehicles does not depend on the value nor on the age of the vehicle;

15. enable access to the source system IS OPATŘENÍ to the SIRENE Bureau to ensure that the SIRENE Bureau can know the issuing authority in case of hits on Article 36 alerts on persons and objects for discreet checks;

16. ensure that the Police Service for Foreigners does not suffer lack of staff, considering that they are the only authority responsible for entering refusal of entry alerts;

17. ensure that all national values in the predefined code tables are in line with the SIS values and the English text, and that the text in the action to be taken for Article 24 alerts on refusal of entry or stay is accurate and concise;

18. render the search application IS DOTAZY more user-friendly by allowing to open PDF files directly without being previously downloaded, by accurately indicating the presence of NIST files as fingerprint records and by displaying automatically at least one picture, if available, when the alert is open;

19. select SIS by default as data base to be checked when a search through IS DOTAZY is carried out to ensure that excluding SIS from the search is a conscious decision of the end-user;

20. in the mobile application used by police patrols, display types of offences, make of vehicle, photos regarding persons and objects, links between the alerts, object related remarks, the document number of the misused identity (victim) and the SIRENE Bureau's phone number when there is a match;

21. enable end-users to make queries on license plates without country of issue in the mobile application used by police patrols;

22. ensure that photos displayed in the mobile application used by the Police Service for Foreigners are still visible when the mobile device is rotated;

23. ensure that when end-users navigate through the menu (back and forward) of the mobile application used by the Police Service for Foreigners, the data previously inserted do not need be entered again;

24. upgrade mobile applications to enable fuzzy requests, to enable queries on persons without date of birth and to properly highlight immediate action in case of hits on Article 36 alerts on persons and objects for discreet or specific check;

25. consider automating the processes for the reporting of hits from first line to second line at the airport;

26. consider connecting the automatic number-plate recognition system (ANPR) to SIS;

27. ensure training and general availability of updated information and training material (such as the existing handbooks and online material) on SIS for all the end-users;

28. ensure that police officers systematically check the person's ID or travel document in SIS using the number as a search parameter when carrying out a police check on a person.

Done at Brussels,

For the Council
The President