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 2022 evaluation of **Iceland** 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 2022 evaluation of Iceland 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. 6468/23

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the 2022 evaluation of Iceland 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[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 Iceland from 26 June to 1 July 2022. 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(2023) 180.

(2) The on-site team considered as best practices the 'hot-hit' functionality for incoming forms, the functionality in the SIRENE workflow system that facilitates the generation of requests for flagging and the possibility for the end-users of the LÖKE application to easily follow up the state of the cases they are handling.

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

(3) Recommendations should be made on remedial actions to be taken by Iceland 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 1, 9, 15, 20, 21 and 22.

(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, Iceland should, pursuant to Article 21(1) of Regulation (EU) 2022/922, establish an action plan to remedy the deficiencies identified in the evaluation report and provide that action plan to the Commission and the Council.

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) No 1053/2013 (OJ L 160, 15.6.2022, p. 1).

RECOMMENDS:

Iceland should

N.SIS Office

1. increase the number of staff employed in the N.SIS Office to perform effectively the tasks necessary for the smooth operation of the N.SIS, the support and maintenance of the N.SIS infrastructure and its integration within the national applications, in accordance with the provisions of parallel Articles 7(1) of Regulation (EC) No 1987/2006[4] and of Decision 2007/533/JHA[5];

N.SIS data centre

2. ensure that access control measures in the main data centre building are sufficient, in order to meet the standards required for the operation of a critical law enforcement application;

Backup data centre

3. provide the backup data centre and its cooling system with physical outer-perimeter protection;

4. ensure that the SIS applications housed in the backup data centre are ready for use and establish operational procedures for disaster recovery;

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[4] 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).

[5] 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, p. 63).

Business continuity

5. include in the security plan documentation all the information related to the operations of the backup site, restoration process, risk registration and business continuity;

User access management

6. establish double-factor authentication for the access to the SIS client application;

7. ensure that all the SIS dedicated workstations are locked automatically when not in use and that the operators can only use USB sticks or access the Internet in a secure way;

SIS Automated Fingerprint Identification System (AFIS)

8. roll-out the possibility of searching in the SIS AFIS, in particular to identify persons whose identity cannot be ascertained by other means;

9. attach fingerprints to alerts on persons created in the SIS when available, in accordance with parallel Articles 23 read in conjunction with Articles 20 of Regulation (EC) No 1987/2006 and of Decision 2007/533/JHA;

SIRENE procedures for exchange of supplementary information

10. provide the staff working at the Command and Control Centre with the training required to efficiently perform the SIRENE tasks when substituting for SIRENE Office staff during evenings, nights and Sundays;

11. ensure that invalidated documents are seized by police authorities also when they are found in possession of the persons in whose name they were issued, in accordance with the measures to be taken pursuant to Article 39 of Decision 2007/533/JHA;

12. enhance the level of automation in the SIRENE workflow application in relation to requests for creation, update and deletion of alerts, and to the deletions of supplementary information;

Creation of SIS alerts

13. provide end-users with the possibility of entering SIS alerts on boats, boat engines and industrial equipment through the LÖKE application;

Police applications

14. ensure that the LÖKE application:

- displays the warning markers related to persons in the first page after a query is performed;
- allows queries against all categories of objects in the SIS and includes the 'fuzzy name' and 'any name' searches functionalities;
- immediately displays the correct hit information from the list to the end-users;
- displays the alternative measure when a hit is achieved on an alert on a European Arrest Warrant (Article 26) flagged by Iceland;

15. ensure that the result generated by a query in the LÖKE application contains all the information available in the SIS alert (photographs, fingerprints, other binaries like European Arrest Warrants, links and aliases), in accordance with Article 9(2) of Regulation (EC) No 1987/2006 and Article 9(2) of Decision 2007/533/JHA;

Mobile applications

16. conduct further testing and enhancement of the LÖKE mobile application in order to ensure its correct functioning and guarantee its full reliability;

Border Guards applications

17. ensure that the SIS query application used for border control prioritises the display of SIS hits over Interpol hits;

18. improve the display of links in the SIS query application used for border control;

Directorate of Immigration

19. streamline the procedure for searching fingerprints against the SIS AFIS when checking third-country nationals who applies for asylum or residence permit and cannot be identified by other means;

20. prevent the Immigration Office from having access to registration vehicle certificates, in accordance with Article 40(1) of Decision 2007/533/JHA;

Icelandic Transport Authority

21. implement in the EKJA application the functionalities to search against the SIS alerts on licence plates, vehicle registration certificates and old-system Vehicle Identification Numbers (VIN), in accordance with Article 1(1)(c) of Regulation (EC) No 1986/2006[6];

[6] Regulation (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates (OJ L 381, 28.12.2006, p. 1).

22. prevent in the EKJA application searches against the SIS on alerts for discreet and specific checks, in accordance with Article 40(1) of Decision 2007/533/JHA;

Training

23. provide police officers, investigators and coast guards with more training on SIS-related subjects.

Done at Brussels,

For the Council
The President