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From:	European Commission
To:	Working Party for Schengen Matters / Mixed Committee (EU-Iceland/Norway/Switzerland/Liechtenstein)
No. prev. doc.:	6473/23
Subject:	Schengen evaluation of Italy - Review of the adequacy of the action plan of Italy to remedy the deficiencies identified in the 2021 evaluation on the application of the Schengen acquis in the field of the Schengen Information System

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (23.01.2024)

Delegations will find annexed the review of the action plan of Italy to remedy the deficiencies identified in the 2021 evaluation on the application of the Schengen *acquis* in the field of the Schengen Information System, provided by the Commission in accordance with Article 21(2) of Council Regulation (EU) 2022/922.

The review of the action plan was provided to Italy by Commission letter of 25 April 2023 (Ref. Ares (2023)2917459), as set out in the annex.



EUROPEAN COMMISSION
DIRECTORATE-GENERAL MIGRATION AND HOME AFFAIRS

The Director-General

Brussels,
HOME/B2/

Ambassador Vincenzo Celeste

Permanent Representative of Italy to the European Union

Subject: Review of the adequacy of the action plan of Italy to remedy the deficiencies identified in the 2021 evaluation on the application of the Schengen *acquis* in the field of the Schengen Information System

Your Excellency,

We thank you for the action plan of Italy to remedy the deficiencies identified in the 2021 evaluation on the application of the Schengen *acquis* in the field of the Schengen Information System, which was submitted to the Commission and the Council on 7 February 2023. Please find attached, pursuant to Article 21(2), first subparagraph of Council Regulation (EU) 2022/922, the review of the adequacy of the action plan.

Please note that in accordance with Article 21(3), first subparagraph of Council Regulation (EU) 2022/922, Italy is to report to the Commission and the Council on the implementation of the action plan every 6 months from the date of notice of receipt of the attached review.

The Commission Services are at the disposal of Italy to facilitate the implementation of the action plan.

Yours faithfully,

Monique Pariat

Contact: **DELETED**

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Annexes: Review of the adequacy of the action plan of Italy to remedy the deficiencies identified in the 2021 evaluation on the application of the Schengen acquis in the field of the Schengen Information System

Action plan submitted by Italy

Review of the adequacy of the action plan submitted by Italy to remedy the deficiencies identified in the 2021 evaluation on the application of the Schengen *acquis* in the field of the Schengen Information System

(Article 21(2) of Council Regulation (EU) 2022/922)

1. Introduction

Council Regulation (EU) No 1053/2013¹ established an evaluation and monitoring mechanism to verify Member States' application of the Schengen *acquis*.

In accordance with the multiannual² and annual³ evaluation programmes implementing the Regulation, a team consisting of Commission and Member State experts carried out a visit from 19 to 24 September 2021 to verify Italy's application of the Schengen *acquis* in the field of the Schengen Information System.

In the meantime, Council Regulation (EU) No 1053/2013 was replaced by Council Regulation (EU) 2022/922⁴, which entered into application on 1 October 2022. According to the transitional provisions set out in Article 31 of the new Regulation, for evaluations carried out before 1 February 2023 (like the evaluation of Italy), the adoption of evaluation reports and recommendations shall be carried out in accordance with Regulation (EU) No 1053/2013. The follow-up and monitoring activities, starting with the submission of the action plans, shall be carried out in accordance with the new Regulation (2022/922).

A report listing the findings and assessments identified during the evaluation was adopted by Commission Implementing Decision C(2022) 4310 of 6 October 2022.

¹ OJ L 295, 6.11.2013, p. 27.

² Commission implementing Decision C(2019) 3692 of 17.5.2019 amended by Commission implementing Decision C(2019) 7278 of 15.10.2019 establishing the multi-annual evaluation programme 2020-2024 in accordance with Article 5 of Council Regulation (EU) No 1053/2013 of 7 October 2013.

³ Commission implementing Decision C(2020) 8046 of 14.12.2020 establishing the first section of the annual evaluation programme for 2021 in accordance with Article 6 of the Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*.

⁴ OJ L 160, 15.6.2022, p. 1.

The Council adopted on 23 November 2022 an Implementing Decision⁵ setting out a Recommendation on addressing the deficiencies identified in the evaluation report (Article 15(3) of Council Regulation (EU) 1053/2013). Following and pursuant to Article 21(1) of Council Regulation (EU) 2022/922, Italy submitted to the Commission and the Council an action plan⁶ to remedy the deficiencies on 7 February 2023.

After consulting the members of the team that has carried out the evaluation and in accordance with Article 21(2), first subparagraph of Regulation (EU) 2022/922, a review of the adequacy of the action plan is provided.

2. General assessment

The Italian action plan provides pertinent information on the actions that Italy has taken or will take to remedy the deficiencies observed.

3. Detailed assessment

The Commission has specific comments and requests on the following items and invites Italy to respond to them in the follow-up reports.

- **Action 1.1 implementing recommendation 1:** Italy is requested to provide more details in relation to the number of staff requested and by when the answers from the General headquarters and police forces are expected. Furthermore, Italy is invited to specify the exact timeline for the structural action, how it will be ensured that the redistributed staff have the required knowledge to effectively process SIS supplementary information, what method is employed for the analysis in the systemic action and the legal and procedural expected effects of such a change.
- **Action 5.1 implementing recommendation 5:** Italy is invited to specify when the necessary assessment will be carried out and where the Automatic Number Plate Recognition system (ANPR) will be rolled out.
- **Action 6.1 implementing recommendation 6:** Italy is requested to specify in detail the actions that will be taken to implement the recommendation.
- **Action 7.1 implementing recommendation 7:** Italy is requested to specify the methodology used for the training and the number of staff trained.
- **Actions 10.1, 11.1 and 12.1 implementing recommendations 10, 11 and 12:** Italy is requested to specify in detail the actions that will be taken to implement the recommendations.

⁵ Council document 15007/22.

⁶ Published on the Delegates Portal of the Council (6473/23).

4. Conclusion

The Commission concludes that the action plan in the field of the Schengen Information System provided by Italy is considered adequate, but that additional information is needed on a series of actions listed above to illustrate and/or confirm the implementation of particular actions.

In accordance with Article 21(3), first subparagraph of Council Regulation (EU) 2022/922 Italy is invited to submit the requested information in the next follow-up report.