COUNCIL OF
THE EUROPEAN UNION

Brussels, 6 December 2010

17436/10

LIMITE

SIRIS 178
COMIX 811

"I" ITEM NOTE

from :	General Secretariat of the Council
to :	COREPER
No prev. doc.	14994/1/10 REV 1 SIRIS 149 COMIX 663
Subject :	SIS and SIRENE Statistics – Guidelines to collect data

1. Member States have being collecting and gathering statistics on the use of the Schengen Information System (SIS) without a uniform method.

    With the enlargement of the EU and the subsequent growing number of countries using the SIS, a huge increase in SIS alerts and hits occurred. The interest in having comparable and reliable statistics increased.

2. Furthermore, the SIRENE Manual (Commission Decisions 2006/757/EC[1] and 2006/758/EC[2]) specifies that once a year the SIRENE Bureaux will provide hit statistics. These statistics will cover all the articles and types of alert. Also, Article 102A of the Convention Implementing the Schengen Agreement (CISA), which was added by Regulation (EC) No 1160/2005 of 6 July 2005[3], requires Member States to collect statistics on the implementation of this Article.

---

[1] OJ L 317, p. 1, 16.11.2006
[2] OJ L 317, p. 41, 16.11.2006
[3] OJ L 191, p. 18, 22.7.2005.

On the other hand, the legal instruments on the establishment, operation and use of the second generation Schengen Information System (SIS II) (Regulation (EC) No 1987/2006 of 20 December 2006[4] and Decision 2007/533/JHA of 12 June 2007[5]) provide that statistics are to be published each year showing the number of records per category of alert, the number of hits per category of alert and how many times SIS II was accessed, in total and for each Member State.

3. In order to implement the provisions of the abovementioned SIRENE Manual in a comprehensive and smooth way and to prepare the transition to the second generation Schengen Information System (SIS II), it is imperative that Member States agree on common guidelines to collect data.

4. On the basis of a suggestion from the Czech delegation, the Working Party for Schengen Matters, after having discussed this subject at its meetings on 4 and 19 October 2010, agreed on 26 November 2010 on the Guidelines to collect data for statistical proposes, as set out in the Annex.

5. **COREPER is therefore invited to take note of the "SIS and SIRENE Statistics – Guidelines to collect data" as set out in the Annex and encourage Member States to apply them**.

---

[4]   OJ L 381, p. 4, 28.12.2006.
[5]   OJ L 205, p. 63, 7.8.2007.

SIS and SIRENE Statistics
Guidelines to collect data

Contents

1. Aim of the SIRENE Statistics and Statistical Manual

Reliable statistics are needed for:

- fulfilling legal requirements (see below)

- regular evaluation of how the SIS and SIRENE work

- documenting and demonstrating the efficiency of this system of police co-operation and external border control

- obtaining evidence of a growing SIRENE workload

- generating background data for further SIS and SIRENE development and regulation

- providing useful information for decision-making in the JHA area (application of EAWs, issues concerning aliens etc.)

- analysing and highlighting criminal trends

- accountability to national authorities and

- collecting data for SIS/SIRENE presentations for specialists (police) and the public.

Provision of statistics is an obligatory annual exercise for the Schengen Member States. Chapter 9 of the SIRENE Manual stipulates that "once a year the SIRENEs will provide hit statistics. The statistics will cover all the articles and the types of alerts. The statistics report is to be sent electronically to the General Secretariat of the Council."[6]

Also the Council Conclusions on the development of the SIRENE Bureaux in the framework of the Schengen Information System[7]"... invites the SIS/SIRENE Working Party to provide them (i.e. statistics on alerts and hits in the SIS) to the Council annually".

It is therefore necessary to collect the statistics effectively, and to do so in a uniform, consistent and reliable manner.

---

[6] Commission Decisions 2006/757/EC and 2006/758/EC on amending the SIRENE Manual
[7] 2936th Justice and Home Affairs Council meeting Luxembourg, 6.4.2009

However, no precise methodology was established to ensure the quality and mutual comparability of data provided. The Schengen Best Practices Catalogue (Part II on the Schengen Information System and SIRENE)[8] does not set out a precise methodology. It only contains a recommendation that each Member State should be able to provide statistics on hits; and a best practice that every hit should be accurately registered in a way which facilitates retrieval of accurate statistics across the range of users.

The process of collecting data for 2008 and 2009 clearly showed that some degree of basic common methodology and definitions in relation to what is actually reported are desirable. A common template was introduced in 2009.[9] However, it is clear that a more extensive commentary on its fields is also needed, to avoid unnecessary misinterpretations/questions to/from data collectors (General Secretariat and/or the Presidency). There is also a call for further statistics to be collected to cover all the activities of SIS and SIRENE and provide a full picture. This document aims to contribute to filling the perceived methodological gap.

2. General Remarks and Technical Issues for SIRENE statistics

In line with the Schengen Catalogue of Recommendations and Best Practices - SIS, all Member States should be able to retrieve the data and transfer them to the template automatically from their national systems. Manual or any other form of case-by-case counting should be avoided.

In order for automated counting and further processing to be possible, the data from SIRENE Bureaux must only be communicated electronically in the agreed Excel table COMMON TEMPLATE as shown in the Annexes 1 and 2 and inserted below. If the template is used properly, subsequent collation of overall statistics is simplified and counting errors can be avoided.

Stat_YYYY_MS_TEMP
LATE with Art 102A.x[10]

---

[8] 16613/3/08 REV 3 SIRIS 108 ENFOPOL 205 COMIX 491

[9] 10278/09 SIRIS 76 COMIX 438. The template is to be used for providing statistics under current legal rules; for SIS II, a new common template/methodology integrating new requirements and facilitating the process of data collection/evaluation should be devised by the relevant procedure in due time.

[10] Content identical to Annex 2.

These are the basic overall rules to be followed in the process of filling the template:

⇨ Common template formatting must not be changed; additional comments can only be made in the appropriate field.

⇨ Only numeric data must be entered, otherwise the automated counting will not work (symbols such as dashes, asterisks, decimal points, commas etc., are non-compliant with the pre-defined Excel functions).

⇨ Enter 0 (zero) when the answer is nil (no occurrence). Leave the field empty (blank) if the information is not available.

⇨ Any SIRENE form that is sent to several or all SIRENEs should be counted only once by the sending SIRENE.

⇨ Where the sending of forms needs to be repeated, because of technical or operational failure, this should not be counted repeatedly[11].

Provision of the following additional statistical data is considered desirable with a view to the future, but is still voluntary, in the absence of an existing legal obligation: number of new consultation procedures[12], number of requested flags and total numbers of all forms exchanged (the latter two will become mandatory once the SIS II legislation is fully applicable).

3. Methodology of Counting Hits/Forms and filling individual fields for SIRENE Statistics COMMON TEMPLATE

This section is organised as follows:

• Guidelines to be followed: giving precise rules on how to fill the individual fields.

• Explanatory comments: giving useful background information and where appropriate explaining/interpreting the data in question (i.e. what is really counted). These comments may also be used by those carrying out further work with the statistics.

Year - Reporting period (field G2)

Guidelines to be followed:

⇨ Enter the year for which the data is provided (e.g. 2010).

---

[11] Including the re-sending of historical A and M forms to newly connected Member States.
[12] This counting is also voluntary. Number of consultation procedures is not equal to N and O forms.

Explanatory comments:

Current practice is to present statistical data once per year (in January, for the preceding year) covering the period 01.01.XXXX 00:00:00 – 31.12.XXXX 23:59:59.

Country (field I2)

Guidelines to be followed:

⇨   Enter the standard EU abbreviation used in EU documents for your Member State.

Explanatory comments:

None.

Hits (fields B9 to C19)

Clarification about hits:

⇨   A hit exists and shall be counted when all of the following criteria are met:

    1°)   search is conducted by an end-user,

    2°)   search reveals a foreign alert in the SIS,

    3°)   data concerning the alert in the SIS matches the data sought,

    4°)   measure needs to be taken as a result of the hit.

⇨   To be considered as a hit:

  -    refusals of entry at the external border as a result of a foreign alert,

  -    following a hit on an Article 96 alert:

    -        refusals to issue a Schengen visa or a residence permit,

    -        withdrawals of a residence permit or a long-stay visa.

⇨   Not to be considered as a hit:

  -    hits resulting from a country's own (national) alerts in the SIS,

  -    positive check in the SIS following a requests for information under Article 109 of the Schengen Convention.

⇨   Count repeated hits on the same alert (with the same Schengen ID) (e.g. on Art. 99 alerts).

⇨   Count even if the requested measure has not been taken.

⇨   It must be ensured, that hits, which may not be reported by G (H) form by the SIRENE (e.g. art. 96 alerts), are counted and statistics provided if possible including all visa refusals at the embassies or consulates.

Explanatory comments:

The number of internal hits provides the number of the overall hits in the SIS, i.e. number of found persons and objects.

The number of hits is the principal source of information on the effectiveness of the SIS. The number of hits provides a partial indicator of work generated for the SIRENE Bureaux but it is advisable to also consider the exchange of forms as a more accurate indicator of SIRENE workload.

Especially for hits on Art. 96 alerts it should be always borne in mind in any study of the statistics, whether the particular Member State has land (or sea) external borders or only the air external border. This fact has a substantial impact on the use of SIS. Accordingly any unsophisticated attempt to carry out country-to-country comparisons is questionable from a statistical point of view.

Where a Member State is able to distinguish between hits on art. 96 alerts which occurred 1) at the external border (including the airports) and 2) within its territory, away from border controls, the Member State should provide such additional information in the free text "Room for comments" (field B52). The number of hits on Art. 96 alerts presented in field B10 must be the aggregated total.

Forms G and H (fields D9 to G19)

Guidelines to be followed:

⇨   G and H forms should be counted separately from hits, since in reality they do not represent the same category of data (see comments below).

Explanatory comments:

The sum of G and H forms is automatically provided in fields DE and FG 39 and 40.

The G and H forms distinguish whether action was taken or not, and the data on their totals provide very important information for assessing the functioning of the SIS, inter alia in connection with different types of alerts.

Concerning the distinction between the number of hits and the sum of G and H forms, it is important to note that they are not the same. Some hits are not reported using these forms (e.g. Art. 96 issue[13], some specific national approaches), so hits and the sum of G and H must be counted separately.

Certain incorrect practices are to be avoided[14]:

- Information that the requested measure was clearly not executed is sometimes nonetheless sent on the G form (rather than the H form, which is stipulated for this purpose).

- Especially when the validity of a search is doubted (e.g. with vehicles), information about a hit is sometimes sent on the M form. Subsequently, when its validity is proved, the G form is sometimes incorrectly omitted.

- When a number of hits occur at once (e.g. person and ID document), sometimes these are all reported on one G form, which understandably saves work for the reporting SIRENE, but which complicates the work of the receiving SIRENE. This also makes the statistics on forms exchanged less precise. This has been widely discussed in connection with the SIRENE Manual, and the agreed procedure is "one hit – one form" but with the possibility of exceptions in very special cases.

- When an Article 96 hit occurs and it is discovered that the person concerned has a right of residence in the Member State of the hit, a consultation procedure is often promptly started (N/O form sent). Usually, such a case will not lead to a G/H form and is therefore not counted as a hit. As stated, totals of hits and totals of forms must be counted separately.

Consultation procedure (fields D25 to G25)

Guidelines to be followed:

⇨ If possible, count all the consultations based on Art. 25 of the CISA or art. 5 of Schengen Border Code.

---

[13]   See clarification at the end of document 7422/10 SIRIS 39 COMIX 207.
[14]   In line with the SIRENE Manual

Explanatory comments:

The aim of this field is to count the number of consultation procedures initiated/received by each Member State. Ideally, the total numbers of consultation procedures initiated and received by all Schengen MS should be equal (or almost, given the theoretical possibility of request and response straddling the end of the year), as a consultation procedure is by definition a matter of two MS.

The consultation procedure creates workload for SIRENE Bureaux. The collected data may also point to the extent of conflicts between SIS Art. 96 alerts and residence permits/long stay visas.

The practice of using M forms for responses in such a consultation procedure is to be avoided (in line with the SIRENE Manual).

Flagging – numbers of flagged alerts (fields C29 to C31)

Guidelines to be followed:

⇨ Count the number of your own alerts, throughout the year in question, with one or more flags entered based on requests from other Member States. Submit figures at the end of the reporting period (i.e. 31.12. of each year).

Explanatory comments:

The necessary information should be retrieved from statistics which will be yearly provided by the C.SIS on its Website.

The number of flagged Art. 95 alerts per Member State provides basic information on the working practices each Member State applies in the search for wanted persons and the application of EAWs/extradition requests. Especially regarding the EAW countries, it may provide important input for the COPEN Working Party.

Flagging - Forms F (fields D29 to F31)

Guidelines to be followed:

⇨ Count each F form for each type of alert regardless of whether it is requesting flagging or asking for deletion of a flag.

Explanatory comments:

The total numbers of F forms sent out and received provides information on workload connected.

Form A (fields D&F36)

Guidelines to be followed:

⇨ Count each A form you sent out as one (even it was sent to all other Member States), as mentioned in General Remarks above.

Explanatory comments:

The A form is always sent to all SIRENEs, which makes it a good benchmark for assessing the validity of data provided by MS.

The statistics do not represent exactly how many EAWs have been issued (an additional EAW for a person already listed in the SIS is usually communicated on an M form; on the other hand, a new A form for the same person may be sent for technical reasons, without a new EAW). However, such cases are statistically not very significant but do indicate the workload related to EAW's.

A comparison of A forms sent and Art. 95 alerts created may provide indications on problems in SIRENE activity concerning Art. 95 alerts.

Forms E, I, J, K, L, M, N, O, P, Q (fields D&F37 to D&F49)

Guidelines to be followed:

⇨ Here, simply count the total numbers of a) incoming and b) outgoing forms of each category, as separate totals.

⇨ Count each form you sent out as one (even it was sent to all other Member States), as mentioned in General Remarks above.

Explanatory comments:

This category of statistical data provides information on SIRENE workload. It may demonstrate the well-known fact that operators prefer to send many of their messages on the general M form, sometimes at the expense of specialised forms, including G,H,O,N,L,E, or even J and K (the four last-mentioned forms in particular appear statistically in much smaller numbers than would be anticipated if they were used in all cases for which they were designed). This practice may make life easier for the sending operators, but makes statistical data less clear for analytical purposes. Above all, it creates difficulties for the receiving SIRENEs and reduces the possibility for the semi-automation of some SIRENE tasks. Such practice is also not in line with the SIRENE Manual.

The number of E forms should provide information on the number of conflicts of alerts from different Member States.

The number of J forms should provide information on some problematic alerts in SIS.

The number of K forms should provide information on the number of procedures under Art. 109 CISA.

The number of Q forms sent by a particular Member State should approximate to the number of alerts on persons with misused identity entered by that Member State in a given year, since each misused identity shall be followed by a Q form.

Space for your comments (field B52)

Guidelines to be followed:

⇨   In this field, you can provide additional information and/or comments.

⇨   The field is formatted as free text, therefore, any text or number can be entered.

Explanatory comments:

Statistical data often need further explanation (for example, information on changes in procedure with an impact on statistical data).

4.   **Statistics on implementation of Art. 102A of the CISA**[15]

According to Article 102A (4) of the Schengen Convention each year, after seeking the opinion of the Joint Supervisory Authority on the data protection rules, the Council must submit a report to the European Parliament on the implementation of Article 102A. That report shall include information and statistics on the use made of the provisions of this Article, the results obtained in their implementation and shall state how the data protection rules have been applied.

Article 6 §3 of the Council Decision 2004/919/EC on tackling vehicle crime with cross-border implications includes the use of the SIS as an integral part of the law enforcement strategy against vehicle crime.

The presence of well-organised criminal organisations which have the necessary knowledge and know-how at their disposal to forge and sell stolen vehicles unnoticed within the European Union makes a full implementation of the Article 102A CISA strongly recommended. So a detailed follow up is a necessary tool to assess the full implementation of this article.

The questionnaire in Annex 2 has yearly to be filled in and sent to the GSC with the same file as the Annex 1.

5.   **Instructions on submitting SIRENE Statistics COMMON TEMPLATE data**

Guidelines to be followed:

⇨   Fill in the data for your Member State and a given reference period according to the Guidelines given.

⇨   Save the file as "stats_year_codeofyourcoutry.xls" (substituting the two latter expressions for data relevant for you, e.g. stats_2010_CZ.xls).

⇨   Send the data by e-mail to the address provided by the Council's General Secretariat, by the end of January.

---

[15] This part has still to be evaluated in function of the opinion of the JSA on the answers of the MS for 2009.

⇨ The General Secretariat will remind the Member States concerning the duty to provide the statistics as well the technical details required for their submission (especially concerning the naming of the files).

<u>Explanatory comments:</u>

These instructions are intended for data collectors in each Member State.

6.   Instructions for data collectors concerning the SIRENE Statistics

Guidelines to be followed:

⇨ First: Copy cells B3 to B132 from the second sheet "SUMMARY DATA FOR COLLECTORS" from each of the Excel files provided by the SIRENE Bureaux to a new/blank MS WORD file (this step is necessary to get rid of all pre-defined SUMA functions that might lead to errors in further counting).

⇨ Second: Copy the MS WORD table (from step 1) to the appropriate Member State column in the MS Excel "SUMMARY TABLE" (lines 3 to 132). The SUMMARY TABLE will add up appropriate numbers automatically.

⇨ Both the "COMMON TEMPLATE" table and the "SUMMARY TABLE" are locked, in order to keep the necessary formatting (password for unlocking, if needed: "SISSTATS" in capital letters).

<u>Explanatory comments:</u>

This section is to be used only by staff gathering information from the Member States (i.e. the General Secretariat). Member States can disregard it.

For automatic counting in the summary table to function correctly, the rules given above must be followed.

ANNEX 1 – *Common Template Table for hit statistics in SIS and exchange of SIRENE Forms*

Please note that this is a copy for information. The data should be entered in the Excel form of this table.

	A	B	C	D	E	F	G	H	I	J

Hit statistics in SIS and exchanged of SIRENE forms

Year — Reporting period (field G2) — **Country** — Country (field I2)

HITS

Hits (fields B9 to C 19)

Forms G and H (fields D9 to G19)

CISA article	no. of all hits on foreign alerts	no. of all hits abroad on own alerts	Outgoing forms		Incoming forms	
			G	H	G	H
95						
96						
97						
98						
99 persons						
99 vehicles						
100 vehicles						
100 firearms						
100 blank docs						
100 issued docs						
100 banknotes						
TOTAL HITS	SUM	SUM				

CONSULTATION PROCEDURE

Consultation procedure (fields D25 to G25)

	Outgoing	Incoming
art 25 consultations		

FLAGGING

no. of own alerts with at least one flag		F outgoing	F incoming	
flags art 95				
flags art 97				Flagging - Forms F (fields D29 to F31)
flags art. 99				
flagged own alerts **TOTAL**	SUM			

EXCHANGE OF SIRENE FORMS

	Outgoing forms	Incoming forms	**TOTAL** FORMS per category	
A			SUM	A
E			SUM	E, I, ... P, Q
F	SUM	SUM	SUM	
G	SUM	SUM	SUM	
H	SUM	SUM	SUM	
I			SUM	
J			SUM	
K			SUM	
L			SUM	
M			SUM	
N			SUM	
O			SUM	
P			SUM	
Q			SUM	
FORMS **TOTAL**	SUM	SUM	SUM	**GRAND TOTAL**

room for your comments	Space for your comments (field B52)

ANNEX 2 – Questionnaire on implementation of Art. 102A of the CISA
For more information see above point 4

Please note that this is a copy for information. The data should be entered in the Excel form of this table.

IMPLEMENTATION OF ARTICLE 102A OF THE SCHENGEN CONVENTION (pursuant to Art. 102A(4))		Year	0	Country	0

Those two fields have the same content as the SIS-SIRENE worksheet. Enter first the content in the SIS-SIRENE worksheet.

	1 Which authorities obtained access to the SIS pursuant to the Article 102A ?	Government services? (YES/NO)	Direct access? (YES/NO)	Date of first access to the SIS

2 Are all the searches in the SIS performed **before** a vehicle registration procedure is completed? (YES/NO) [ ]

3 Are all the searches in the SIS performed **systematically** when a vehicle registration takes place? (YES/NO) [ ]

4 Are all the searches in the SIS performed **automatically** *(without a supplementary human intervention to access SIS data)* when a request for a vehicle registration is inserted in the IT system of the concerned vehicle registration authority(ies)? (YES/NO) [ ]

5 Are the searches proceeded for registering of ...? (YES/NO)

If possible number of searches for each categories during the year on:

a Motor vehicles	[ ]	[ ]	Motor vehicles
b Trailers and caravans	[ ]	[ ]	Trailers and caravans
c Certificates	[ ]	[ ]	Certificates
d Number plates	[ ]	[ ]	Number plates
		0	Total of searches

6 How many internal hits were found in your territory on alerts inserted by other Member States for each categories? Count only the internal hits occurred for each categories after searches performed according to Art. 102A.

a Motor vehicles	[ ]
b Trailers and caravans	[ ]
c Certificates	[ ]
d Number plates	[ ]
	0	Total of internal hits

7 Are the searches done by those authorities separately recorded (logged) in the N.SIS in order to follow up the pertinent Schengen Convention data protection rules (Art 103 CISA)? (YES/NO) [ ]

8 To what extent was the implementation of this Article a reason for an increase in the number of hits?

9 To what extent does this Article contribute to the fight against organised crime? Could you give an example of the added valued this Article brought about?

10 To what extent has the implementation of this Article contributed to the protection of bona fide persons who have acquired a stolen car or stolen documents?

11 Give your general assessment of the results of implementation of this Article (max. 5 lines).

12 Which difficulties have you faced when implementing this Article (max 5 lines)?

13 Make any other comments and/or suggestions (max. 5 lines).

———————————