

LITHUANIA

In accordance with the last LEWP meeting on 22/02/2021, please find enclosed the Lithuanian answers and additional questions in regards to the Presidency's prepared two questions of thematic bloc 4, enabling Europol to enter data into the Schengen Information System, as stated in the Presidency flash letter.

LITHUANIAN ANSWER AND ADDITIONAL QUESTIONS:

1) Do you agree that there is an operational need to make verified third-country sourced information on terrorists and other criminals available to frontline officers (border guards and police officers) in order to detect those persons when they seek to cross EU external borders or when they are being checked within the EU?

Yes.

2) If so, do you agree that the Schengen Information System is the right tool to make this information available to frontline officers (border guards and police officers)? If not, what alternative solution would you propose.

Yes, the Schengen Information System is the right tool.

Nevertheless, concerns exist if the proposal on entry of alerts by Europol will deliver the desired results. Therefore, we would like to put forward questions regarding the proposed procedure:

- Regarding the relationship between the proposed procedure and the already agreed-upon provisional procedure (COSI, Nov 19). It was agreed that the provisional procedure is to be followed for two years after which its effectiveness will be assessed.
 - How can these two procedures coexist?
 - By following the provisional procedure, voluntary MS' competent national authorities are well in progress of entering the latest FTFs list, yet the proposal mentions 1000 FTFs of which Europol is aware of that have not been entered into SIS yet. Are there still remaining lists of FTFs that Europol had received from third-countries that have not been entered into SIS?

- Regarding the added value of Europol’s alerts.
 - Given the fact that Europol’s alerts would be informational and would technically require no actions by the MS, apart from informing the SIRENE bureau of the fact that a person has been identified, what would be the added operational value of Europol’s alerts?
 - As of right now, SIS alerts are tied to specific actions that MS decide upon when entering a person into SIS. In the proposed procedure, MS themselves will have to decide on how to proceed with a person who was the subject of an alert. How does this ensure the appropriate level of handling throughout all MS that should be applied to persons who are deemed a terrorist threat?
- Regarding the information that is received exclusively by Europol.
 - What are the third-countries/third-parties that Europol receives information from, that MS do not?
- Regarding the criteria for ensuring the trust-worthiness of the third-party and data.
 - What would be the criteria that Europol would follow in order to ensure the trust-worthiness of the source of information and the data received?
 - What rules will Europol follow to ensure that the information received is reliable and not being used for political persecution?
- Regarding the consultations with MS.

Prior consultation with the Member States before the alert is entered into SIS - which channel will be used for consultation (SIENA or) with ENU?