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NOTE

From: Presidency

To: Standing Committee on Operational Cooperation on Internal Security /
Permanent Representatives Committee / Council

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Subject: Information Exchange and Interoperability

- a) Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area
- b) High Level Expert Group on Information Systems and Interoperability
- c) Evolution of the Schengen Information System (SIS): additional functionalities

In the wake of a number of terrorist attacks and terrorism-related incidents in the EU in the past months and facing the ongoing migration crisis, the European Council and the Council have continuously underlined the importance of investing in a swift, effective and qualitative information exchange and information management and the need to ensure the interoperability solutions for EU databases and information systems as one of the means to address the present security challenges.

The aim of increased information exchange and interoperability is being pursued in particular by implementing the Roadmap to enhance information exchange and information management, including interoperability solutions in the Justice and Home Affairs area¹, endorsed by the Council at its meeting of 9-10 June 2016, and by the ongoing work of the High Level Expert Group on Information Systems and Interoperability (HLEG), set up by the Commission. In this context, additional functionalities of the Schengen Information System (SIS) are also being considered and will require legislative changes.

- **Roadmap and HLEG**

The Roadmap, aimed at enhancing information exchange and information management including interoperability solutions, sets out fifty specific and practical short- and medium-term actions and long-term orientations.

The state of play of the implementation of the Roadmap since its endorsement is set out in 13554/1/16 REV 1. It provides an overview of the progress made by the various Council working parties (such as TWP, DAPIX, SIS/SIRENE, VISA, Asylum, Frontiers) and the Commission fora (for example, SIS VIS Committee) as well as the efforts by EU agencies in the JHA area (in particular Europol, Eurojust, eu-LISA and Frontex). It also reflects Member States contributions regarding the implementation of a number of Actions at national level.

In relation to a number of Roadmap Actions linked to strengthening the collection, checking and connection of information for the detection of persons involved in terrorism and terrorism-related activity and their travel movements, **the group of Member States most affected by the phenomenon of foreign terrorist fighters (FTF)** together with Norway and Switzerland (G13) have discussed the possible ways to take those actions forward. The conclusions of their deliberations on the implementation of Actions 17, 18, 19, 20, 22 and 30 of the Roadmap are set out in 13777/16 aiming to enhance information exchange on FTF.

¹ 9368/1/16 REV 1

It appears that one of the key elements for effective information management is better feeding of existing databases and the implementation of EU legislation and other instruments already in place enabling to fully use various information systems. A considerable improvement in feeding the European databases has already been noted. For example, as regards Europol Information System (EIS), in the third quarter (Q3) 2016 the number of terrorism-related objects in EIS increased by 20% (to in total 13,645) compared to the number of such objects at the end of Q2 2016, whereas the number of searches conducted in Q3 2016 brings the total number of searches in EIS performed annually (in 2016 so far) to more than 1,000,000 for the first time in the history of the EIS. As regards SIS, the number of alerts on persons under Article 36 of the SIS II Decision has nearly doubled since 2014, reaching almost 90.000 alerts.

However, significant gaps still remain both as regards providing information to the relevant databases as well as searching and checking the information available, and further efforts are necessary. Some of such gaps are due to sometimes limited possibilities to automatically upload information to several databases and to search them simultaneously. Therefore, an important part of the discussions at the **High Level Expert Group on Information Systems and Interoperability (HLEG)** since 20 June 2016 is dedicated to improving the way Member States implement and use existing systems, and in particular the added value that a single search interface can bring, as well as ameliorating the quality of data that is being provided.

The Commission provided the first overview of these discussions to the Council on 13 October 2016, and following the third HLEG meeting on 29 November 2016 the Commission will deliver its interim findings by December 2016 with a focus on how to better implement and use existing systems and the supporting role that the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA) can play in this context. This would feed into the upcoming review of the eu-LISA mandate.

On this basis of the above, the Presidency invites the Council to:

- (1) take note of the state of play of the implementation of the Roadmap as set out in 13554/1/16 REV 1,*
 - (2) endorse the conclusions of deliberations of G13 on the implementation of Actions 17, 18, 19, 20, 22 and 30 of the Roadmap as set out in 13777/16,*
 - (3) discuss and propose other support measures to be taken at EU level to help Member States in better feeding EU databases and information systems, as well as in fully implementing and using the relevant information exchange instruments and EU databases.*
- **Evolution of the Schengen Information System (SIS)**

At the meeting of the Council on 13-14 October 2016, Ministers were informed about the progress made on several files regarding information technology measures related to border management and had the opportunity to exchange views on the overall approach regarding the use and further development of such measures.

On the basis of the note 12661/16 + COR 1, information was provided to Ministers on the evolution of the Schengen Information System (SIS) in the context of increasingly challenging situation at the external borders of the Schengen area and in view of the continuous threat to Europe's internal security. The Commission announced its intention to present legislative proposals for revising the SIS II in December 2016 accompanied with a report on the outcome of the SIS II evaluation. In its Annual Work Programme for 2017 the Commission confirmed its intention to make the existing and future law enforcement and border management systems more interoperable, following up on the ongoing work of the HLEG.

The legislative proposals on SIS II are expected to contain a series of measures aimed at maximising the effectiveness, efficiency and added value of the SIS by focusing on technical enhancements to the system (such as the use of facial images for biometric identification under strict conditions) and the extension of the scope of the SIS for immigration purposes, with the possible creation of SIS alerts on irregular migrants who are the subject of return decisions. Other measures may include the creation of new alert categories on 'Wanted Unknown Persons', for which forensic data may exist in national databases (for example, a latent print left behind at a crime scene), and on children under high and imminent risk of parental abduction.

Such proposals should aim to ensure the complementarity and avoid overlap with the existing tools, such as the Prüm framework for searching fingerprints in different national databases of Member States, as well as with the ongoing work of the HLEG that continues to discuss if further changes in the SIS are necessary. The HLEG is assessing improvements to various instruments to make the existing and future law enforcement and border management systems more interoperable. This covers *inter alia* a possibility to store hit information on discreet and specific checks in the SIS Central System or options for interoperability with other systems such as Eurodac and EES. The outcome of this ongoing work may lead to another set of proposals to improve SIS II that could be proposed by the Commission in June 2017 together with the outcome of the HLEG work.

This timeline and work plan permits to advance the future and pending legislative proposals without waiting for the conclusion of the HLEG work. It is particularly important in cases where clear needs and solutions are identified and the ongoing work on interoperability is reflected.

In view of the ongoing preparation of the legislative proposals on improving SIS and the ongoing work of the High Level Group on Information systems and interoperability that is expected to be concluded in June 2017, the Presidency invites the members of the Council to:

- ***endorse the proposed approach to achieve the objective on improving SIS II while in parallel making sure that the existing and future law enforcement and border management systems are more interoperable; and***
- ***indicate which measures they consider to be essential for substantially improving the effectiveness, efficiency and added value of the SIS.***