Council of the European Union

Brussels, 12 April 2016
(OR. en)

7711/16

LIMITE

JAI 264
COSI 54
FRONT 168
ASIM 51
DAPIX 50
ENFOPOL 92
SIRIS 64
DATAPROTECT 24
VISA 93
FAUXDOC 11
COPEN 99

NOTE

From:	Presidency
To:	Standing Committee on Operational Cooperation on Internal Security (COSI) / Strategic Committee on Immigration, Frontiers and Asylum (SCIFA)
	COREPER / Council
Subject:	Information exchange and interoperability

1)   Introduction

In the wake of the Brussels attacks of 22 March, Justice and Home Affairs Ministers adopted a Joint Statement at their extraordinary meeting of 24 March 2016[1]. There they again stressed the importance of information exchange. One of the considerations is to "increase as a matter of urgency the systematic feeding, consistent use and interoperability of European and international databases in the fields of security, travel and migration by making full use of technological developments and including privacy safeguards from the outset."

---

[1]   7371/16

They also stated that the Presidency, the Commission, the Member States, EU CTC and relevant agencies and experts will join forces to present by June 2016 practical actions.

These practical actions should build on the good work that has been ongoing in the fight against terrorism for the past years, and in particular since the terrorist attacks in Paris in January 2015. As was demonstrated by the EU CTC in his latest report of March 2016 considerable progress has been made towards implementation of the agreed priorities and efforts have been stepped up regarding the exchange of information.

On 6 April 2016, the Commission presented its Communication on 'Stronger and Smarter Information Systems for Borders and Security'[2]. It provides a detailed overview of information systems and highlights the need to initiate a process towards the improved interoperability of information systems as an objective in the long-term. It indicates 'gaps' and proposes actions to be carried out. This responds to the above mentioned Joint Statement and the Conclusions of the European Council meeting of 17 and 18 December 2015.

The Commission has proposed, as part of the Smart Borders Package, a proposal for an Entry Exit System and a targeted amendment of the Schengen Borders Code. This is meant to improve Border Management. These two initiatives as well as the provision of interoperability between the various IT systems combined with access for law enforcement purposes create a good example for information exchange and the availability of all information needed for border guards and law enforcement.

This Commission initiative is strongly connected to ongoing Presidency and other initiatives. When pursuing these initiatives coherence and synergy are prerequisites to ensure an information and end-user centred approach to support practitioners in the JHA domain.

---

[2]   7644/16

1. *Actions have been discussed and put forward by the Presidency to improve (the use of) information systems with regard to terrorism related activities, in particular countering terrorist travel.*

The development, improvement and better use of databases and detection and alert systems - such as SIS, Europol databases and the Interpol SLTD - are among the most important steps to take in this regard.

2. *Discussion COSI on a EU information architecture*

The discussion in COSI on 'Requirements for an integrated European information architecture in the JHA domain' (DS 1129/16) provides a way forward to ensure an effective access to and exchange and use of information in the JHA domain.

3. *EU CTC report (6785/16)*

This comprehensive report on the implementation of the statement of the Members of the European Council of 12 February 2015, the JHA Council Conclusions of 20 November 2015, and the Conclusions of the European Council of 18 December 2015 has been presented in the JHA Council of March 2016.

2) Proposed way forward

In light of all the initiatives/documents stated above and the explicit wish from Ministers to adopt practical actions in the June Council 2016, the Presidency aims to develop a coherent information and end-user centred approach.

In view of developing such an approach, we would like to discuss what Member States want to prioritise in pursuing the improvement of information-systems, their interoperability as well as proper national use of these systems. In that perspective the Presidency, in consultation with the EU CTC and the Commission drew up the following reflections:

2.1.   The Commission's Smart Borders proposals for an Entry Exit System and an amendment of the Schengen Borders Code are a good example of interoperability and effective use of information. The new proposals aim to take into account the main concerns that were voiced by Council during the discussions in the last years and have taken into account the outcomes of the technical study and pilot.

Do Member States agree that the Smart Borders proposals form a solid basis for negotiations in Council with a view to reaching a political agreement by the end of this year, or so much earlier as possible?

2.2.   The Commission Communication gives a clear overview of all relevant systems that are in place. It also distinguishes four technical options for interoperability.

Apart from a 'single search interface', the Communication also points to more advanced technical options for interoperability, such as 'automatic interconnectivity', a 'shared biometric matching service' and a 'common repository of data (core module)'.

The protection of personal data will have to be embedded in any future development of such technical options, starting from the outset (design phase) and building on new principles such as data protection by design and data protection by default in order to ensure full compliance with more traditional data protection principles and requirements (necessity, proportionality, purpose limitation and data quality).

Member States are invited to indicate:

a)   **whether they agree on the need to start working, in the short term, towards a 'single search interface';**

b)   **to indicate which databases to include and who has access; and,**

c)   **in which areas, in the longer term, they see the automatic interconnectivity model (or other more advanced options for interoperability) as bringing added value beyond the use of a single interface.**

2.3. The Commission communication also identifies a number of gaps in the EU architecture of information systems, such as a need to establish a fingerprint search function in the SIS II (AFIS) also for EU citizens. Other improvements can be thought of, such as possible interoperability solutions in the context of the updates of the Eurodac, SIS II and VIS Regulations (including a review of the purpose of these databases). An overview of such gaps and possible areas for improvement seems necessary.

Member States are invited to indicate:

a)   **whether there is an information gap regarding third country nationals exempt from visa requirements travelling to the EU;**

b)   **if yes, whether this can potentially be addressed by an EU Travel Information and Authorisation System;**

c)   **whether, bearing in mind the nature of the current terrorist threat, the option to register border crossings of EU citizens (all or just SIS registered) should be considered; and**

d)   **which are other important gaps in the EU's architecture of information systems that need to be addressed.**

Systematic feeding and use of databases

The EU CTC has been asked to prepare the discussion by summarizing the possibilities for the use of the information systems by Member States.

3) Roadmap

The outcome of this discussion will be used to work towards fundamental agreement on the requirements for an integrated European information architecture including interoperability in the JHA domain, covering migration, security/CT and borders by June 2016. This agreement should also encompass the actions that are being developed on information exchange regarding terrorism related activities. The agreement will include a roadmap with short, mid- and long term actions, which will be presented during the JHA Council in June 2016.

This will also give effect to the Joint Statement of Ministers of 24 March 2016, which calls upon the EU CTC, the Presidency, the Commission and the relevant agencies to join forces.

Way forward on information exchange and interoperability:

COSI/SCIFA 18 April: preparation of discussion in JHA Council of 21 April.

JHA Council 21 April: discussion on prioritising actions for improving information-exchange.

The outcome of this Council discussion will be used to feed the discussion in COSI on the requirements for integrated European information architecture in the JHA domain and setting up a 'roadmap'.

COSI 17 May: discussion of the draft 'roadmap' containing actions/requirements for an integrated European information architecture including interoperability in the JHA area.

DAPIX 18 May: discussion on the Commission Communication and draft Roadmap in view of their implementation.

JHA Council 9/10 June: presentation and discussion of the 'roadmap' containing actions/requirements for an integrated European information architecture including interoperability in the JHA area.

The Commission announced in its Communication the setting up of a High Level Expert Group (preparation work already started within COM). It is envisaged that the Expert Group will hold two meetings between now and the JHA Council of 9/10 June. It is important to align this process with the ongoing work of the Presidency.

Way forward on Smart Borders Package:

From 19th of April discussions in Frontiers WP

JHA Council 9/10 June: Progress report

_____