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DOCUMENT DE TRAVAIL

sur le rapport spécial n° 20/2019 de la Cour des comptes européenne (décharge 2018): Systèmes d'information de l'UE utilisés dans le cadre du contrôle aux frontières – Un outil solide, mais trop peu axé sur l'exhaustivité et la disponibilité en temps opportun des données

Commission du contrôle budgétaire

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Summary

The creation of the Schengen area abolished border checks between participating countries comprising 22 EU Member States and four other European countries. However, abolishing internal borders reinforces the importance of effective control and surveillance of the Schengen area's external borders. Control of the external borders is of high interest to EU citizens and other stakeholders.

In order to help border guards control the Schengen area's external borders, the EU has set up the following information systems or common frameworks for exchange of information: the Schengen Information System (SIS II), the Visa Information System (VIS), Eurodac (European Asylum Dactyloscopy Database - Fingerprint comparison system). In addition, the European Border Surveillance System (Eurosur) and the Passenger Name Record systems (PNR) provide further support to border authorities.

Setting-up and maintaining these systems required substantial investment from both the EU and the participating Schengen states. Based on available information, the Court of Auditors estimates that the EU budget provided over €600 million to set up these systems. Considering the increasing pressure at the EU external borders caused by recent security and migratory situations, the audit aimed at identifying aspects in the design and use of these systems that can help border guards do their job more efficiently.

The main audit question was *“Are the main EU information systems for internal security supporting border controls efficiently?”*

The Court concludes that border guards are increasingly using and relying on these systems when performing border checks. However, some data is currently not included in the systems, while other data is either not complete or not entered in a timely manner. This reduces the efficiency of some border checks.

The Court found that the systems are generally well designed to facilitate border checks and that the Member States (Finland, France, Italy, Luxembourg and Poland) visited by the Court generally complied with the applicable legal framework. Nevertheless, some countries' national SIS II and VIS components facilitate more efficient border checks than others.

There were long delays in the implementation of IT solutions for Eurosur and PNR, both at EU and national level. This prevented border guards and other authorities of the intended benefits of these systems.

The Schengen evaluation mechanism plays an important role in securing EU external borders. Evaluations are generally thorough and methodical, and address key aspects of the systems. However, it takes a long time for the Member States to remedy weaknesses identified. This is due to a lack of binding deadlines for the adoption of evaluation reports and the implementation of corrective actions.

Although the Member States are making increasing use of the information systems, this use could be more systematic. The Court carried out a survey of border guards and found that more than half of them had at some point allowed people to cross borders without consulting the systems. Furthermore, the Court noted a discrepancy between the number of visas issued and the number of visas checked.

Border guards use the data in the systems as their basis for making decisions that affect the safety of European citizens. The quality of this data is therefore of the utmost importance. In accordance with EU legislation, the responsibility for data quality is with the Member States. We found little reference to data quality control in the legal acts governing the European information systems. Although eu-LISA performs automated monthly quality checks of the data in SIS II, the results are available only to the Member States concerned and therefore, it is not possible for the agency or the Commission, to evaluate the progress individual countries have made in addressing data quality issues. Neither eu-LISA nor the Commission have any enforcement powers to ensure that Member States correct data quality issues in a timely manner.

Border guards do not always get timely and complete data from the information systems. For example, when border guards check a name in SIS II, they may receive hundreds of results (mostly false positives), which they are legally required to check manually. This not only makes border checks less efficient, but also increases the risk of overlooking real hits. Incomplete records in SIS II also affect other systems linked to it.

Except in the case of Eurodac, there are generally no compulsory deadlines on entering data. For example, Eurosur is meant to provide real-time information on the situation at the borders. However, while some of the countries covered by the Court's audit do indeed enter information in Eurosur on a real-time basis, others do so only once a week. Since Eurodac started operating in 2003, there has not been a single year in which all Member States have transmitted the required information on time. Delayed transmission can lead to the wrong country being designated responsible for processing the asylum application.

In the light of its findings, the Court recommends that the Commission should:

- Promote the use of SIS II and VIS training environments;
- Speed up the correction of weaknesses detected during Schengen evaluations;
- Analyse discrepancies in visa checks;
- Improve data quality control procedures;
- Reduce delays in data entry.

Summary of the Commission Replies

With regard to Passenger Name Record (PNR), the Commission underlines that data collected under the PNR Directive cannot be used for border/immigration control purposes, but only for law enforcement purposes in combatting serious crime and terrorism.

On the issue of long delays in the implementation of IT solutions for the PNR, the Commission recalled that the deadline for the transposition of the PNR Directive passed on 25 May 2018. Therefore, it is a relatively new instrument, in comparison with other systems covered by the Court's audit.

The Commission does not consider that there were long delays in the implementation of IT solutions for Eurosur. The Eurosur communication network, interlinking the Member States' national coordination centres for border surveillance with each other and with the European Border and Coast Guard Agency (Frontex) has been established in time, allowing for instance to exchange information on incidents related to irregular migration and cross-border crime.

However, there has indeed been a delay in finalising the accreditation process for the exchange of some information due to confidentiality requirements.

On the Schengen evaluation mechanism, the Commission agrees with the ECA that concrete and binding deadlines for the implementation of the recommendations by the concerned Member States would considerably strengthen the efficiency of the Schengen evaluation mechanism and close the identified gaps more swiftly.

The Commission considers that with the ever-increasing passenger flow, it is important to invest in solutions that enable a systematic check in all relevant information systems for all passengers, regardless of the particular situation or passenger queue.

As regards the Commission's enforcement powers, the Commission is responsible for monitoring the correct implementation of EU legislation by Member States. Therefore, although the Commission does not have access to SIS data and cannot assess individual cases, it can verify that the structures and mechanisms are in place at national level to ensure high quality of data in SIS.

In its 2018 Eurosur evaluation report the Commission has also highlighted the different timeliness of Member States in inserting information into Eurosur. This issue has therefore been addressed in the new European Border and Coast Guard Regulation (which now also includes Eurosur), allowing to agree on binding implementing rules on the Eurosur information exchange in the future.

The Commission accepted all the recommendations issued by the Court of Auditors.

Recommandations de la rapporteure

Le Parlement européen:

1. salue le rapport spécial de la Cour des comptes européenne intitulé «Systèmes d'information de l'UE utilisés dans le cadre du contrôle aux frontières – Un outil solide, mais trop peu axé sur l'exhaustivité et la disponibilité en temps opportun des données» et fait part des observations et recommandations suivantes;
2. estime que tout système informatique est aussi robuste que les informations qu'il renferme;
3. souligne que le recours aux informations disponibles et leur partage sont cruciaux pour toutes les parties concernées par les contrôles aux frontières, ainsi que pour l'efficacité et la fiabilité de ceux-ci;
4. insiste sur la valeur ajoutée que constituent les données collectées et encourage à tenir compte de l'évolution des nouvelles technologies et des nouveaux outils d'analyse pertinents, tels que l'intelligence artificielle, les mégadonnées et l'analyse de données;
5. soutient que la mise en place en temps opportun de systèmes informatiques renfermant de meilleures données qualitatives pourrait permettre de réduire, voire d'éliminer, les risques d'accès irrégulier à l'espace Schengen et de faciliter la mission et la formation des garde-frontières;

6. regrette que seuls quelques États Schengen soient prêts à utiliser le système de relevé des empreintes digitales et appelle de ses vœux un recours plus large aux données biométriques;
7. souligne les lacunes actuelles en matière d'information et presse la Commission, les États Schengen et les pays candidats à l'espace Schengen à améliorer la connectivité entre les cinq systèmes d'information existants, afin de garantir des flux de données corrects et fonctionnant en temps opportun; se réjouit à cet égard de l'adoption des deux règlements portant établissement d'un cadre pour l'interopérabilité des systèmes d'information de l'Union dans le domaine de la justice et des affaires intérieures et insiste pour qu'ils soient appliqués en temps utile;
8. estime que le mécanisme d'évaluation de Schengen devrait fonctionner plus rapidement et donner des délais précis pour procéder aux modifications nécessaires;
9. relève que les divergences ou les retards relevés par la Cour des comptes dans la saisie des données pourraient freiner l'adhésion des pays candidats à l'espace Schengen;
10. affirme que la Commission devrait encourager le maintien des bonnes pratiques et des bons comportements en matière d'alimentation et de soutien des systèmes d'information.