Final

14th meeting of the Coordinated Supervision Committee (CSC)
2-3 July 2024, Physical meeting

Summary

The Coordinated Supervision Committee ("the Committee") met on 2 and 3 July 2024, physically.

First Day (2 July)

Item 1: Internal organisation

1.1. Resignation of the Coordinator: The Deputy Coordinator announced the Coordinator's resignation and the upcoming election of the new Coordinator.

1.2. Election of a new Coordinator: Ms. Fanny Coudert, from the EDPS, was elected unanimously as new Coordinator of the CSC.

1.3. AOB: The Deputy Coordinator provided organisational information, highlighting the Committee's progress during the previous months along with the upcoming challenges due to new large-scale IT systems falling under the Committee's supervision. Discussions touched upon potential solutions, which the coordinators agreed to consider in order to improve the scheduling and the logistics of the future CSC meetings.

Item 2: Agenda of Part B and Minutes

The agenda of Part B was adopted. The minutes of Part B of the 13th CSC meeting on 29 May 2024 were adopted. The CSC members also adopted the summary of discussions for the respective part of the 13th CSC meeting.

Item 3: SIS

3.1. Presentation of the COM on Schengen evaluation mechanism

3.1.1 Schengen Scoreboard (DG HOME+DG JUST): The EC presented the Schengen Scoreboard, a key tool of the Schengen cycle, which was developed to reinforce the Schengen governance, explaining its structure, the scoring rules and the possible outcomes of the evaluation. The Scoreboard has six dimensions divided by indicators and criteria and data protection is integrated under a specific indicator. The CSC members asked for clarifications about the position of the data protection aspects and the EC clarified that all data protection aspects were included in the part Large-scale IT-systems. Questions were also raised about the criteria of assigning points and the EC provided an example in this regard.

3.1.2. KOEL platform (DG HOME+DG JUST): The EC presented the KOEL platform, which is used to upload the recommendations upon their adoption until the EC considers that the Member State has implemented all recommendations and actions, and explained the indicator on relevant recommendations in the data protection elements. The CSC members also shared their experience at national level and the EC reported that since the new Regulation entered into force one expert per area had to be nominated by the Member States and the SAs.

3.1.3. Further updates: The EC updated the Committee on the successful nominations for 2023 and stated that the call for the 2025 pool of experts was open, inviting the Member States to nominate their experts. The EC also announced that the evaluation of several countries would take place in 2025 and a thematic evaluation on the return mechanism would be conducted this year. The EC further reported on the trainings organized on data protection matters, the development of a platform to share the training material and the establishment of a Group on Harmonised Training.

The EC mentioned an upcoming workshop on integrating EES and ETIAS into the Schengen process and invited Member States to contact their national contact points in this regard. The CSC is to be kept informed in this regard, in particular on new central documents and systems.

3.2. Presentation of eu-LISA DPO on SIS statistics: The eu-LISA representative joined the meeting, presented the SIS statistics and provided a general overview of the system, of incidents and issues, data consistency check, developments and alarms and alert logs. The eu-LISA representative also presented statistics on central queries, AFIS queries, AFIS FPS and ABQ QUERIES, along with an overview of the searches and illustrated the ongoing developments, including new search functions and the interconnection between ETIAS and SIS through ESP, as well as expected developments and objectives in a longer term. The CSC members requested information about the statistics at national level and the eu-LISA representative explained why some Member States were not shown in some overviews.

3.3. Report on Article 36 alerts: Discussions touched upon the lawfulness of issuing alerts on contact persons in the SIS in cases of Article 36(2) of the SIS II Decision (now Article 36 (2) Regulation (EU) 2018/1862). Regarding the definition of contact person, the CSC members agreed that issuing alerts on contact persons on SIS is incompatible with the wording of the definition of the European provision, even if a national law authorises alerts on contact persons in national systems. This interpretation will be included in the draft report.

3.4. Checking logs of Article 12 SIS Regulations: The Deputy Coordinator shared a member's question about the methodology, the approach and the criteria to check the logs in the system. The

CSC members shared their current practices in this regard. It was suggested to set up a drafting team to frame the main issue and determine the following steps ahead of the next CSC.

3.5. AOB: A member raised a question about the SIS statistics and the issue of collecting court statistics data at national level. The Deputy Coordinators emphasized that annual reporting is not obligatory for the national SA but for the executive bodies of each Member State..

The Deputy Coordinators then provided information on the upcoming semestrial update on CSC at the following EDPB plenary meeting.

Second Day (3 July)

Item 4: ETIAS

4.1. Report of developments since the last CSC meeting: The Deputy Coordinator updated the CSC members on various workshops and working group meetings that took place. Upcoming meetings of working groups and workshops scheduled in fall 2024 were announced. Two CSC members reported on the 1st Inter - Agency meeting of the ETIAS DPIA Technical Expert Group, during which discussions took place on the data ownership concept and the definition of responsibilities and the need for support from CSC members to figure out the key issues in the DPIA of ETIAS was raised.

4.2. Letter to COM: The CSC members agreed to send a letter to the EC with Frontex Central Unit and eu-LISA in copy to address concerns and solve several criticalities concerning data protection in the ETIAS implementation system. The Committee adopted the content of the letter, and it was agreed to publish it on the CSC website.

4.3. Internal organisation: A discussion took place on the possible next steps of the coordination and the benefits of the dedicated ETIAS group, which was established during the CSC meeting on 19 & 20 March 2024 in light of the challenges for the Committee with regard to ETIAS implementation and its role in the EFRGB. The CSC members agreed to maintain the dedicated ETIAS group, and determined its commitments.

Item 5: EES

5.1. FRA project on the implementation of the EES: The FRA representative joined the meeting and provided an overview of three ongoing projects on fundamental rights implications of EU IT systems conducted by FRA. Focusing on the project on Fundamental rights implications of the EES, the FRA representative provided an overview of the methodology and the choice of countries and illustrated the fundamental rights implications of the EES, examining the fundamental rights safeguards in the system and stating the impacted rights. The CSC members were invited to participate in a discussion on the preliminary findings on 18 September 2024.

5.2. Information campaign: The Deputy Coordinator informed the CSC members that no response had been received to the letter sent to the EC. The CSC members then shared their experiences on recent developments in the information campaign at a national level.

5.3. Implementation of EES: The CSC members updated the Committee on the implementation of EES at a national level and discussions touched upon whether a DPIA would be performed in each Member State.

5.4. AOB: A member raised the issue of the right to information (Article 50) of third country nationals, on the template that has to be provided by the COM and completed by the Member States and on the material to provide.

Item 6: Agenda of Part C

The agenda of Part C was adopted.

Item 7: IMI

7.1. Management of users' access to IMI: The Deputy Coordinator reported issues of access to IMI due to the large number of users, explaining that they concerned access rights in general and potential administrative rights. It was proposed to prepare questions for discussion during the following CSC meeting and analyse the findings to figure out potential issues.

Item 8: Agenda of Part D and Minutes

The agenda of Part D was adopted. The minutes and the summary of discussions of Part A of the 13th CSC meeting on 29 May 2024 were adopted.

Item 9: Europol

9.1. Report of the EDPS: The EDPS updated the CSC members on two prior consultations regarding two tools in Europol's image and video analysis solution. One of the tools would be used for facial recognition and another tool for object identification and for scoring images, indicating the likelihood that they contain child sexual abuse material. Questions were raised about the tools functioning and the kind of cases to be investigated using these tools. The Opinions are to be sent to the CSC members upon their finalisation.

9.2. Joint activities on minors: The Deputy Coordinator shared information on the joint activities on minors, in the context of which the EDPS had requested statistics from Europol on data transfers concerning minors in 2023 and several SAs had conducted investigations. The EDPS informed the CSC members that the inspection for 2022 had been finalised, the report had been issued and a summary had been published. It was agreed to prepare a report and examine whether to standardize this activity and its format.

9.3. Complaint procedures: Internal guidance note on cooperation of supervisory authorities: During the previous CSC meeting on 19 & 20 March 2024 it was agreed to prepare a brief guidance note on Article 47 ER in order to establish a common understanding of the interpretation of the obligations and responsibilities under this provision. There was some exchange of opinions on the content of the cooperation between Europol and national authorities regarding lawfulness checks under Article 47(3) ER.

9.4. Further activities: The Deputy Coordinator raised the issue of the prioritization of Europol items, two of which remained in the list of open items, and mentioned that the possibility to use large data sets even without prior data subject categorization for investigations had not been applied. It was agreed that the items would be reviewed and potentially included in the agenda for the next CSC meeting on September 25, 2024.

9.5. AOB: The Deputy Coordinator informed the CSC members about a new proposed Regulation (COM(2023) 754 final), which involves Europol using biometric data to support Member States. Concerns were expressed about the large-scale collection of biometric data. More details on the actual implications of the new Regulation and the upcoming changes to Europol's information systems are to be found in the Annex of the legislative draft.

Item 10: Prüm II

10.1. Takeover of tasks of the CSC: The Deputy Coordinator stated that the Prüm II Regulation clearly mentions Article 62 of the EUDPR, meaning that the systems and organizations involved are subject to the Committee's supervision under Article 59(2) of the Prüm II Regulation. A discussion took place on whether the CSC members had already been consulted regarding Prüm II Regulation matters. A pilot project on EPRIS had already been carried out with the participation of several SAs.

10.2. Next steps: The CSC members discussed the following steps concerning the Prüm II Regulation and several suggestions were put forward. Clarifications were provided on the connection of Prüm II via interoperability, in particular to CIR and ESP, following the EDPS prior consultation on the structure. The CSC members agreed to set up the necessary administrative structure and point out the relevant provisions of the Regulation for the Committee's role, as well as any missing provisions from the previous legislation.

10.3. General comments

The next meeting of the Committee will be held, remotely, on 25 September 2024.