

Mr Henrik NIELSEN
Director for Schengen, Borders and Innovation
DG HOME
European Commission

Subject: eu-LISA reply to Ares (2023)2559144 - Written Question [E-000833/2023]

Dear Mr Nielsen,

In reference to your letter regarding MEP Cornelia Ernst questions on automated searches in SIS using automatic number plate recognition systems, please find below the necessary elements which I hope will serve the purpose of providing a concise reply to the Honourable Member of the European Parliament.

As an introduction, it should be clarified that the automated searches in SIS II using Automatic Number Plate Recognition (ANPR) were materialized as a legal possibility for the Member States with the SIS Recast legislative framework¹ that entered into force in November 2018. It concerns a search executed in compliance with Member States national rules and according to a set of specific technical modalities set at national level. Before 2018, the results of those searches allowed for check against the relevant national databases and as well, in SIS given that *Article 40 of the Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second-generation Schengen Information System (SIS II)* is respected. Following the entry into force of the above mentioned SIS legislative framework, Member States that have ANPR systems installed on their territory were allowed to check automatically those number plates for the purposes listed in *Article 44 on the Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU*. Therefore, the underlying legislation only provides the possibility for such type of queries, which are not mandatory, especially taking into account that not all Member States and Schengen associated countries using the Schengen Information System have currently in place national APNR systems.

Concerning the figures that the Agency has on the automatic searches conducted in SIS II in the past five years, eu-LISA publishes on annual basis a report on the SIS II statistics which includes among others the data on searches performed by the Member States.

¹ Regulation (UE) 2018/1860 on the use of the Schengen Information System for the return of illegally staying third-country nationals
Regulation (UE) 2018/1861 on the establishment, operation and use of the Schengen Information System (SIS) border checks
Regulation (UE) 2018/1862 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters

As per the definition, automatically processed searches happen without any human intervention, e.g. searches carried out by automatic number plate recognition systems (ANPR) or other types of automated bulk searches. When it comes to how many of these automated searches in SIS II were made by number plate recognition systems, and how can eu-LISA determine when this is the case, it should be noted that the majority of the data contained in the annual reports, including on the automated searches in SIS II made by number plate recognition systems, is sent from the Member States to eu-LISA to enable the preparation of the SIS II annual reports. To be underlined that, **due to the architecture of SIS, it is not possible to see from a central level how Member States conduct searches in the system, e.g. if those are manually processed or automatically processed searches** Therefore, during the annual collection of statistical data from Member States, if the Member States can, they are asked to separate their searches between:

- Manually processed searches
- Automatically processed searches

For 2022, see the [2023](#) Report - Member States reported **8,350 billion** automated searches.

For 2021, see the [2021](#) Report - Member States reported **4,026 billion** automated searches.

For 2020, see the [2020](#) Report - Member States reported **1,014 billion** automated searches.

For 2019, see the [2019](#) Report - Member States reported **2,066 billion** automated searches.

For 2018, see the [2018](#) Report - Member States reported **1,871 billion** automated searches

Last, but not the least, each Member State has an obligation to send to eu-LISA a list of its competent authorities which are authorised to search the data in SIS directly pursuant to the SIS Regulations, and this list is published in the Official Journal of the European Union annually.

To summarize, I would like to emphasise that:

- not all Member States provide the breakdown between manual and automated searches performed;
- in the automated searches there are the ANPR searches but not only;
- not all Member States specify when using ANPR systems;
- between 2021 and 2022 the *Automatically processed searches* more than doubled (from 4 to 8,350 billion). Indeed, those type of searches are becoming predominant as nowadays those represent 65% of the total searches reported, when it was 58% in 2021 and 31% in 2019.

Given all the aspects mentioned above, eu-LISA does not have at central level the necessary data in order to provide a reply to the third question related to which Member States have made an especially high number of searches using automated number plate recognition systems.

Please remain assured that should you have any additional questions, I remain at your disposal.

Best regards,

Agnès DIALLO
Executive Director