Schengen Information System: application of the provisions of the Schengen acquis in Bulgaria and Romania

2010/0814(NLE) - 24/02/2010 - Legislative proposal

PURPOSE: the application of the provisions of the Schengen acquis relating to the Schengen Information System (SIS) in the Republic of Bulgaria and Romania at a date to be decided by the Council.

PROPOSED ACT: Council Decision.

BACKGROUND: Article 4(2) of the 2005 Act of Accession provides that the provisions of the Schengen acquis other than those mentioned in Annex II to the said Act shall only apply in each of those Member States within the meaning of that instrument pursuant to a Council Decision to that effect after verification that the necessary conditions for the application of that acquis have been met.

The Council has verified that the Republic of Bulgaria and Romania are able to ensure satisfactory levels of data. It is therefore possible **to set a date from which the Schengen acquis relating to the Schengen Information System (SIS) may apply in those Member States**. This is the purpose of this proposed decision.

A separate Council Decision should be taken setting a date for the lifting of checks at internal borders. Until the date of the lifting of checks set out in that Decision, certain restrictions on the use of the SIS should be imposed.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASE: Article 4 (2) of the 2005 Act of Accession of Bulgaria and Romania to the European Union.

CONTENT: in accordance with the provisions of the Act of Accession, the provisions of the Schengen acquis relating to the Schengen Information System (as laid down in Annex II of this decision) can apply to Bulgaria and Romania from a date to be decided by the Council or, if the need arises, on a date provided for the instruments themselves.

In parallel, from a date to be decided by the Council, Bulgaria and Romania, like the Member States in which the Schengen acquis already applies, will be able to enter data into the SIS and SIS data. However, until the date of the lifting of checks at internal borders with Bulgaria and Romania, those Member States:

- shall not be obliged to refuse entry to their territory or to expel nationals of third States for whom an SIS alert has been issued by another Member State for the purposes of refusing entry;
- shall refrain from entering the data covered by the provisions of Article 96 of the Schengen Convention.

Annexes: the annexes to the proposal provide in particular a list of the provisions of the Schengen acquis relating to the SIS to be rendered applicable to Bulgaria and Romania:

- **Annex I:** list of provisions of the Schengen acquis relating to the SIS, in particular: i) certain provisions of the Schengen Convention, ii) certain specific provisions relating to the SIS, iii) other

more specific instruments relating to the SISNET – the communications infrastructure for the SIS environment -, the SIRENE manual, and provisions relating to the application of various SIS functionalities – relating to the fight against terrorism -, access to the SIS by the services in the Member States responsible for issuing registration certificates for vehicles, certain provisions the Schengen border code as well as regulations and decisions regarding the migration from SIS 1+ to SIS II;

- **Annex II:** the list of the provisions of the Schengen acquis relating to the SIS II: Regulation (EC) No 1986/2006 of the European Parliament and of the Council regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates – Regulation (EC) No 1987/2006 of the European Parliament and of the Council on the establishment, operation and use of the second generation Schengen Information System (SIS II) - Council Decision 2007/533/JHA on the establishment, operation and use of the second generation Schengen Information System (SIS II).

Territorial provisions: this decision will apply to Iceland, Norway and Switzerland, in accordance with the relevant provisions of the agreement concluded by the Council with these third countries on their association with the implementation, application and development of the Schengen acquis.

BUDGETARY IMPACT: the proposal does not have an impact on the EU's budget.