

Schengen: migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II)

2010/0006(NLE) - 18/05/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 547 votes to 36 with 42 abstentions a resolution on the proposal for a Council regulation amending Decision 2008/839/JHA on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) It amended the Commission proposal as follows:

Towards a technical solution in the case of a failure of the SIS II: it is necessary to adapt the legal framework to allow for migration to a possible alternative technical solution if tests show that SIS II cannot be implemented successfully. Members propose that in the event of a failure of the current SIS II project, after testing, an alternative technical solution should be devised and its full financial implications should be disclosed to all parties concerned. This solution should be based on the best available technology and should be cost-effective and implemented in accordance with a **precise and reasonable timetable**. The Commission should present a thorough budgetary assessment of the costs associated with such an alternative technical solution in a timely fashion. It should be explicitly stated that the legal framework established by Decision 2007/533/JHA applies to every solution, regardless of its technical nature.

Similarly, if the current SIS II project is discontinued and an alternative technical solution is implemented, references to SIS II in this Decision shall be read as references to that alternative technical solution.

Maintaining the sunset clause: the current legislation sets the date for the completion of the migration at 30 September 2009, with the possibility for extension, through comitology, until 30 June 2010 at the latest. The Commission did use this and extended the date until 30 June 2010. However, Members consider that the **sunset clause should be kept**. The new date should be in line with the current forecasts that SIS II will become operational by the end of 2011. The Commission should be granted some flexibility again to extend the date through comitology, in order to cover the possible need to switch from SIS II to an alternative scenario in case the tests fail. Accordingly, the text now provides that Member States participating in SIS 1+ shall migrate from N.SIS to N.SIS II using the interim migration architecture, with the support of France and of the Commission by 31 December 2011 at the latest. If an alternative technical solution is implemented, that date may be changed in accordance with the comitology procedure specified in the text. It should also be noted that this Regulation shall expire no later than on **31 December 2013**.

Full association of the European Parliament as co-legislator: as the European Parliament is responsible as a co-legislator for the establishment, operation and use of SIS II as laid down in Regulation (EC) No 1987/2006, and as the migration is financed from the Union budget, for which the European Parliament is also co-responsible, the European Parliament should be integrated in the decision making process concerning migration. A favourable opinion from the European Parliament, on the basis of information provided by the Commission on the test results, should be required before the switchover to a new Schengen Information System.

Global Programme Management Board (GPMB): the GPMB shall be composed of a maximum of 10 members who shall be qualified contribute actively to the development of the SIS II and who shall meet on a regular basis. Members stipulate that interested Members or relevant staff of the European

Parliament, experts from Member States and Commission officials directly involved in the development of the SIS II projects may attend GPMB meetings at the expense of their respective administration or institution. The GPMB may invite other experts to participate in GPMB meetings as defined in the terms of reference at the expense of their respective administration, institution or company. The necessary appropriations to cover the cost arising from the meetings of the GPMB shall come from the appropriations currently provided for in the Financial Programming 2010-2013 for the second generation Schengen Information System (SIS II).

The mandate of the GPMB: Parliament added that the GPMB shall provide a forum for assistance to the development of Central SIS II. It should facilitate consistency and provide for coordination of the central and national SIS II projects. The terms of reference of the GPMB shall include a requirement to publish regular reports and to make those reports available to the European Parliament in order to ensure full parliamentary scrutiny and oversight.

Personal data: Parliament added that the Commission shall develop and implement a package with additional measures in order to prevent the leakage of personal data information from the database and to ensure the protection of personal data for the entire duration of testing and migration from SIS I to the second generation Schengen Information System (SIS II).

It should be noted that the legislative resolution specifies that the Parliament, as co-legislator for the establishment of the second generation Schengen Information System (SIS II) and budgetary authority, reserves its right to hold in reserve the funds to be allocated for the development of the SIS II in the 2011 annual budget, in order to ensure full parliamentary scrutiny and oversight of the process.