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

2010/0814(NLE) - 29/06/2010 - Final act

PURPOSE : to apply the provisions of the Schengen acquis relating to the Schengen Information System (SIS) to Bulgaria and Romania.

LEGISLATIVE ACT : Council Decision 2010/365/EU on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania

CONTENT : the Council adopted a decision on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulg aria and Romania, having verified that the Member States concerned ensure satisfactory levels of data protection.

Accordingly, the Decision provides that

- from 15 October 2010, the provisions of the Schengen acquis relating to the SIS, as referred to in Annex I, shall apply to Bulgaria and Romania;
- the provisions of the Schengen acquis relating to the SIS, as referred to in Annex II, shall apply from the date specified therein to Bulgaria and Romania;
- from 29 June 2010 real SIS data may be transferred to the Member States concerned;
- from 15 October 2010, the Member States concerned, like the Member States in respect of which the Schengen acquis has already been implemented, shall be able to enter data into the SIS and use SIS data, subject to the provisions below;
- until the date of the lifting of checks at internal borders with the Member States concerned, those Member States: (a) shall not be obliged to refuse entry to their territory or to expel nationals of third States for whom a SIS alert has been issued by another Member State for the purposes of refusing entry; (b) shall refrain from entering the data covered by the provisions of Article 96 of the Schengen Convention.

Annexes: the annexes to the Decision 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).

ENTRY INTO FORCE : 29/06/2010.