

Schengen area: migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) - including the participation of United Kingdom and Ireland. Recast

2012/0033A(NLE) - 12/11/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Carlos COELHO (EPP, PT) on the draft Council Regulation on migration from the Schengen Information System (SIS I+) to the second generation Schengen Information System (SIS II) as amended by the Council and as adapted to the recommendations of Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission.

In accordance with Parliament's Rules of Procedure, and in particular Rule 87(3), 3rd subparagraph, the committee is required to notify its intention to submit amendments to the codified parts of the proposal to the Council and the Commission and refer to point 8 of the interinstitutional agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts. In view of the fact that in the latest version of the text examined, the Council also introduced amendments in the codified part, Members also propose new amendments to these parts of the text.

The main amendments may be summarised as follows:

Division of the original text: Members agree with the splitting of the original text into two parts: **one applicable to the UK and Ireland** (this proposal) and the other not applicable to these two Member States ([NLE/2012/0033B](#)) for reasons of legal clarity that these two new texts provide.

Entry into force of the text: Members favour the insertion of a formal date for the entry into force of the future Regulation. They consider that the development of SIS II should be continued and should be finalised **at the latest by 30 June 2013**. Members think it is necessary to set a date for the finalisation of the migration and for the expiry of the Regulation. Otherwise, they fear that it will be further delayed.

Supervision of data protection: Members call for efficient supervision of the complex migration. This should be achieved through an effective cooperation between the current and future supervisory authorities. The SIS 1+ was covered by a Convention, while SIS II relies on Member States' authorities for national supervision and on the EDPS for the central unit, requiring a close cooperation between them, in order to ensure a smooth transition. They call for the **Joint Supervisory Authority** to be responsible for supervising the technical support function of the current SIS 1+ until the entry into force of the SIS II legal framework. **National Supervisory Authorities** would be responsible for the supervision of SIS 1+ data processing on the territory of their respective Member States and would remain responsible for monitoring the lawfulness of the processing of SIS II personal data on the territory of the Member States. They also suggest that the National Supervisory Authorities and the **European Data Protection Supervisor** should ensure the coordinated supervision of SIS II.

Quality of data: Members consider it of the utmost importance to ensure the quality of the data which eventually will be used by SIS II users. Personal data are particularly sensitive in this regard as errors can have extremely negative consequences for persons, for example unjustified arrests or refusals at the

border. It is therefore necessary to check the correctness of data, through the identification of any errors of discrepancies in the data migrated from one system to the other.

Deletion of data: Members believe that once the SIS II is fully operational, none of the current SIS data should be available outside the SIS II. It is necessary for reasons of proper data management and control to avoid that SIS data is kept elsewhere. It should therefore be clarified that this data will be deleted. These data shall be deleted **at the latest one month after** the end of the intensive monitoring period.

Completion of the switchover process: at the end of the complex migration process, there should be a validation to determine if the migration and the following switchover were successful. As a result, on the basis of information provided by the Member States and the responsible supervisory authorities, the Commission shall **report to the European Parliament and the Council on the completion of the migration, in particular on the switchover of the Member States to SIS II.** This report shall confirm whether the migration and in particular the switchover have been carried out in full compliance with this Regulation at central as well as at national level, and that the processing of personal data during the entire migration was in accordance with Regulation (EC) No 45/2001 and Directive 95/46/EC of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

Migration of the SIRENE bureaux: Members recall that the SIS 1+ and the SIRENE systems operate at the moment on the SISNET communications network. The launch of SIS II operations requires also the migration of the SIRENE bureaux to the S-TESTA network for the exchange of supplementary information.

Information to the European Parliament: lastly, Members consider that the sis-monthly report prepared by the Commission on the progress of the development of SIS II and the migration from SIS I+ to SIS II should also include information of the results of the migration tests.