

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) - 21/11/2012 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 631 votes to 46, with 15 abstentions, a legislative resolution on the draft Council Regulation on migration from the Schengen Information System (SIS I+) to the second generation Schengen Information System (SIS II) (recast).

Parliament adopted the Council's draft, as adapted to the recommendations of Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission, and amended as follows:

Division of the original text: Parliament agrees 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: Parliament favours the insertion of a formal date for the entry into force of the future Regulation. It considers that the development of SIS II should be continued and finalised **at the latest by 30 June 2013**. It also considers it is necessary to set a date for the finalisation of the migration and for the expiry of the Regulation. Otherwise, it fears that it will be further delayed.

Revision of the Regulation: Parliament calls for the elaboration of an alternative technical scenario for developing SIS II based on SIS 1+ evolution (SIS 1+ RE) as the contingency plan, in case the tests demonstrate non-compliance with the milestone requirements. In this case, the Commission should present a proposal to revise this Regulation.

Supervision of data protection: Parliament calls 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. It calls 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. It also suggests that the National Supervisory Authorities and the **European Data Protection Supervisor** should ensure the coordinated supervision of SIS II.

Quality of data: Parliament considers 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: Parliament believes 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: Parliament recalls 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: Parliament considers 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.

Other territorial provisions: lastly, Parliament stipulates that the Regulation constitutes a development of provisions of the Schengen acquis, in which Bulgaria and Romania are participating in accordance with the 2005 Act of Accession.