

Terrorism: new functions for the Schengen information System SIS II. Initiative Spain

2002/0812(CNS) - 29/04/2004 - Final act

PURPOSE : to introduce certain adaptations and new functions into the existing provisions of the Schengen Information System. **LEGISLATIVE ACT** : Council Regulation 871/2004/EC concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism. **CONTENT** : the Schengen Information System (SIS), set up pursuant to the 1990 Schengen Convention, constitutes an essential tool for the application of the provisions of the Schengen *acquis* as integrated into the framework of the European Union. This regulation introduces provisions regarding access to certain types of data entered in the SIS for authorities whose task would be facilitated were they able to search these data, including Europol and the national members of Eurojust. This Regulation also ensures the extension of the categories of missing objects about which alerts may be entered and the recording of transmissions of personal data. The technical facilities required for the purpose first need to be established in each Member State. Moreover, it is useful to enact provisions with respect to the exchange of all supplementary information through the authorities designated for that purpose in all Member States (Supplementary Information Request at National Entry), giving these authorities a common legal basis within the provisions of the 1990 Schengen Convention and setting out rules on deletion of data kept by these authorities. The amendments to be made to this effect to the provisions of the Schengen *acquis* dealing with the SIS consist of two parts: this Regulation and a Council Decision. The reason for this is that the purpose of the SIS is to maintain public policy and public security, including national security, in the territories of the Member States and to apply the provisions of the Convention relating to the movement of persons in those territories, by using information communicated via the SIS in accordance with the provisions of the Convention. Since some of the provisions of the 1990 Schengen Convention are to be applied for both purposes at the same time, it is appropriate to modify such provisions in identical terms through parallel acts based on each of the Treaties. This Regulation constitutes a development of provisions of the Schengen *acquis* and therefore, the particular positions of Iceland, Norway, Denmark, the United Kingdom and Ireland are discussed in the text. **ENTRY INTO FORCE** : 20/05/04. The Regulation will apply from a date to be fixed by the Council, acting unanimously, as soon as the necessary preconditions have been fulfilled. The Council may decide to set different dates for the application of different provisions.