Second generation Schengen Information System (SIS II): establishment, operation and use

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The Commission presented a report to the European Parliament and the Council on the evaluation of the second generation Schengen Information System (SIS II) in accordance with art. 24 (5), 43 (3) and 50 (5) of Regulation (EC) No 1987/2006 and art. 59 (3) and 66 (5) of Decision 2007/533/JHA.

The Schengen Information System (SIS) is a centralised, large-scale information system supporting checks on persons and objects (such as travel documents and vehicles) at the external Schengen borders and reinforcing law enforcement and judicial cooperation within 29 countries throughout Europe.

The second generation of the system (SIS II) entered into operation on 9 April 2013. The operation and use of SIS is established in two major legal instruments: Regulation (EC) No 1987/2006 relates to the use of SIS in checks on third-country nationals who do not fulfil the conditions for entry or stay in the Schengen area and Council Decision 2007/533/JHA relates to the use of SIS for police and judicial cooperation in criminal matters.

In addition to the original features, SIS II now provides new functions and object categories:

- the possibility of linking alerts on persons and objects (e.g. alerts on a wanted person and the stolen vehicle he is using);
- biometric data (fingerprints and photographs) to confirm the identity of a person;
- a copy of the European Arrest Warrant attached directly to alerts for persons wanted for arrest for surrender or extradition;
- information on misused identity preventing the misidentification of the innocent party in identity fraud.

Since May 2013, **eu-LISA** has been responsible for the operational management of Central SIS II, while Member States are responsible for the operational management of their national systems.

Main conclusions: according to the report, SIS II is an operational system which cannot remain static and has demonstrated obvious success against a background of **evolving and complex issues**. Accordingly, the evaluation not only examined existing performance but also looked to the future to **propose major evolutions in technology**, managing workload, protecting individual rights and achieving better operational outcomes.

Notwithstanding the considerable success and EU added-value achieved through the use of SIS II and its ongoing relevance to the serious **security and migration challenges** faced by Europe, the Commission has identified certain points to be addressed.

Notwithstanding several findings which would improve efficiency in technical operations and working practices, SIS II is primarily an operational system and therefore an evaluation would largely expect findings in the fields of effectiveness, relevance, EU added-value and coherence with other EU initiatives. However, in such an environment, efficiency must also be studied at the strategic level. As the key compensatory measure for the removal of internal borders in the Schengen area, the question, ‘Could we continue without SIS?’ must be addressed.

The total amount spent from the EU budget on building Central SIS II during the period 2002 to 2013 was **EUR 152 961 319**. The costs, however, have to be analysed taking into consideration that **SIS II is the principle compensatory measure for the abolition of internal border controls within the Schengen area**. The report noted that **without SIS II, an area with no internal borders would be hardly feasible**.

Which additional costs should be charged to the Member States for the abolition of SIS II?

The Commission has estimated that:

- full re-establishment of border controls within the Schengen area would generate immediate direct costs of between EUR 5 billion and EUR 18 billion annually;
- Member States such as Poland, the Netherlands or Germany would face more than EUR 500 million in additional costs for the road transport of traded goods, whilst others, such as Spain or the Czech Republic, would see their businesses paying more than EUR 200 million in additional costs;
- border controls would cost between EUR 1.3 and EUR 5.2 billion in terms of time lost for cross-border workers (1.7 million workers in the EU) and other commuters;
- at least 13 million tourist nights could be lost, with a total impact of EUR 1.2 billion for the tourism sector;
- between EUR 600 million and EUR 5.8 billion in administrative costs would have to be paid by governments due to the need for increased staffing at border controls.

Next steps: the report focused in the strategic future of the SIS and on elements that should be reviewed in the light of the current challenges faced by Member States regarding migration.

The report noted:

- the outstanding operational and technical success of the system but also the need to further enhance the **effectiveness, efficiency, relevance, coherence and EU added-value of SIS II**, both at central level and in some Member States where technical and operational implementation could be improved;
- that further development of the **legal framework** is needed to: (i) reflect better the operational challenges in the field of security; (ii) further harmonise the rules in the use of the system to address irregular migration; (iii) improve the monitoring of the compliance with the data protection via statistical reporting.

In order to address those issues highlighted by the evaluation which require legislative change, the Commission intends to present a proposal to **amend the legal basis for SIS** by the end of December 2016.