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

2005/0103(CNS) - 21/12/2016

The Commission presented a report to the Commission 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.

Among them, the report highlighted the key objectives of SIS II and its relevance to border management. Thus, several of the findings have been made to confirm the need for increased efficiency of the SIS from a strategic plan point of view.

In addition, one of the questions posed by the report was the question of its **relevance with regard to the security of citizens**.

SIS II is today the most important and widely used information-sharing instrument in Europe, as underlined by the European Agenda on Security.

The European Council and the Justice and Home Affairs Council have repeatedly pointed to the high relevance of SIS II for exchanging data on and tracking down **terrorist suspects and foreign terrorist fighters** and stated that all possibilities of SIS in the fight against terrorism should be exploited. The role of SIS II as a source for intelligence and investigation by Europol was emphasised.

The Council also highlighted SIS II several times as an instrument to enhance European return policy.

In conclusion, in light of the security and migration issues faced and the consequent increased and broader usage of SIS II with significant results, the view of the Commission is that the **underlying rationale of SIS II continues to be valid**. To achieve this **SIS must remain a flexible system, capable of swiftly addressing new operational phenomena**.

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.