Schengen Information System (SIS): application of the provisions of the Schengen acquis in Croatia

2017/0011(NLE) - 18/01/2017 - Legislative proposal

PURPOSE: to provide for the application of the provisions of the Schengen acquis in the area of the Schengen Information System (SIS) in Croatia.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: in line with Croatia's Act of Accession to the European Union, certain provisions of the Schengen *acquis* are already applicable in Croatia from the date of accession, while other provisions only apply pursuant to a Council Decision to that effect after verification that the necessary conditions for the application of all parts of that *acquis* have been met.

This verification is done in accordance with the relevant Schengen evaluation procedures.

Council Regulation (EU) No 1053/2013, establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*, provides for these Schengen evaluation procedures. In line with the Regulation, the Commission has established a multiannual evaluation programme 2014 - 2019 and an annual evaluation programme for 2016 providing for the evaluation of Croatia.

The Schengen evaluation in the area of the SIS can only take place when the SIS has been put into operation in Croatia. Therefore, it is required that the Council adopts a Decision on **putting into effect the provisions of the Schengen acquis in the area of SIS in Croatia**.

The Council is only able to take such a Decision after Croatia has made the necessary technical and legal arrangements, including some relating to data protection, to process SIS data and exchange supplementary information.

Accordingly, a Schengen evaluation to verify the level of data protection in Croatia was carried out in February 2016.

Following the positive opinion of the Schengen Committee on 6 October 2016, and the statement by the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA) that the Croatian national system (N.SIS) is ready to integrate into the SIS, **it is therefore now possible for the Council to set the date from which the Schengen *acquis* in the area of the SIS shall apply in Croatia**.

This is the aim of this proposal.

CONTENT: with this proposed Decision, a date shall be set by the Council for the provisions of the Schengen *acquis* in the area of the Schengen Information System ('SIS'), as referred to in the Annex to this Decision, to be applied in Croatia.

Until checks at internal borders with Croatia are lifted, Croatia:

- shall not be obliged to refuse entry into or stay on its territory to third-country nationals for whom an alert has been issued by another Member State for the purposes of refusing entry or stay in accordance with Regulation (EC) No 1987/2006;
- shall refrain from entering into the SIS alerts and additional information as well as from exchanging supplementary information on third-country nationals for the purposes of refusing entry or stay in accordance with Regulation (EC) No 1987/2006.