Schengen Information System: putting into effect of the remaining provisions of the Schengen acquis in Bulgaria and Romania

2018/0802(CNS) - 12/01/2018 - Legislative proposal

PURPOSE: put into effect of the remaining provisions of the Schengen acquis relating to the Schengen Information System in Bulgaria and Romania.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: in order to increase the level of security in the Schengen area and to make the fight against serious crime and terrorism more effective, the checks by Bulgaria and Romania at their external borders and in their territory should become more effective.

Following Council Decision 2010/365/EU, the provisions of the Schengen acquis relating to the Schengen Information System (SIS) came into force in Bulgaria and Romania as from 15 October 2010 **with the exception of 'the remaining restrictions'**, namely:

- **the obligation 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 of the European Parliament and of the Council on the establishment, operation and use of the second generation Schengen Information System (SIS II);
- **the obligation to refrain from issuing SIS alerts and entering 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.

On 9 June 2011, the Council concluded, in accordance with the applicable Schengen evaluation procedures, that the conditions in all the areas of the Schengen acquis relating to air borders, land borders, police cooperation, data protection, the SIS, sea borders and visas **had been fulfilled by Bulgaria and Romania.**

On 12 October 2017, the Council adopted Decision (EU) 2017/1908 putting into effect certain provisions of the Schengen acquis relating to the Visa Information System ('VIS') in Bulgaria and Romania. The putting into effect of those provisions that authorise Bulgaria and Romania to access the VIS data for consultation purposes is aiming at facilitating checks by these two countries at border crossing points at their external borders, which are Schengen external borders, and within their territory.

CONTENT: the draft Council Decision provides that **the remaining restrictions of the Schengen acquis relating to SIS, as referred to in Decision 2010/365 / EU, do not apply to Bulgaria and Romania** between themselves and in their relations with the 26 member countries of the Schengen area.

The lifting of the remaining restrictions on the use of SIS will ensure that Bulgaria and Romania are required to deny entry into or stay in their respective territories to third-country nationals for whom an entry ban has been issued by another Member State, as well as the obligation to issue such SIS alerts.

The lifting of those restrictions in Bulgaria and Romania will contribute to increase the level of security in the Schengen area and make the fight against serious crime and terrorism more effective.