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

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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.

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.

Article 25 of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and France on the gradual abolition of checks at their common borders (‘the Schengen Convention’) on consultation for residence permits and alerts for the purposes of refusing entry should apply from the same date as from which the remaining restrictions of the Schengen acquis relating to the SIS should be lifted.

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