Strengthening Europol’s mandate: entry of alerts in SIS

2020/0350(COD) - 09/12/2020 - Legislative proposal

PURPOSE: to establish a specific alert category issued by Europol in SIS in order to exchange information on persons who represent a threat to the internal security of the European Union.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: given the increasingly global nature of serious crime and terrorism brought about by growing mobility, the information that third countries and international organisations obtain about criminals and terrorists is increasingly relevant for the EU‘s security. Such information should contribute to the comprehensive efforts to ensure internal security in the European Union. Some of this information is only shared with Europol. While Europol holds valuable information received from external partners on serious criminals and terrorists, it cannot issue alerts in SIS. Member States are also not always able to issue alerts in SIS on the basis of such information.

In order to bridge the gap in information sharing on serious crime and terrorism, in particular on foreign terrorist fighters – where the monitoring of their movement is crucial – it is necessary to ensure Europol is able to make this information available directly and in real-time to front-line officers in Member States.

Europol should therefore be authorised to enter alerts in SIS, in full respect of fundamental rights and data protection rules. To that end, the Commission proposes that a specific category of alert should be created in SIS, to be issued exclusively by Europol, in order to inform end-users carrying out a search in SIS that the person concerned is suspected of being involved in a criminal offence in respect of which Europol is competent, and in order for Europol to obtain confirmation that the person who is subject to the alert has been located.

This Commission proposal is part of the Counter-Terrorism package.

CONTENT: the present proposal seeks to amend Regulation (EU) 2018/1862 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters as regards the entry of alerts by Europol. In particular, it widens the scope of application of the current SIS by introducing a new alert category for Europol.

Specific provisions

The proposal seeks to:

- enable Europol to issue ‘information alerts’ on suspects and criminals as a new alert category in SIS, for exclusive use by Europol in specific and well-defined cases and circumstances. This is an important paradigm change for SIS, as until now, only Member States could enter, update and delete data in SIS and Europol had ‘read-only’ access covering all alert categories. Europol would be able to issue alerts on the basis of its analysis of third-country sourced information or information from international organisations, within the scope of crimes falling under Europol’s mandate and only on third-country nationals who are

not beneficiaries of free movement rights. The purpose of the new alert category is that in case of a ‘hit’, the alert would inform the frontline officer that Europol holds information on the person;

- set out detailed provisions on the procedural requirements that Europol is required to fulfil prior to entering an alert in SIS;

- align the obligations and requirements of Europol when entering alerts in SIS with alert issuing Member States. These requirements concern: categories of data, proportionality, minimum data content for an alert to be entered, entering biometric data, general data processing rules, quality of the data in SIS as well as rules on distinguishing between persons with similar characteristics, misused identity and links. The frontline officer would be required to report immediately the occurrence of the ‘hit’ to the national SIRENE Bureau, which would in turn contact Europol. The frontline officer would only report that the person who is subject of an alert was located and would indicate the place, time and reason for the check carried out;

- define the review period for alerts entered by Europol as well as the alert deletion rules which are specific to this type of alert. As a general rule, an alert should be kept only for the time that is necessary to achieve the purpose for which it was entered.

Budgetary implications

The budgetary impact, estimated at EUR 1 820 000 for the period 2021-2022, reflects the changes required for establishing this new alert category in Central SIS by eu-LISA, the EU Agency responsible for the management and development of Central SIS.

The expenses related to the development of the national systems connected to Central SIS are to be covered by the resources available to the Member States under the new Multiannual Financial Framework 2021-2027 for the development and maintenance of SIS. The proposal would also require Europol to set up a technical interface for entering, updating and deleting data in Central SIS.