Strengthening Europol’s mandate: entry of alerts in SIS

2020/0350(COD) - 08/06/2022 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 470 votes to 118, with 16 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council Amending 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.

The proposed Regulation aims at establishing a specific category of alerts in the interest of the Union entered into the SIS by the Member States following a proposal by Europol for the exchange of information on persons involved in serious crime or terrorism, as well as the rules applicable to this category.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

Information alerts on third country nationals in the interest of the Union

In order to bridge the gap in sharing information on serious crime and terrorism, in particular on foreign terrorist fighters, the amended text stressed the need to ensure that, upon a proposal by Europol, Member States are able to enter information alerts into SIS on third-country nationals in the interest of the Union, in order to make that information provided by third countries and international organisations available, directly and in real time, to front-line officers in Member States.

The amending Regulation provides for the creation of a **specific category of alerts in the SIS for information on third country nationals** in the interest of the Union. These alerts should be entered into the SIS by the Member States, at their discretion and subject to verification and analysis of the proposal by Europol, in order to inform end-users searching the SIS that the person concerned is suspected of being involved in a criminal offence for which Europol is competent.

Europol should:

- share all information it holds on a particular case, except for information that has clearly been obtained in gross violation of human rights;

- share the outcome of cross-checking the data against its databases, information relating to the accuracy and reliability of the data and its analysis of whether there are sufficient grounds for considering that the person concerned has committed, taken part in, or intends to commit a criminal offence in respect of which Europol is competent;

- inform the Member States without delay where it has relevant additional or modified data in relation to its proposal to enter an information alert into SIS or evidence suggesting that data included in its proposal are factually incorrect or have been unlawfully stored, in order to ensure the lawfulness, completeness and accuracy of SIS data;

- transmit to the issuing Member State without delay additional or modified data in relation to an information alert that was entered into SIS upon its proposal, in order to allow the issuing Member State to complete or modify the information alert.

When an alert for information is entered in the SIS, the Member State issuing the alert will inform the other Member States and Europol by means of an exchange of supplementary information. Where Member States decide not to enter the alert for information proposed by Europol and where the relevant conditions are met, they may decide to enter another type of alert on the same person.

Member States should put in place the necessary procedures for entering, updating and deleting information alerts in SIS in accordance with this Regulation.

Europol should keep records relating to its proposals for entering information alerts into SIS under this Article and provide reports to Member States every six months on the information alerts entered into SIS and on the cases where Member States did not enter the information alerts.

Execution of the action based on an information alert

In the event of a hit on an information alert, the executing Member State should collect and communicate to the issuing Member State all or some of the following information:

- the fact that the person who is the subject of an information alert has been located;

- the place, time and reason for the check;

- the route of the journey and destination;

- the persons accompanying the subject of the information alert who can reasonably be expected to be associated with the subject of the information alert;

- objects carried, including travel documents;

- the circumstances in which the person was located.

Dactyloscopic data in SIS in relation to alerts entered may also be searched using complete or incomplete sets of fingerprints or palm prints discovered at the scenes of serious crimes or terrorist offences under investigation, where it can be established to a high degree of probability that those sets of prints belong to a perpetrator of the offence and provided that the search is carried out simultaneously in the Member State's relevant national fingerprints databases

A Member State may enter an alert on a person for a period of one year. The issuing Member State should review the need to retain the alert within that one-year period. Alerts on persons should be deleted automatically after the review period has expired.

Alerts on objects entered should be reviewed where they are linked to an alert on a person. Such alerts should only be kept for as long as the alert on the person is kept.

Alerts for information entered should be deleted as soon as the alert expires.