

Terrorism: new functions for the Schengen information System SIS II. Initiative Spain

2002/0812(CNS) - 11/06/2002 - Legislative proposal

PURPOSE : to present a draft Council Regulation concerning the introduction of some new functions for the Schengen Information System, in particular in the fight against terrorism. **CONTENT** : the Schengen Information System (SIS) constitutes an essential tool for the application of the provisions of the Schengen acquis as integrated into the framework of the European Union. The need to develop a new, second generation Schengen Information System, hereinafter referred to as "SIS II", with a view to the enlargement of the European Union and allowing for the introduction of new functions, while benefiting from the latest developments in the field of information technology, has been recognised and the first steps have been taken to develop this new system. Certain adaptations of certain provisions and the introduction of certain new functions can already be realised with respect to the current version of the SIS. The modifications to be made to this effect to the provisions of the Schengen acquis dealing with the Schengen Information System consist of two parts: this Regulation and a Council Decision (CNS/2002/0813). The reason for this is that, as set out in Article 93 of the 1990 Schengen Convention, the purpose of the Schengen Information System is to maintain public policy and public security, including national security, in the territories of the Member States and to apply the provisions of the said Convention relating to the movement of persons in those territories, by using information communicated via the SIS in accordance with the provisions of that Convention. Since some of the provisions of the 1990 Schengen Convention are to be applied for both purposes at the same time, it is appropriate to modify such provisions in identical terms through parallel acts based on each of the Treaties. This draft Regulation, based on Articles 62, 63 and 66 of the Treaty establishing the European Community, constitutes a development of provisions of the Schengen acquis in which the United Kingdom and Ireland do not take part. Therefore, these Member States are not bound by it or subject to its application. In addition, Denmark is not taking part in the adoption of this draft Regulation. The draft Regulation proposes the following amendments: - to clarify and specify the possibility for Member States to allow public prosecutors and magistrates access to the SIS; - to extend the access of authorities responsible for issuing visas and residence permits to data on stolen, misappropriated or lost documents to combat fraud in obtaining residence permits; - to oblige Member States to record every transmission of personal data (instead of only every tenth transmission as currently required) and to extend the deadline for keeping these records to maximum one year; - to provide a common legal basis for the existence and functioning of the SIRENE bureaux; - to set up rules for the archiving of SIRENE files.