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

2002/0813(CNS) - 11/06/2002 - Legislative proposal

PURPOSE : to introduce certain new functions to the Schengen Information System, in particular in the fight against terrorism. CONTENT : there is a need to develop a new, second generation Schengen Information System (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. 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 Decision based on Articles 30, 31 and 34 of the Treaty on European Union and a Council Regulation (CNS/2002/0812). 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. The draft Decision stipulates that the provisions of the 1990 Schengen Convention shall be amended in order: - to provide for the possibility to add certain information concerning persons introduced in the SIS pursuant to Articles 95 and 99, notably to enhance the security of the officers checking the person; - to extend the categories of objects that can be entered in the SIS for purposes of discreet surveillance or specific checks to include ships, aircrafts and containers for example when these are used for drug or human trafficking; to simplify the procedure for introducing alerts pursuant to Article 99(3) by changing the prior consultation to merely an exchange of information; - to extend the categories of objects that can be entered in the SIS for the purpose of seizure or use as evidence in criminal proceedings to include ships, aircrafts, containers, certain issued official documents and number plates and credit documents; - to clarify and specify the possibility for Member States to allow public prosecutors and magistrates access to the SIS; - to allow Europol and the national members of of Eurojust to have access to certain SIS data, subject to certain conditions, notably that the adequate data protection rules be complied with; - 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 complete Article 113 of the Schengen Convention on the maximum storage time of alerts in view of the proposals of the present initiative for the new categores of data; - to set up rules for the archiving of SIRENE files. Lastly, both the United Kingdom and Ireland will take part in the Council Decision but will not be bound by the Regulation. As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen acquis and therefore this Decision shall be applicable to them.