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

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The current document contains the explanatory memorandum relating to the initiatives of the Kingdom of Spain with a view to adopting a Council Regulation and a Council Decision on the provision of some new functionalities for the SIS. The general objectives of the initiatives are designed to enhance the operation of the Schengen Information System (SIS) as a useful tool in the fight against terrorism. It also includes certain measures to strike a better balance between the freedom of movement of persons and the fight against illegal immigration and illegal residence. More than 7 years of operational use have demonstrated certain shortcoming and further requirements to improve the SIS. To implement the improvements which are considered necessary, the appropriate legal acts must be adopted. The draft Regulation is founded on Articles 62, 63 and 66 of the TEU which aim in particular to adopt measures concerning the free movement of persons and to adopt rules on asylum and immigration policy in the European Union. The form of a Regulation has been chosen because it is necessary to adopt an act of general application which is binding in its entirety and directly applicable in the Member States. The draft Decision is founded on Articles 30(1), 31(a) and (b) and 34(2)(c) of the TEU which improves police co-operation and judicial co-operation on in criminal matters. It should also be made clear that the present initiatives deal with additional functionalities and access rights that can be implemented with the existing technical system SIS 1+. Further legislative developments should be considered in relation to future functionalities and the various options with respect to the operation of SIS II in the medium to long term. The implementation of several functionalities depends on the outcome of the technical feasibility study for SIS II; this is the case notably for the interlinking of alerts and the addition of identification material such as photographs and fingerprints. Another legislative development should be considered to allow for vehicle registration authorities to have access to certain SIS data. The present initiatives therefore do not go beyond what is necessary to achieve their objective.