Schengen: application of the provisions relating to the Schengen Information System SIS in the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and the Slovak Republic

2007/0806(CNS) - 02/05/2007 - Legislative proposal

PURPOSE: to set a date from which some of the Schengen *acquis* may apply in the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and the Slovak Republic.

PROPOSED ACT: Council Decision.

BACKGROUND: the Act of Accession, which bestows membership on the new EU Member States, specifies, in Article 3 (2) that the new Member States may only apply certain provisions relating to the Schengen *acquis* on condition that the Member States concerned fulfil certain criteria. The exact Schengen provisions to which Article 3 (2) apply are set out in Annex to the proposed Council Decisions and include, amongst others, the installation and functioning of Sisnet; the SIRENE Manual; the introduction of new functions for SIS, in the fight against terrorism, and the gradual abolition of checks at common borders as regards SIS for issuing registration certificates for vehicles.

In order to ensure that the new EU Member States fulfil all the necessary requirements, a full questionnaire was forwarded to the Member States and their replies recorded. Their replies were then verified and evaluated. Visits were also made to all of the Member States concerned in accordance with the applicable Schengen evaluation procedures.

In December 2006, the Council came to the conclusion that the following countries had fulfilled the necessary criteria: the Czech Republic, Latvia, Lithuania, Hungary, Malta, Poland and Slovenia. For the remaining countries (i.e. Estonia and the Slovak Republic) the Council still has to make its conclusions known.

CONTENT: the purpose of this proposal, therefore, is to apply those Schengen provisions, as set out in Annex to the proposal, to the new EU Member States. Upon entry into force of the proposed Decision, real SIS data will be transferred to the Member States concerned (EU-27 with the exception of the United Kingdom, Ireland, Cyprus, Romania and Bulgaria). Further, the new Member States will be able to enter data onto the SIS.

Until the date of the lifting of checks at internal borders with the new Member States, they will not be obliged to refuse entry to their territory or to expel nationals of third States for whom an SIS alert has been issued by another Member States for the purposes of refusing entry. They will also be obliged to refrain from entering data covered by the provisions of Article 96 of the Schengen Agreement.

A separate Council Decision should be taken setting a date for the lifting of checks at internal borders. Certain restrictions on the use of the SIS should be imposed pending the date set in that Decision.