

Basic information	
<b>2002/0812(CNS)</b>  CNS - Consultation procedure Regulation	Procedure completed
Terrorism: new functions for the Schengen information System SIS II. Initiative Spain	
Repealed by <a href="#">2005/0106(COD)</a>	
<b>Subject</b>  7.10.02 Schengen area, Schengen acquis 7.10.08 Migration policy 7.30.20 Action to combat terrorism	

Key players			
European Parliament	<b>Committee responsible</b>	<b>Rapporteur</b>	<b>Appointed</b>
	<b>LIBE</b> Citizens' Freedoms and Rights, Justice and Home Affairs	COELHO Carlos (PPE-DE)	09/07/2002
Council of the European Union	<b>Former committee responsible</b>	<b>Former rapporteur</b>	<b>Appointed</b>
	<b>LIBE</b> Citizens' Freedoms and Rights, Justice and Home Affairs	COELHO Carlos (PPE-DE)	09/07/2002
		<b>Council configuration</b>	<b>Meetings</b>
		Justice and Home Affairs (JHA)	2579
		Justice and Home Affairs (JHA)	2514

Key events			
<b>Date</b>	<b>Event</b>	<b>Reference</b>	<b>Summary</b>
11/06/2002	Legislative proposal published	09407/2002	Summary
04/07/2002	Committee referral announced in Parliament		
03/12/2002	Vote in committee		
03/12/2002	Committee report tabled for plenary, 1st reading/single reading	A5-0436/2002	
05/06/2003	Resolution/conclusions adopted by Council		
29/04/2004	Act adopted by Council after consultation of Parliament		
29/04/2004	End of procedure in Parliament		
29/04/2004	Final act published in Official Journal		

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Technical information	
<b>Procedure reference</b>	2002/0812(CNS)
<b>Procedure type</b>	CNS - Consultation procedure
<b>Procedure subtype</b>	Legislation
<b>Legislative instrument</b>	Regulation
<b>Amendments and repeals</b>	Repealed by <a href="#">2005/0106(COD)</a>
<b>Legal basis</b>	EC Treaty (after Amsterdam) EC 062 EC Treaty (after Amsterdam) EC 066 EC Treaty (after Amsterdam) EC 063
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	LIBE/5/16422

Documentation gateway				
European Parliament				
<b>Document type</b>	<b>Committee</b>	<b>Reference</b>	<b>Date</b>	<b>Summary</b>
Committee report tabled for plenary, 1st reading/single reading		A5-0436/2002	03/12/2002	
Council of the EU				
<b>Document type</b>	<b>Reference</b>		<b>Date</b>	<b>Summary</b>
Document attached to the procedure	09409/2002		05/06/2002	<a href="#">Summary</a>
Legislative proposal	09407/2002 OJ C 160 04.07.2002, p. 0005		11/06/2002	<a href="#">Summary</a>
Other institutions and bodies				
<b>Institution/body</b>	<b>Document type</b>	<b>Reference</b>	<b>Date</b>	<b>Summary</b>
EU	Implementing legislative act	32006D0628 OJ L 256 20.09.2006, p. 0015-0015	24/07/2006	<a href="#">Summary</a>

Additional information			
<b>Source</b>	<b>Document</b>	<b>Date</b>	
European Commission	EUR-Lex		

Final act	

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

2002/0812(CNS) - 05/06/2002

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.

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

2002/0812(CNS) - 24/07/2006 - Implementing legislative act

ACT : Council Decision 2006/628/EC fixing the date of application of Article 1(4) and (5) of Regulation 871/2004/EC concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism.

CONTENT : Article 2(2) of Regulation 871/2004/EC specifies that the Regulation shall apply from a date to be fixed by the Council, as soon as the necessary preconditions have been fulfilled, and that the Council may decide to set different dates for the application of different provisions. The preconditions mentioned have been fulfilled in respect of Article 1(4) and (5) concerning the access of certain information contained in the Schengen Information System (SIS) and the Council has decided that they shall apply from 1 November 2006.

This Decision shall apply to Switzerland as it constitutes a development of the provisions of the Schengen acquis.

ENTRY INTO FORCE : 24/07/2006.

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

2002/0812(CNS) - 29/04/2004 - Final act

PURPOSE : to introduce certain adaptations and new functions into the existing provisions of the Schengen Information System. LEGISLATIVE ACT : Council Regulation 871/2004/EC concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism. CONTENT : the Schengen Information System (SIS), set up pursuant to the 1990 Schengen Convention, constitutes an essential tool for the application of the provisions of the Schengen acquis as integrated into the framework of the European Union. This regulation introduces provisions regarding access to certain types of data entered in the SIS for authorities whose task would be facilitated were they able to search these data, including Europol and the national members of Eurojust. This Regulation also ensures the extension of the categories of missing objects about which alerts may be entered and the recording of transmissions of personal data. The technical facilities required for the purpose first need to be established in each Member State. Moreover, it is useful to enact provisions with respect to the exchange of all supplementary information through the authorities designated for that purpose in all Member States (Supplementary Information Request at National Entry), giving these authorities a common legal basis within the provisions of the 1990 Schengen Convention and setting out rules on deletion of data kept by these authorities. The amendments to be made to this effect to the provisions of the Schengen acquis dealing with the SIS consist of two parts: this Regulation and a Council Decision. The reason for this is that the purpose of the SIS 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 Convention relating to the movement of persons in those territories, by using information communicated via the SIS in accordance with the provisions of the 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 Regulation constitutes a development of provisions of the Schengen acquis and therefore, the particular positions of Iceland, Norway, Denmark, the

United Kingdom and Ireland are discussed in the text. ENTRY INTO FORCE : 20/05/04. The Regulation will apply from a date to be fixed by the Council, acting unanimously, as soon as the necessary preconditions have been fulfilled. The Council may decide to set different dates for the application of different provisions.

## **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.

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

2002/0812(CNS) - 17/12/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution, by 421 votes for, 48 votes against and 52 abstentions, based on the report by Carlos COELHO (EPP-ED, Portugal) and made some amendments to the Spanish initiative on SIS. (Please refer to the document dated 03/12/02.)