Basic information

2002/0813(CNS) CNS - Consultation procedure Decision	Procedure completed
Terrorism: new functions for the Schengen information System SIS II. Initiative Spain Repealed by 2005/0103(CNS) **Subject** 7.10.02 Schengen area, Schengen acquis 7.10.04 External borders crossing and controls, visas 7.30.20 Action to combat terrorism	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	COELHO Carlos (PPE-DE)	09/07/2002

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2642	2005-02-24
Justice and Home Affairs (JHA)	2514	2003-06-05

European Commission

Commission DG	Commissioner
Justice and Consumers	

Key events

Date	Event	Reference	Summary
11/06/2002	Legislative proposal published	09408/2002	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	
16/12/2002	Debate in Parliament		
17/12/2002	Decision by Parliament	T5-0610/2002	Summary
05/06/2003	Resolution/conclusions adopted by Council		
24/02/2005	Act adopted by Council after consultation of Parliament		

24/02/2005	End of procedure in Parliament		
15/03/2005	Final act published in Official Journal		

Technical information

Procedure reference	2002/0813(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Amendments and repeals	Repealed by 2005/0103(CNS)
Legal basis	Treaty on European Union (after Amsterdam) M 039-p1
Stage reached in procedure	Procedure completed

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0436/2002	03/12/2002	
Text adopted by Parliament, 1st reading/single reading		T5-0610/2002 OJ C 031 05.02.2004, p. 0031-0116 E	17/12/2002	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	09409/2002	05/06/2002	Summary
Legislative proposal	09408/2002 OJ C 160 04.07.2002, p. 0007	11/06/2002	Summary

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2001)0720	18/12/2001	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EU	Implementing legislative act	32006D0228 OJ L 081 18.03.2006, p. 0045-0045	09/03/2006	Summary
EU	Implementing legislative act	32006D0229 OJ L 081 18.03.2006, p. 0046-0046	09/03/2006	Summary

EU	Implementing legislative act	32006D0631 OJ L 256 20.09.2006, p. 0018-0018	24/07/2006	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Decision 2005/0211 OJ L 068 15.03.2005, p. 0044-0048	Summary

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

2002/0813(CNS) - 09/03/2006 - Implementing legislative act

ACT : Council Decision 2006/229/JHA fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism.

CONTENT : Council Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, specifies that the provisions of Article 1 of that Decision shall apply from a date fixed by the Council, as soon as the necessary preconditions have been fulfilled. Article 1(7) of Decision 2005/211/JHA relates to the following:

- motor vehicles with a cylinder capacity exceeding 50 cc, boats and aircraft which have been stolen, misappropriated or lost;

- trailers with an unladen weight exceeding 750 kg, caravans, industrial equipment, outboard engines and containers which have been stolen, misappropriated or lost;

- firearms which have been stolen, misappropriated or lost;

- blank official documents which have been stolen, misappropriated or lost;

- issued identity papers such as passports, identity cards, driving licences, residence permits and travel documents which have been stolen, misappropriated, lost or invalidated;

- vehicle registration certificates and vehicle number plates which have been stolen, misappropriated, lost or invalidated;

- banknotes (registered notes);

- securities and means of payment such as cheques, credit cards, bonds, stocks and shares which have been stolen, misappropriated or lost.

The preconditions have been fulfilled and Article 1(7) of Decision 2005/211/JHA, new Article 100(3)(e), relating to **issued identity papers such as passports, identity cards, driving licences, residence permits and travel documents which have been stolen, misappropriated, lost or invalidated**shall apply from 31 March 2006.

DATE OF EFFECT : 09/03/2006.

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

2002/0813(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

2002/0813(CNS) - 17/12/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 377 votes for, 89 votes against and 49 abstentions, a resolution drafted by Carlos COELHO (EPP-ED, Portugal) and made some amendments to the Spanish initiative. (Please refer to the document dated 03/12/02.)

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

2002/0813(CNS) - 18/12/2001 - Document attached to the procedure

PURPOSE : to present a report on the development and installation phases of SIS II up to 2006. CONTENT : through the intergovernmental cooperation put in place by the Schengen Convention, the Member States taking part have adopted measures removing controls on persons at internal frontiers and allowing free movement for people of any nationality, together with all the flanking measures considered necessary for lifting controls at internal frontiers. These included harmonised controls and surveillance at external borders, harmonised visa policy, various forms of police and judicial cooperation in criminal matters, and the Schengen Information System (SIS). The SIS is a joint information system that allows the competent authorities in the Member States, through an automatic query procedure, to obtain alerts regarding persons and property. Such alerts are especially useful when issuing visas, applying controls at external borders and conducting checks or other police and customs controls on home territory. The SIS, then, is a vital factor in the smooth running of the Schengen frontier-free area and indispensable both in applying the Schengen arrangements on the movement of persons and in ensuring police and judicial cooperation in criminal matters. The current SIS was designed to be able to cope with eighteen States1 but the computer technology on which it was based is now outdated. The Schengen Member States take the view that extending the SIS to further countries would compromise the operational stability of the system and might even prove technically impossible. Before the Schengen acquis was incorporated into the EU framework, they had already reached the conclusion that a second generation SIS needed to be developed. It is imperative to develop SIS II and it must be completed on time, because the future Member States cannot be accommodated within the present SIS and must therefore be integrated in SIS II in order to be able to participate in the area without internal frontiers. The development of SIS II will also allow the system to be made more powerful by using more advanced technology and adding new functions where experience in running the frontier-free area has shown they are needed. Moreover, the Belgian Presidency and Sweden put forward two initiatives which the Council will shortly be adopting, one based on the first pillar and one on the third pillar. These will give the Commission, assisted by a committee, responsibility for developing SIS II and provide a legal basis for its financing. In taking on this task, however, the Commission would emphasise that it does not bear sole responsibility for the development of SIS II. Although the Commission is responsible for budget execution, the conditions for sound execution must also be in place. In this respect, the two arms of the budgetary authority (Council and Parliament) remain responsible for entering the necessary resources in the budget. The Commission's aim in this communication is to start preparing the ground now for the tasks that it will be responsible for from 2002 and to get discussion under way on the various aspects of developing SIS II, while at the same time endeavouring to ensure consistency and continuity in line with the preliminary work begun in the Council. The communication mainly covers thedevelopment and installation phases of SIS II up to 2006. As far as operational management of SIS II is concerned, it is not possible to do any more than sketch out the options at this stage. The choice of one option rather than another depends on decisions which will have to be taken later. This communication takes stock of the situation of preparatory work under way and proposes a scenario of the action to be undertaken. At present not every detail can be determined precisely. Consequently some technical options will depend on political decisions to be taken. But the overall scenario can already be defined and work begun. A study will be carried out in 2002, in preparation for the call for tenders which the Commission will have to launch for the installation of the system. This study will also inform the Commission's preparation of a detailed proposal on the management of SIS II which will have to be presented well before 2006 so that SIS II can start up without interruption. As regards the technical development of SIS II, the Commission wishes to emphasise that it will need the support and cooperation of the Member States and Parliament in the areas that concern them and in accordance with the procedures laid down. It will be essential in order not to compromise the sound development of the technical aspects of the project for the Council to reach the necessary consensus on the political and legal questions linked to SIS II. Lastly, the Commission will see that Parliament is kept regularly informed of progress.

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

2002/0813(CNS) - 24/07/2006 - Implementing legislative act

ACT : Council Decision 2006/631/JHA fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism.

CONTENT : Article 2(4) of Decision 2005/211/JHA specifies that certain provisions of Article 1 of that Decision shall take effect 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 fix different dates concerning the taking effect of those provisions. The preconditions have been fulfilled in respect of Article 1(9) (new Articles 101A and 101B) of Decision 2005/211/JHA and the Council has decided that the Decision shall apply from 1 October 2006.

This Decision shall apply to Switzerland as it constitutes a development of the provisions of the Schengen acquis to which this country is associated.

ENTRY INTO FORCE : 24/07/2006.

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.

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

2002/0813(CNS) - 09/03/2006 - Implementing legislative act

ACT : Council Decision 2006/228/JHA fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism

CONTENT : Council Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, specifies that the provisions of Article 1 of that Decision shall apply from a date fixed by the Council, as soon as the necessary preconditions have been fulfilled. Article 1(7) of Decision 2005/211/JHA relates to the following:

- motor vehicles with a cylinder capacity exceeding 50 cc, boats and aircraft which have been stolen, misappropriated or lost;

- trailers with an unladen weight exceeding 750 kg, caravans, industrial equipment, outboard engines and containers which have been stolen, misappropriated or lost;

- firearms which have been stolen, misappropriated or lost;

- blank official documents which have been stolen, misappropriated or lost;

- issued identity papers such as passports, identity cards, driving licences, residence permits and travel documents which have been stolen, misappropriated, lost or invalidated;

- vehicle registration certificates and vehicle number plates which have been stolen, misappropriated, lost or invalidated;

- banknotes (registered notes);

- securities and means of payment such as cheques, credit cards, bonds, stocks and shares which have been stolen, misappropriated or lost.

The preconditions have been fulfilled and Article 1(7) of Decision 2005/211/JHA, new Article 100(3)(f), relating to **vehicle registration certificates and vehicle number plates which have been stolen, misappropriated, lost or invalidated** shall apply from 31 March 2006.

DATE OF EFFECT : 09/03/2006.

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

2002/0813(CNS) - 24/02/2005 - Final act

PURPOSE: the introduction of some new functions for the Schengen Information System, including in the fight against terrorism

LEGISLATIVE ACT: Council Decision 2005/211/JHA.

PURPOSE: The 1990 Schengen Convention is amended in order to further facilitate the fight against crime, including terrorism.

This Decision authorises access to the Schengen Information System (SIS) for Europol and Eurojust. It also provides for the introduction of new functions, including the following:

- the addition of extra data (concerning, for example, vehicles, means of payment, etc.),

- less cumbersome procedures for exchanging information between competent authorities,

- technical improvements.

The Decision also aims to facilitate more effective control over personal data protection. 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 1990 Schengen Convention relating to the movement of persons in those territories. It is one of the instruments used to compensate for the abolition of controls within the internal borders of the Schengen area.