Basic information

2003/0198(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Schengen Convention: access for vehicle registration authorities to the Information System SIS, amending the Convention **Subject** 2.10.01 Customs union, tax and duty-free, Community transit 3.20.06 Transport regulations, road safety, roadworthiness tests, driving licence 7.10.02 Schengen area, Schengen acquis	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	COELHO Carlos (PPE-DE)	19/01/2005

Former committee responsible	Former rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	COELHO Carlos (PPE-DE)	22/09/2003

Former committee for opinion	Former rapporteur for opinion	Appointed
RETT Regional Policy, Transport and Tourism	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2664	2005-06-02
Agriculture and Fisheries	2633	2004-12-21

European Commission

Commission DG	Commissioner
Justice and Consumers	

Key events

Date	Event	Reference	Summary
		COM(2003)0510	Summary

21/08/2003	Legislative proposal published		
04/09/2003	Committee referral announced in Parliament, 1st reading		
18/03/2004	Vote in committee, 1st reading		
18/03/2004	Committee report tabled for plenary, 1st reading	A5-0205/2004	
31/03/2004	Debate in Parliament		
01/04/2004	Decision by Parliament, 1st reading	T5-0266/2004	Summary
22/12/2004	Council position published	14238/1/2004	Summary
13/01/2005	Committee referral announced in Parliament, 2nd reading		
31/03/2005	Vote in committee, 2nd reading		Summary
05/04/2005	Committee recommendation tabled for plenary, 2nd reading	A6-0084/2005	
27/04/2005	Debate in Parliament		
28/04/2005	Decision by Parliament, 2nd reading	T6-0144/2005	Summary
28/04/2005	Results of vote in Parliament		
02/06/2005	Act approved by Council, 2nd reading		
06/07/2005	Final act signed		
06/07/2005	End of procedure in Parliament		
22/07/2005	Final act published in Official Journal		

Technical information

Procedure reference	2003/0198(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 071-p1
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/25799

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0205/2004	18/03/2004	
Text adopted by Parliament, 1st reading/single reading		T5-0266/2004 OJ C 103 29.04.2004, p. 0682-0794 E	01/04/2004	Summary
Committee recommendation tabled for plenary, 2nd reading		A6-0084/2005	05/04/2005	

Text adopted by Parliament, 2nd reading		T6-0144/2005 OJ C 045 23.02.2006, p. 0014-0070 E	28/04/2005	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	15790/2004	08/12/2004	
Council position	14238/1/2004 OJ C 111 11.05.2005, p. 0019-0022 E	22/12/2004	Summary
Draft final act	03628/2005	06/07/2005	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2003)0510	21/08/2003	Summary
Commission communication on Council's position	COM(2005)0003	10/01/2005	Summary
Commission response to text adopted in plenary	SP(2005)2124	19/05/2005	
Commission opinion on Parliament's position at 2nd reading	COM(2005)0250	02/06/2005	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0304/2004 OJ C 110 30.04.2004, p. 0001-0002	25/02/2004	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2005/1160
OJ L 191 22.07.2005, p. 0018-0021 Summary

Schengen Convention: access for vehicle registration authorities to the Information System SIS, amending the Convention

2003/0198(COD) - 06/07/2005 - Final act

PURPOSE : to enable the authorities responsible for issuing registration certificates for vehicles to have access to the SIS (Schengen Information System) database, to help in the fight against vehicle-related crime.

LEGISLATIVE ACT : Regulation 1160/2005/EC of the European Parliament and of the Council amending the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders, as regards access to the Schengen Information System by the services in the Member States responsible for issuing registration certificates for vehicles.

CONTENT : this Regulation amends the provisions of the Schengen Convention which in 1990 set up the SIS, an electronic network between the Member States containing data on lost or stolen motor vehicles. The Regulation is intended to supplement a Decision adopted by the Council in December 2004 on preventing vehicle crime, with the aim of establishing better cooperation within the EU.

According to the estimates quoted in the 2004 Decision, 1,2 million motor vehicles are stolen in the

EU each year, of which 30 to 40% are stolen by organised crime, causing damages amounting to at

least EUR 15 billion per year.

The services in the Member States responsible for issuing registration certificates for vehicles, as referred to in Council Directive 1999/37/EC on the registration documents for vehicles, shall have the right to have access to the following data entered into the Schengen Information System, for the sole purpose of checking whether vehicles presented to them for registration have been stolen, misappropriated or lost:

a) data concerning motor vehicles with a cylinder capacity exceeding 50 cc which have been stolen, misappropriated or lost;

b) data concerning trailers and caravans with an unladen weight exceeding 750 kg which have been stolen, misappropriated or lost;

c) data concerning registration certificates for vehicles and vehicle number plates which have been stolen, misappropriated, lost or invalidated.

The national law of each Member State shall govern access to those data by those services.

ENTRY INTO FORCE : 11/08/2005. The Regulation shall apply from 11 January 2006. For those Member States in which the provisions of the Schengen acquis relating to the SIS do not yet apply, this Regulation shall apply within six months after the date on which those provisions are put into effect for them, as specified in the Council Decision adopted to that effect in accordance with the applicable procedures. The content of this Regulation shall become binding for Norway 270 days after the date of its publication in the Official Journal of the European Union.

Schengen Convention: access for vehicle registration authorities to the Information System SIS, amending the Convention

2003/0198(COD) - 28/04/2005 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Carlos COELHO (EPP-ED, PT) by 512 votes in favour, 20 against and 31 abstentions, and made few amendments to the common position:

- a new recital states that, as regards Switzerland, the Regulation constitutes a development of the Schengen acquis;

- each year the Council must submit a report to the European Parliament on the implementation of the Article on combating vehicle crime. This report will include information and statistics relating to the use and results of the implementation of this Article and state how the data protection rules were applied.

Schengen Convention: access for vehicle registration authorities to the Information System SIS, amending the Convention

2003/0198(COD) - 22/12/2004 - Council position

All 10 amendments proposed by the Parliament and acceptable to the Commission have been integrated in the text. One amendment, which is reported as being unacceptable by the Commission but of which the Commission services have indicated that it is acceptable, has also been taken up in the common position.

The other amendments, which were not acceptable to the Commission, have not been included in the common position because it is considered that the current draft Regulation does not provide the correct and sufficient legal basis for these provisions.

The Council is aware of the fact that the current drafting of the Regulation supposes that the relevant provisions of the draft Council Decision concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism, have become applicable before the Regulation enters into force. As there is agreement on the draft Council Decision and its adoption is only subject to the lifting of one outstanding parliamentary reservation, the Council wishes to maintain the current text. This issue will be carefully examined again in the second reading, in light of the progress made on the above-mentioned draft Council Decision at that time.

Schengen Convention: access for vehicle registration authorities to the Information System SIS, amending the Convention

2003/0198(COD) - 10/01/2005 - Commission communication on Council's position

The Commission supports the common position.

Schengen Convention: access for vehicle registration authorities to the Information System SIS, amending the Convention

2003/0198(COD) - 02/06/2005 - Commission opinion on Parliament's position at 2nd reading

During the second reading Parliament adopted 3 amendments and the Commission fully accepts them. These amendments intend to :

- update the text in order to take account of the fact that the Dutch initiative to which the Council Common position referred to and which has in the meantime been adopted;

- take account of Switzerland's forthcoming accession to the Schengen acquis on which this measure constitutes a development;

- request an annual report from the Council to the EP about the implementation of the proposed access to vehicle registration authorities to combat vehicle crime. It is proposed that the Council and not the Commission sends the report to the EP. In fact, the Commission has no responsibility for the management of the current SIS. Second, a general wording is introduced to clarify that the preparation of these statistics will not imply for the Member States to introduce technical changes at national level. In fact, the report will generally include information and statistics relating to the use and results of the implementation of this Article.

Schengen Convention: access for vehicle registration authorities to the Information System SIS, amending the Convention

2003/0198(COD) - 01/04/2004 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the resolution drafted by Carlos COELHO (EPP-ED, P) on the gradual abolition of checks at common borders as regards access to the Schengen Information System by the services in the Member States responsible for issuing registration certificates for vehicles. The Parliament did however include a number of amendments to the text. These are as follows : - authorities or services clearly identified for this purpose and responsible in the Member States for issuing registration certificates for vehicles should have access to data concerning motor vehicles with a cylinder capacity exceeding 50 cc, data concerning trailers and caravans with an unladen weight exceeding 750 kg and data concerning vehicle registration certificates and vehicle number plates which have been stolen, misappropriated or lost in order to enable them to check whether the vehicles presented to them for registration have not been stolen, misappropriated or lost; - each year, after seeking the opinion of the joint supervisory authority set up pursuant to Article 115 on the data protection rules, the Commission shall submit a report to the European Parliament and the Council on the implementation of this Article. In this report, the Commission shall state how many searches were made, how many stolen vehicles were detected and how the data protection rules were applied. Member States shall transmit to the Commission the data necessary for this report to be drawn up; - each Member State shall ensure that every transmission of personal data is recorded in the national section of the Schengen Information System by the data file management authority for the purpose of checking whether the search is admissible or not. The record shall include the person or object on whom the search is run, the terminal or user carrying out the search, the place, date and time of the search and the reasons for the search. The record may be used only for this purpose and shall be deleted at the latest one year after it is made.

Schengen Convention: access for vehicle registration authorities to the Information System SIS, amending the Convention

2003/0198(COD) - 21/08/2003 - Legislative proposal

PURPOSE : to amend the Schengen Convention by giving vehicle registration authorities of the Member States the right to consult certain categories of data contained in he Schengen Information System (SIS). CONTENT : Article 100 in Title IV of the Schengen Convention, which has been integrated into the framework of the EU, allows authorities to insert data on motor vehicles which have been stolen, misappropriated or lost, to the SIS. Pursuant to Article 101 of the Schengen Convention, access to SIS data is reserved exclusively to the authorities responsible for border checks, for other police and customs checks carried out within the country. In addition, access to certain data is given to the authorities responsible for issuing visas, examining visa applications, issuing residence permits and the administration of legislation on aliens in the context of the application of that Convention. The objective of the proposal is to amend the Schengen Convention to improve co-operation between Member States and as a result the functioning of the internal market. In concrete terms, vehicle registration authorities of the Member States will have the right to consult certain categories of data contained in the SIS. They will then have the ability to check whether vehicles presented to them for registration have been stolen, misappropriated or lost and whether persons applying for a registration certificate are using identity or vehicle registration documents to that end which have been stolen, misappropriated, lost or - in the future - invalidated. This will serve the interest of the functioning of the internal market and the fight against fraud and illegal trade in stolen vehicles. The proposal emphasises that the task of vehicle registration authorities is of an administrative nature,

and the vehicle registration authorities do not pursue penal law objectives by consulting the relevant data categories in the SIS. However, a vehicle registration authority that finds that a vehicle or a document that has been presented to it in the course of the administrative process has been reported in the SIS may inform a police authority about this finding, without itself acting in the field of criminal law. This proposal signifies a development of the Schengen acquis. It is a concrete contribution to a series of other initiatives developing the Schengen acquis aiming at augmenting the functionalities of the SIS. It also contributes to the goals set by the Tampere European Council, especially stepping up cooperation against crime. Norway and Iceland are fully associated with this proposal. Financial consequences: Member States must create a connection between the national vehicle registration authorities and the national part of the N.SIS adding the necessary filters to block access to other data (for public vehicle registration authorities), or set up a link between the private vehicle registration service and the public authority appointed to liase with the former. This Regulation will have no financial consequences for the Community.