Basic information

2005/0106(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Second generation Schengen Information System (SIS II): establishment, operation and use Repealing Regulation (EC) No 871/2004 2002/0812(CNS) Repealing Regulation (EC) No 378/2004 2003/0807(CNS) Repealed by 2016/0408(COD) Amended by 2017/0145(COD) **Subject** 7.10.02 Schengen area, Schengen acquis 7.10.04 External borders crossing and controls, visas	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	COELHO Carlos (PPE-DE)	13/06/2005

Committee for opinion	Rapporteur for opinion	Appointed
BUDG Budgets	The committee decided not to give an opinion.	22/11/2005

Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
JURI Legal Affairs	WALLIS Diana (ALDE)	12/12/2005

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2752	2006-10-05
Justice and Home Affairs (JHA)	2725	2006-04-27
Justice and Home Affairs (JHA)	2709	2006-02-21
Justice and Home Affairs (JHA)	2746	2006-07-24
Agriculture and Fisheries	2774	2006-12-19

European Commission

Commission DG	Commissioner
Justice and Consumers	FRATTINI Franco

Key events

Date	Event	Reference	Summary
31/05/2005	Legislative proposal published	COM(2005)0236	Summary
27/09/2005	Committee referral announced in Parliament, 1st reading		
21/02/2006	Debate in Council		Summary
27/04/2006	Debate in Council		Summary
24/07/2006	Debate in Council		Summary
05/10/2006	Resolution/conclusions adopted by Council		Summary
05/10/2006	Vote in committee, 1st reading		Summary
13/10/2006	Committee report tabled for plenary, 1st reading	A6-0355/2006	
23/10/2006	Debate in Parliament		
25/10/2006	Decision by Parliament, 1st reading	T6-0445/2006	Summary
25/10/2006	Results of vote in Parliament		
19/12/2006	Act adopted by Council after Parliament's 1st reading		
20/12/2006	Final act signed		
20/12/2006	End of procedure in Parliament		
28/12/2006	Final act published in Official Journal		

Technical information

Procedure reference	2005/0106(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation (EC) No 871/2004 2002/0812(CNS) Repealing Regulation (EC) No 378/2004 2003/0807(CNS) Repealed by 2016/0408(COD) Amended by 2017/0145(COD)
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/28582

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE365.024	31/03/2006	
Amendments tabled in committee		PE372.149	18/05/2006	

Committee opinion	JURI	PE374.422	14/06/2006	
Committee report tabled for plenary, 1st reading/single reading		A6-0355/2006	13/10/2006	
Text adopted by Parliament, 1st reading/single reading		T6-0445/2006	25/10/2006	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	03662/3/2006	20/12/2006	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2005)0236	31/05/2005	Summary
Commission response to text adopted in plenary	SP(2006)5316	23/11/2006	
Follow-up document	COM(2016)0093	29/02/2016	Summary
Follow-up document	COM(2016)0880	21/12/2016	Summary
Follow-up document	SWD(2016)0450	21/12/2016	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Corrigendum to final act 32006R1987R(02)
OJ L 023 29.01.2015, p. 0019

Regulation 2006/1987
OJ L 381 28.12.2006, p. 0004 Summary

Second generation Schengen Information System (SIS II): establishment, operation and use

2005/0106(COD) - 29/02/2016 - Follow-up document

The Commission presented this report on the availability and readiness of technology to identify a person on the basis of fingerprints held in the second generation Schengen Information System (SIS II).

Given that it is becoming increasingly difficult to establish the identity of a person due to changing names and the use of aliases or fraudulent documents and that this practice not only undermines border security but also the internal security of the EU, the Commission stated that a **reliable method to establish identity** is needed. The use of fingerprints would be an efficient way for both border guards and law enforcement officials to identify persons sought by the authorities and to detect cases of document fraud.

To date there is **no EU-wide system** which would allow the checking of persons on the basis of fingerprints.

The second generation Schengen Information System (SIS) entered into operations on 9 April 2013. A new feature is the storage of fingerprints in the central system. At present, prints are used to confirm the identity of a person located as a result of a search, usually on name and date of birth. This is a “one-to-one” search - the person’s prints are compared to one set of prints stored in SIS. However the possibility to identify a person on the basis of his/her fingerprints requires an evolution to the present law enforcement practice: the comparison of a person’s prints to all sets of prints – a “one-to-many” search – to identify the person solely on the basis of fingerprints. This functionality requires the implementation of an Automatic Fingerprint Identification System (AFIS).

AFIS has been successfully used in numerous national and cross-border cooperation databases. For the E.U. the obvious examples are the Visa Information System (VIS) and EURODAC.

Both the SIS II Decision and the **SIS II Regulation** provide a legal basis for using AFIS. Before this functionality is implemented, the Commission must present a report on the availability and readiness of the required technology, on which the European Parliament shall be consulted.

The objective of this present report is to address this requirement and to confirm that fingerprint identification technology is available and ready for its integration into SIS-II.

The level of readiness and availability have to be assessed in the context of the unique situation and characteristics of SIS II which present a series of technical and organisational challenges requiring appropriate and customised solutions.

This report, supported by a study conducted by the Commission’s Joint Research Centre (JRC), also outlines the **technical and organisational requirements** in the context of SIS, describes the type of scenarios where fingerprints are used operationally and includes recommendations for the successful implementation of AFIS functionality.

The JRC study and its findings: the Horizon 2020 EU Research and Innovation Framework Program describes the readiness and availability of technology using a nine-point scale: level 1 represents the observation of basic principles, level 9 the proving of actual systems in an operational environment. AFIS technology has already achieved level 9 with many systems working world-wide.

Recommendations: overall, the report confirmed the readiness and availability of AFIS technology. In addition, the Commission considered that the implementation of the following recommendations should be considered to support the successful deployment and use of an AFIS in SIS:

- need for complementary statistics;
- promotion of best practices;
- common exchange standard;
- Prüm and SIS II complementarity;
- storage of multiple datasets;
- quality of capture points;
- quality of identification systems;
- quality check central service;
- reporting on lower quality fingerprint card;
- integrity of the database;
- consultation and queries;
- performance benchmark.

The next steps: action plan: the completion of the study and the submission of this report for consultation to the European Parliament are the first steps towards the provision of AFIS functionality in the SIS environment. In practical terms, the high-level description of activities which must now take place, with euLISA and the Member States, can be summarised as follows:

- establish the requirements for the special quality check to ascertain the fulfilment of a minimum data quality standard;
- finalise the user requirements and the sizing of the required system;
- define the architecture of the required system;
- define the technical specifications and the timeline for implementation;
- carry out the project leading to the implementation of the SIS AFIS.

In conclusion, the Commission that the AFIS functionality has already been intrinsically linked with law enforcement and border databases. SIS constitutes one of these databases and alerts related to persons will not deliver their full capacity and usefulness without the support of an AFIS.

In the light of the analysis and observations summarised in this report, the Commission concluded that **AFIS technology has reached sufficient levels of readiness and availability** in order to be integrated in SIS.

Second generation Schengen Information System (SIS II): establishment, operation and use

2005/0106(COD) - 21/02/2006

The Council agreed to set up a high-level group of experts that will support political decision-making

on the project. The group would meet for the first time in March and report to the April 2006 JHA Council meeting.

The Council concluded that the best solution for the management of the SIS II during the interim period would be for the Commission to delegate management to the appropriate Member States: France for the central unit and Austria for the backup central unit. The management of the information technology in the JHA field should be looked at in a long-term perspective.

The Austrian Presidency invited the Commission to present proposals on these issues.

Second generation Schengen Information System (SIS II): establishment, operation and use

2005/0106(COD) - 20/12/2006 - Final act

PURPOSE: to establish the SIS II and to lay down specific provisions to support the free movement of persons within the context of visas and external borders (falling within the scope of the EC Treaty and relating to the strengthening of measures in regard to fighting illegal immigration).

LEGISLATIVE ACT: Regulation (EC) No 1987/2006 of the European Parliament and of the Council on the establishment, operation and use of the second generation Schengen Information System (SIS II).

BACKGROUND: the SIS is a common information system allowing Member States' competent authorities to exchange information with a view to facilitating the establishment of an area without internal border controls in the Union. Designed as a measure to enable Member States to maintain a high level of security in an area with free movement, the SIS was established in 1990 within an intergovernmental framework by means of the Schengen Agreement. Since then, the main provisions of the Schengen Agreement have been incorporated within the framework of the EU.

After several years of operation, it became necessary to reform the SIS in order to respond to new challenges arising from the Union's enlargement and the fight against terrorism. It was in this context that the Council established the basis of the second-generation SIS by making provision for its technical development and its funding by the Community budget (see Regulation No. 2424/2001/EC – CNS/2001/0818 and Decision 2001/886/JHA – CNS/2001/0819).

This Regulation and the related decision (Council Decision 2007/533/JHA, see CNS/2005/0103), which constitute the legal base of SIS II, mark the second stage of the development of the SIS and lay down the provisions relating to the launch, operation and utilisation of the SIS II.

It should also be noted that a third instrument designed to extend the access of the SIS (and under certain conditions) to national services responsible for the issuing of vehicle registration certificates (see COD/2005/0104).

CONTENT: along with Council Decision 2007/533/JHA, this Regulation lays down the general objectives of the SIS II, its technical architecture and funding, as well as provisions regarding its operation and utilisation. The legislative framework governing the SIS II also defines the categories of data to used in the system, their purpose, the criteria for their inclusion, the authorities who are entitled to have access to them, as well as additional rules to be observed in relation to the processing and protection of personal data.

Technical architecture and operation of SIS II

The SIS II includes:

1. a central system ('Central SIS II') composed of a technical support function ('CS-SIS') containing the SIS II database, as well as a uniform national interface ('NI-SIS');
2. a national system (the 'N.SIS II') in each of the Member States, consisting of the national data systems which communicate with Central SIS II.
3. a communication infrastructure between CS-SIS and NI-SIS that provides an encrypted virtual network dedicated to SIS II data and the exchange of data between SIRENE Bureaux

SIS II data shall be entered, updated, deleted and searched via the various N.SIS II systems. The CS-SIS, which performs technical supervision and administration functions, is located in Strasbourg (France) and a backup CS-SIS, in the event of failure of this system, in Sankt Johann im Pongau (Austria). The CS-SIS provides the services necessary for the entry and processing of SIS II data, including searches in the SIS II database. The costs of setting up, operating and maintaining Central SIS II and the Communication Infrastructure are borne by the general budget of the European Union.

Authorities responsible for SIS II data management

Provisions are made that lay down the responsibilities of Member States and the management authority set in place to ensure, with the Member States, the smooth operation of the Central SIS II:

- **responsibilities of Member States**: Each Member State shall be responsible for setting up, operating and maintaining its N.SIS II and connecting its N.SIS II to the central system. The Member States are responsible for any damage caused to a person arising from the use of the N. SIS II and are required to ensure the correct utilisation of data introduced in the SIS II. Any exchange of information infringing the Regulation would be subject to penalties.

- **responsibilities of the management authority**: after a transitional period, a management authority shall be responsible for the supervisory and security tasks, as well as the coordination of relations between the Member States and the provider of the communications infrastructure.

In other provisions, the Regulation:

- establishes a manual that sets out the detailed rules for the exchange of certain supplementary information on alerts;
- awards the Commission, for a transitional period only, responsibility for the operational management of Central SIS II and parts of the communication infrastructure. (The transitional period should last for no longer than five years);
- states that SIS II is to contain **alerts** for the purpose of refusing entry or stay. It therefore harmonises certain provision on the grounds for issuing alerts concerning third-country nationals. It also clarifies the use of alerts in the framework of asylum, immigration and return policies;
- states that alerts, used for the purpose of refusing entry or stay, should not be kept longer on SIS II that the time required to fulfil the purposes for which they were supplied. As a general principle, alerts should be automatically erased from SIS II after a period of three years;
- states that SIS II should permit the processing of **biometric data** in order to assist in the reliable identification of the individuals concerned. By the same token, SIS II should also allow for the processing of data concerning individuals whose identity has been misused in order to avoid inconveniences caused by their misidentification;
- allows Member States to establish links between alerts in SIS II;
- specifies that data processed in SIS II should not be transferred or made available to third countries or to international organisations;
- specifies that Directive 95/46/EC on the protection of individuals with regard to the processing of personal data on the free movement of data will apply to the processing of personal data in relation to this Regulation; as will with Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data;
- sets out **confidentiality requirements**;
- states that national supervisory authorities responsible for personal data will monitor the processing of **personal data** relating to this Regulation; as will the European Data Protection Supervisor;
- requires the Member States and the Commission to draw up a **security plan** in order to facilitate the implementation of security obligations and requires them to cooperate with each other in order to address common security issues;
- requires the Commission to prepare a **report** on the technical functioning of Central SIS II and the communications infrastructure every two years. An overall evaluation should be prepared by the Commission every four years;
- specifies the **technical rules on entering data**, including data required for entering an alert, updating, deleting and searching data, rules on compatibility and priority of alerts, links between alerts and the exchange of supplementary information etc. are to be prepared by the Commission through implementing powers; and
- lastly, sets out appropriate **transitional provisions** in respect of alerts issued in SIS 1+, which are to be transferred to SIS II.

Territorial provisions: Switzerland, Norway and Iceland are associated with the application of this Regulation, in line with the bilateral agreements reached with these countries. Denmark, the United Kingdom and Ireland did not take part in the adoption of this Regulation and are not bound by it or subject to its application.

ENTRY INTO FORCE: 17 January 2007.

Second generation Schengen Information System (SIS II): establishment, operation and use

2005/0106(COD) - 05/10/2006

The Presidency informed the Council of the vote that took place at the LIBE Committee (civil liberties and Justice and Home Affairs) of the European Parliament on 5 October 2006 regarding the legislative package on SIS II. The LIBE Committee adopted these texts with the exception of the addition of the words "or the entry of data in the SIS II" at the end of Article 17(1)(b) of the Regulation (**COD/2005/0106**) and of Article 37(1)(b) of the Decision (**CNS/2005/0103**).

The texts as adopted by the LIBE Committee shall be submitted to the second Plenary session of the European Parliament in October 2006.

The Council confirmed its position on this legislative package as agreed by Coreper and gave a mandate to the Finnish Presidency to continue negotiations with the European Parliament with a view to reaching an agreement at first reading.

The Council adopted conclusions on SIS I+ and SIS II.

As regards **SIS II**, the Council :

§ considers that the revised implementation schedule for the SIS II (contained in Commission staff working document 12379/06) seems to be feasible and realistic. According to the revised schedule, the SIS II would be operational for the Member States currently participating in the SIS 1+ by June 2008, allowing the integration of the Member States not yet participating in the SIS 1+;

§ confirms the revised schedule, and at the same time instructs the relevant Council working groups and Commission bodies to do their utmost to have the SIS II operational at the earliest possible opportunity. - reaffirms that the development of the SIS II remains the **absolute priority**;

§ agrees to prolong the Commission mandate to develop the SIS II beyond **31 December 2006** and also to clarify the mandate so as to make it clear that the technical integration of the new Member States into the SIS II is included in the mandate;

§ agrees to set up an informal Task Force, consisting of experts seconded by interested Member States, to assist the work of the Council, in co-operation with the Commission, on the management and coordination of the SIS II project, including the state of preparedness of all Member States. The Council invites all the stakeholders in the SIS II project to cooperate fully with the Task Force and the Presidency and the Commission are invited to agree on the practical arrangements for the Task Force as soon as possible.

Concerning the **SIS 1+**, the Council welcomes the Portuguese proposal, which could make it possible to integrate the new Member States in the SIS1+, and agrees with the elements contained in document 12583/06. The relevant working groups are invited to work out all the outstanding technical, financial, legal, organisational and management aspects of the proposal forwarded by Portugal, so as to be in a position to take a final decision at its meeting in December on whether or not to proceed with the integration of the new Schengen States into the SIS 1+.

As regards the lifting of **internal border controls**, the Council invites, on the basis of the outcome of discussions on having an operational Schengen Information System in place in all Member States as soon as possible, the competent working groups to prepare a feasible and realistic global planning for the **lifting of the controls at the internal land, sea and air borders**, taking into account also the results of the Schengen evaluations required for permitting the putting into effect of the entire Schengen acquis for the Member States concerned. On the basis of this work, the Council intends to decide in **December 2006** on the date or dates for the lifting of those controls and to inform the European Council.

Second generation Schengen Information System (SIS II): establishment, operation and use

2005/0106(COD) - 27/04/2006

The Council reviewed the state of play of SIS II and discussed its legal basis. It confirmed the use of biometrics for identification purposes in the SIS II as soon as technically possible. Six of the new Member States (Czech Republic, Latvia, Lithuania, Hungary, Estonia and Slovakia), joined by Slovenia, presented a joint statement urging the Council to ensure that discussions on the legislative proposals would not delay the adoption of SIS II.

To recall, on 31 May 2005, the Commission submitted legislative proposals setting out the legal basis for SIS II: two Regulations to be adopted by the codecision procedure and one Council Decision. Discussions on these proposals have reached a crucial stage. In order to allow SIS II to be operational in 2007 and consequently to lift the checks at the internal borders for the new Member States, the legislative instruments have to be adopted quickly.

Second generation Schengen Information System (SIS II): establishment, operation and use

2005/0106(COD) - 24/07/2006

The Mixed Committee (EU + Norway, Iceland and Switzerland) reached agreement on a number of outstanding issues concerning the legal instruments of the second generation of the Schengen Information System (SIS II), in particular:

§ the long-term operational management of SIS II;

§ the use of biometrics;

§ the transitional period applying to the content of the old alerts.

Regarding the question of alerts relating to surrender procedures, the Mixed Committee asked the Council preparatory bodies to finalise a compromise text. On that basis, the Presidency of the Council will negotiate with the European Parliament with a view to having the SIS II legal instruments adopted as soon as possible.

Second generation Schengen Information System (SIS II): establishment, operation and use

2005/0106(COD) - 31/05/2005 - Legislative proposal

PURPOSE: To establish a legal framework for governing the SIS II and to lay down specific provisions for supporting the implementation of policies linked to the movement of persons which are part of the Schengen *acquis* within the context of visas and external borders.

PROPOSED ACT : Regulation of the European Parliament and of the Council

CONTENT: In December 2001 the Council recognised the need to upgrade, modernise and re-organise the existing Schengen Information System (SIS), which acts as a common information system allowing the competent authorities in the Member States to exchange information on persons suspected of criminal activities. Specifically, SIS allows Member States, through an automatic query procedure, to obtain information on a suspected person when an alert has been sent out. Information obtained can be used for police and judicial co-operation in criminal matters as well as for controls on persons both at the external borders of the EU or within a nation state. It can also be used for issuing visas and residence permits. SIS acts as an indispensable component of Schengen by offering those participating in the Schengen Agreement a high level of security. With the enlargement of the

EU in 2004 the Council decided to assign the technical development of the second generation SIS to the Commission and the necessary financial resources from the EU's budget for the realisation of this project were allocated accordingly (see 2001/0818 CNS).

In order to enact the legal framework governing SIS II the Commission has presented two legal instruments (a Regulation and a Decision) that will work in tandem with each other. The Regulation is based on Title IV of the EU Treaty, whereas the Decision (2005/0103 CNS) is based on Title VI of the EU Treaty. A third proposal is also being presented based on Title V of the EU Treaty relating to Transport, (2005/0104 COD).

The provisions being proposed in the Regulation are based largely on the current SIS system, the requirements of which are contained in a 1990 Convention implementing the Schengen Agreement. The differences between the Regulation and the Decision can be explained as follows. The Regulation will focus on the processing of data linked to the *movement of persons*, subject to or part of the Schengen acquis. The Decision, on the other hand, will focus on the processing of data *supporting police and judicial co-operation in criminal matters*. The Commission is of the opinion that a Regulation is warranted given that there will be a need to apply uniform and directly applicable rules, particularly as regards access to the data available on the SIS II system. Such an approach also has the advantage that by their very nature Member States will not be required to transpose the provisions into national law. Finally, when agreed upon, the proposed Regulation will repeal Regulation 378/2004 on procedures for amending the SIRENE manual. One additional, significant, revision is the incorporation of the Regulation into the framework of EU law. Under the current SIS system, provisions are adopted in an inter-governmental framework. Since they do not take the form of classic EU instruments this could give rise to legal ambiguity. Further, when provisions are being adopted for the current SIS there is little or no input from the other EU institutions, in particular from the European Parliament. The new proposals will rectify this situation.

The Regulation will align the SIS legal framework with EU law and enlarge the use of the SIS II in the following manner:

- Current rules governing alerts issued to third country national for the purpose of refusing entry have been revised to allow for greater harmonisation of when, where and how alerts can be issued under SIS II. This approach is expected to reduce the current system of divergent alert warning, which generates considerable inefficiency within the system.

- The scope of those issuing SIS alerts to third country national is enlarged to allow asylum and immigration authorities the possibility (in certain cases only) to issue an alert. The new uses are foreseen in the context of the fight against illegal immigration and for the return of illegal third country nationals. The provisions are also being proposed within the context of public order matters and security issues vis-à-vis the responsibility of the Member States for asylum applications.

- The Regulation proposes that the quality of data be improved, alongside enhanced identification procedures. Within this context, the proposal includes the possibility of entering individuals on to the SIS II data base, (subject to their consent) in cases where their identity has been abused. Such provisions should, in future, avoid further inconveniences caused by misidentifications. This Regulation also allows for the processing of biometrics, the results of which will be more accurate identifications and improved quality of the personal data entered in the system.

- The Regulation confirms that the European Data Protection Supervisor will be responsible for monitoring the Commission when it processes SIS II data.

- The current inter-governmental nature of the SIS provisions will be brought in to the classic framework of European law instruments. In this way the EU institutions will be associated with the adoption and implementation of these new instruments thus reinforcing the legal value of the rules governing the SIS.

- As far as the operational management of SIS II is concerned the Regulation proposes entrusting the operational management of the system to the Commission. At present, the operational management of the Central part of the SIS is managed by one Member State.

Under provisions spelt out in the proposed Regulation – and taken within the context of the Protocols attached to the Schengen Agreement vis-à-vis Member States' participation thereof – the United Kingdom and Ireland will not be parties to the adoption of the Regulation. The Regulation will, therefore neither bind nor apply to them. As far as Denmark is concerned it must decide within six months whether or not it wishes to participate in the provisions of this Regulation. Norway and Iceland, in accordance with the Protocol integrating them into the Schengen acquis will implement and apply the provisions of this Regulation. The new Member States shall only apply the Regulation pursuant to a Council Decision in conformity with this provision.

Concerning budgetary implications, it was agreed in 2001 that the Commission should be responsible for the development of the second generation SIS. The finances of this exercise have been charged to the budget of the European Union. The present proposal establishes that the cost incurred for the operation of SIS II shall continue to be covered by the EU's budget. The biggest expenditure will be made during the development phase (design, construction and testing of SIS II). The operational phase, which will commence in 2007, constitutes a long-term budgetary commitment that will need to be examined in light of the new financial perspective. The Commission points out that if it is to be responsible for the operational management of SIS II for a transitional period, then adequate human resources will need to be allocated. For the mid-to long term, the Commission will assess the different externalisation options, taking into account the synergy effects resulting from the operation of several other large scale IT systems such s the Visa Information System (VIS).

FINANCIAL IMPLICATIONS:

This financial statement covers the expenditure necessary for operating SIS II as from 2007.

- Budget lines and headings: 18 08 02 : Schengen Information System, second generation (SIS II)

- Overall figures: For Part B: EUR 132 Million for commitments until 2013. The costs foreseen include the following elements: The upkeep and operating costs of two premises, the updating of computer equipment and consumables, system maintenance, stationary, furniture and work equipment, direct access to point rental of the network, external support for maintaining the IT management systems, the development and operation of a search engine based on biometric identifies, the cost of external human resources including 21 security agents and 21 data input operators.

- Period of application: From 2007 to 2013 (for this statement).Undetermined duration, after 2013.

- Overall financial impact of human resources and other administrative expenditure: EUR 23 807 million. This will include 23 permanent posts from levels A, B and C.

Lastly, a total contribution from Iceland and Norway totalling 2.128% of the total cost is foreseen.

Second generation Schengen Information System (SIS II): establishment, operation and use

2005/0106(COD) - 25/10/2006 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the resolution drafted by Carlos **COELHO** (EPP-ED, PT) incorporating a series of compromise proposals agreed with the Council on the proposed regulation on the Schengen Information System (SIS II), with a view to reaching agreement at 1st reading. The resolution was adopted by 517 votes in favour to 73 against with 66 abstentions. (Please see the document of 05/10/2006 for a summary of the main amendments.) The proposal is part of a package measures on the legislative basis for a new Schengen Information System (SIS I) which will allow new Member States to join the Schengen area as soon as possible. (Please see COD/2005/0104 and CNS/2005/0103). The rapporteur sought to achieve a first reading agreement with Council and the compromise amendments adopted had been negotiated and accepted in informal trialogues with the Commission and the Council. However MEPs refused to introduce a last minute change requested by Council which would allow national intelligence services to have access to the information stored in SIS II.

The key amendments relating to the Management Authority and biometrics are detailed in the preceding summary. Many of the amendments seek to improve personal data protection in SIS II. For instance, alerts after refusing entry or stay should not be kept longer in the SIS II than the time required to meet the purposes for which they were supplied. As a general principle, such data should be kept no longer than three years.

Second generation Schengen Information System (SIS II): establishment, operation and use

2005/0106(COD) - 21/12/2016 - Follow-up document

The Commission presented a report to the European Parliament and the Council on the evaluation of the second generation Schengen Information System (SIS II) in accordance with art. 24 (5), 43 (3) and 50 (5) of Regulation (EC) No 1987/2006 and art. 59 (3) and 66 (5) of Decision 2007/533/JHA.

The Schengen Information System (SIS) is a centralised, large-scale information system supporting checks on persons and objects (such as travel documents and vehicles) at the external Schengen borders and reinforcing law enforcement and judicial cooperation within 29 countries throughout Europe.

The second generation of the system (SIS II) entered into operation on 9 April 2013. The operation and use of SIS is established in two major legal instruments: Regulation (EC) No 1987/2006 relates to the use of SIS in checks on third-country nationals who do not fulfil the conditions for entry or stay in the Schengen area and Council Decision 2007/533/JHA relates to the use of SIS for police and judicial cooperation in criminal matters.

In addition to the original features, SIS II now provides new functions and object categories:

- the possibility of linking alerts on persons and objects (e.g. alerts on a wanted person and the stolen vehicle he is using);
- biometric data (fingerprints and photographs) to confirm the identity of a person;
- a copy of the European Arrest Warrant attached directly to alerts for persons wanted for arrest for surrender or extradition;
- information on misused identity preventing the misidentification of the innocent party in identity fraud.

Since May 2013, **eu-LISA** has been responsible for the operational management of Central SIS II, while Member States are responsible for the operational management of their national systems.

Main conclusions: according to the report, SIS II is an operational system which cannot remain static and has demonstrated obvious success against a background of **evolving and complex issues**. Accordingly, the evaluation not only examined existing performance but also looked to the future to **propose major evolutions in technology**, managing workload, protecting individual rights and achieving better operational outcomes.

Notwithstanding the considerable success and EU added-value achieved through the use of SIS II and its ongoing relevance to the serious **security and migration challenges** faced by Europe, the Commission has identified certain points to be addressed.

Notwithstanding several findings which would improve efficiency in technical operations and working practices, SIS II is primarily an operational system and therefore an evaluation would largely expect findings in the fields of effectiveness, relevance, EU added-value and coherence with other EU initiatives. However, in such an environment, efficiency must also be studied at the strategic level. As the key compensatory measure for the removal of internal borders in the Schengen area, the question, 'Could we continue without SIS?' must be addressed.

The total amount spent from the EU budget on building Central SIS II during the period 2002 to 2013 was **EUR 152 961 319**. The costs, however, have to be analysed taking into consideration that **SIS II is the principle compensatory measure for the abolition of internal border controls within the Schengen area**. The report noted that **without SIS II, an area with no internal borders would be hardly feasible**.

Which additional costs should be charged to the Member States for the abolition of SIS II?

The Commission has estimated that:

- full re-establishment of border controls within the Schengen area would generate immediate direct costs of between EUR 5 billion and EUR 18 billion annually;
- Member States such as Poland, the Netherlands or Germany would face more than EUR 500 million in additional costs for the road transport of traded goods, whilst others, such as Spain or the Czech Republic, would see their businesses paying more than EUR 200 million in additional costs;
- border controls would cost between EUR 1.3 and EUR 5.2 billion in terms of time lost for cross-border workers (1.7 million workers in the EU) and other commuters;
- at least 13 million tourist nights could be lost, with a total impact of EUR 1.2 billion for the tourism sector;
- between EUR 600 million and EUR 5.8 billion in administrative costs would have to be paid by governments due to the need for increased staffing at border controls.

Next steps: the report focused in the strategic future of the SIS and on elements that should be reviewed in the light of the current challenges faced by Member States regarding migration.

The report noted:

- the outstanding operational and technical success of the system but also the need to further enhance the **effectiveness, efficiency, relevance, coherence and EU added-value of SIS II**, both at central level and in some Member States where technical and operational implementation could be improved;
- that further development of the **legal framework** is needed to: (i) reflect better the operational challenges in the field of security; (ii) further harmonise the rules in the use of the system to address irregular migration; (iii) improve the monitoring of the compliance with the data protection via statistical reporting.

In order to address those issues highlighted by the evaluation which require legislative change, the Commission intends to present a proposal to **amend the legal basis for SIS** by the end of December 2016.