Basic information

2010/0814(NLE) NLE - Non-legislative enactments Decision	Procedure completed
Schengen Information System: application of the provisions of the Schengen acquis in Bulgaria and Romania See also 2017/0808(CNS) See also 2018/0802(CNS) **Subject** 7.10.04 External borders crossing and controls, visas **Geographical area** Bulgaria Romania	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	COELHO Carlos (PPE)	20/04/2010

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3010	2010-04-26
Agriculture and Fisheries	3025	2010-06-29

European Commission

Commission DG	Commissioner
Justice and Consumers	MALMSTRÖM Cecilia

Key events

Date	Event	Reference	Summary
24/02/2010	Legislative proposal published	06714/2010	Summary
11/03/2010	Committee referral announced in Parliament		
26/04/2010	Resolution/conclusions adopted by Council		Summary
10/06/2010	Vote in committee		Summary
11/06/2010	Committee report tabled for plenary, 1st reading/single reading	A7-0199/2010	
15/06/2010	Debate in Parliament		
17/06/2010	Decision by Parliament	T7-0229/2010	Summary

17/06/2010	Results of vote in Parliament		
29/06/2010	Act adopted by Council after consultation of Parliament		
29/06/2010	End of procedure in Parliament		
01/07/2010	Final act published in Official Journal		

Technical information

Procedure reference	2010/0814(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Legislative instrument	Decision
Amendments and repeals	See also 2017/0808(CNS) See also 2018/0802(CNS)
Legal basis	Treaty of Accession of the Republic of Bulgaria and Romania (2005) TS 4-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/02447

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE441.177	21/05/2010	
Committee report tabled for plenary, 1st reading/single reading		A7-0199/2010	11/06/2010	
Text adopted by Parliament, 1st reading/single reading		T7-0229/2010	17/06/2010	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	06714/2010	24/02/2010	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2010/0365
OJ L 166 01.07.2010, p. 0017

Schengen Information System: application of the provisions of the Schengen acquis in Bulgaria and Romania

2010/0814(NLE) - 29/06/2010 - Final act

PURPOSE : to apply the provisions of the Schengen acquis relating to the Schengen Information System (SIS) to Bulgaria and Romania.

LEGISLATIVE ACT : Council Decision 2010/365/EU on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania

CONTENT : the Council adopted a decision on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulg aria and Romania, having verified that the Member States concerned ensure satisfactory levels of data protection.

Accordingly, the Decision provides that

- from 15 October 2010, the provisions of the Schengen acquis relating to the SIS, as referred to in Annex I, shall apply to Bulgaria and Romania;
- the provisions of the Schengen acquis relating to the SIS, as referred to in Annex II, shall apply from the date specified therein to Bulgaria and Romania;
- from 29 June 2010 real SIS data may be transferred to the Member States concerned;
- from 15 October 2010, the Member States concerned, like the Member States in respect of which the Schengen acquis has already been implemented, shall be able to enter data into the SIS and use SIS data, subject to the provisions below;
- until the date of the lifting of checks at internal borders with the Member States concerned, those Member States: (a) shall not be obliged to refuse entry to their territory or to expel nationals of third States for whom a SIS alert has been issued by another Member State for the purposes of refusing entry; (b) shall refrain from entering the data covered by the provisions of Article 96 of the Schengen Convention.

Annexes: the annexes to the Decision provide in particular a list of the provisions of the Schengen acquis relating to the SIS to be rendered applicable to Bulgaria and Romania:

Annex I: list of provisions of the Schengen acquis relating to the SIS, in particular: i) certain provisions of the Schengen Convention, ii) certain specific provisions relating to the SIS, iii) other more specific instruments relating to the SISNET – the communications infrastructure for the SIS environment -, the SIRENE manual, and provisions relating to the application of various SIS functionalities – relating to the fight against terrorism -, access to the SIS by the services in the Member States responsible for issuing registration certificates for vehicles, certain provisions the Schengen border code as well as regulations and decisions regarding the migration from SIS 1+ to SIS II;

Annex II: the list of the provisions of the Schengen acquis relating to the SIS II: Regulation (EC) No 1986/2006 of the European Parliament and of the Council regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates – 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) - Council Decision 2007/533/JHA on the establishment, operation and use of the second generation Schengen Information System (SIS II).

ENTRY INTO FORCE : 29/06/2010.

Schengen Information System: application of the provisions of the Schengen acquis in Bulgaria and Romania

2010/0814(NLE) - 17/06/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 525 votes to 18, with 54 abstentions, a legislative resolution approving, subject to one amendment, the draft Council decision on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania.

The amendment stipulates that each Member State concerned should inform the European Parliament and the Council in writing, in the course of the six-month period beginning on the date of entry into force of this Decision, of the follow-up they intend to give to the shortcomings highlighted in the evaluation reports as regards the level of data protection.

Schengen Information System: application of the provisions of the Schengen acquis in Bulgaria and Romania

2010/0814(NLE) - 24/02/2010 - Legislative proposal

PURPOSE: the application of the provisions of the Schengen acquis relating to the Schengen Information System (SIS) in the Republic of Bulgaria and Romania at a date to be decided by the Council.

PROPOSED ACT: Council Decision.

BACKGROUND: Article 4(2) of the 2005 Act of Accession provides that the provisions of the Schengen acquis other than those mentioned in Annex II to the said Act shall only apply in each of those Member States within the meaning of that instrument pursuant to a Council Decision to that effect after verification that the necessary conditions for the application of that acquis have been met.

The Council has verified that the Republic of Bulgaria and Romania are able to ensure satisfactory levels of data. It is therefore possible **to set a date from which the Schengen acquis relating to the Schengen Information System (SIS) may apply in those Member States**. This is the purpose of this proposed decision.

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

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASE: Article 4 (2) of the 2005 Act of Accession of Bulgaria and Romania to the European Union.

CONTENT: in accordance with the provisions of the Act of Accession, the provisions of the Schengen acquis relating to the Schengen Information System (as laid down in Annex II of this decision) can apply to Bulgaria and Romania from a date to be decided by the Council or, if the need arises, on a date provided for the instruments themselves.

In parallel, from a date to be decided by the Council, Bulgaria and Romania, like the Member States in which the Schengen acquis already applies, will be able to enter data into the SIS and SIS data. However, until the date of the lifting of checks at internal borders with Bulgaria and Romania, those Member States:

- shall 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 State for the purposes of refusing entry;
- shall refrain from entering the data covered by the provisions of Article 96 of the Schengen Convention.

Annexes: the annexes to the proposal provide in particular a list of the provisions of the Schengen acquis relating to the SIS to be rendered applicable to Bulgaria and Romania:

- **Annex I:** list of provisions of the Schengen acquis relating to the SIS, in particular: i) certain provisions of the Schengen Convention, ii) certain specific provisions relating to the SIS, iii) other more specific instruments relating to the SISNET – the communications infrastructure for the SIS environment -, the SIRENE manual, and provisions relating to the application of various SIS functionalities – relating to the fight against terrorism -, access to the SIS by the services in the Member States responsible for issuing registration certificates for vehicles, certain provisions the Schengen border code as well as regulations and decisions regarding the migration from SIS 1+ to SIS II;
- **Annex II:** the list of the provisions of the Schengen acquis relating to the SIS II: Regulation (EC) No 1986/2006 of the European Parliament and of the Council regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates – 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) - Council Decision 2007/533/JHA on the establishment, operation and use of the second generation Schengen Information System (SIS II).

Territorial provisions: this decision will apply to Iceland, Norway and Switzerland, in accordance with the relevant provisions of the agreement concluded by the Council with these third countries on their association with the implementation, application and development of the Schengen acquis.

BUDGETARY IMPACT: the proposal does not have an impact on the EU's budget.

Schengen Information System: application of the provisions of the Schengen acquis in Bulgaria and Romania

2010/0814(NLE) - 26/04/2010

The Council adopted conclusions on the correct application by Bulgaria and Romania of the Schengen acquis in respect of data protection.

Evaluations reports conclude that requirements with respect to data protection have been met in both countries and that nothing prevents the adoption by the Council of a decision on the application of the provisions of the acquis relating to the Schengen information system and thus the loading of real SIS data, as soon as Bulgaria and Romania are technically ready to this end.

The reports also set out a number of recommendations. The conclusions invite Bulgaria and Romania to inform the Council both of further developments regarding the entry into force of legislative measures and of further follow-up they intend to give to the recommendations contained in the evaluation reports.