Basic information

2020/0350(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Strengthening Europol's mandate: entry of alerts in SIS **Subject** 7.10.04 External borders crossing and controls, visas 7.30.05 Police cooperation 7.30.05.01 Europol, CEPOL 7.40.04 Judicial cooperation in criminal matters **Legislative priorities** Joint Declaration 2021 Joint Declaration 2022	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	LIBE Civil Liberties, Justice and Home Affairs	ZARZALEJOS Javier (EPP)	03/02/2021
		Shadow rapporteur ROBERTI Franco (S&D) TUDORACHE Dragoş (Renew) BRICMONT Saskia (Greens/EFA) JAKI Patryk (ECR) VANDENDRIESSCHE Tom (ID) DALY Clare (The Left)	
Council of the European Union			
European Commission	**Commission DG**	**Commissioner**	
	Migration and Home Affairs	JOHANSSON Ylva	

Key events

Date	Event	Reference	Summary
		COM(2020)0791	Summary

09/12/2020	Legislative proposal published		
21/01/2021	Committee referral announced in Parliament, 1st reading		
12/10/2021	Vote in committee, 1st reading		
12/10/2021	Committee decision to open interinstitutional negotiations with report adopted in committee		
15/10/2021	Committee report tabled for plenary, 1st reading	A9-0287/2021	Summary
18/10/2021	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
21/10/2021	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72 - vote)		
31/03/2022	Approval in committee of the text agreed at 1st reading interinstitutional negotiations		
08/06/2022	Decision by Parliament, 1st reading	T9-0227/2022	Summary
08/06/2022	Results of vote in Parliament		
27/06/2022	Act adopted by Council after Parliament's 1st reading		
06/07/2022	Final act signed		
12/07/2022	Final act published in Official Journal		

Technical information

Procedure reference	2020/0350(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the European Union TFEU 088-p2-a1
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/04835

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE689.819	07/05/2021	
Amendments tabled in committee		PE693.797	07/06/2021	
Committee report tabled for plenary, 1st reading/single reading		A9-0287/2021	15/10/2021	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0227/2022	08/06/2022	Summary

Council of the EU

Document type	Reference	Date	Summary

Draft final act	00016/2022/LEX	06/07/2022	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2020)0791	09/12/2020	Summary
Commission response to text adopted in plenary	SP(2022)412	25/07/2022	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	NL_SENATE	COM(2020)0791	01/03/2021	
Contribution	PT_PARLIAMENT	COM(2020)0791	18/03/2021	
Contribution	ES_PARLIAMENT	COM(2020)0791	19/03/2021	
Contribution	RO_SENATE	COM(2020)0791	20/04/2021	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency

Name	Role	Committee	Date	Interest representatives
TUDORACHE Dragoş	Shadow rapporteur	LIBE	18/10/2021	European Confederation of Police

Final act

Regulation 2022/1190
OJ L 185 12.07.2022, p. 0001

Strengthening Europol’s mandate: entry of alerts in SIS

2020/0350(COD) - 15/10/2021 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Javier ZARZALEJOS (EPP, ES) on the proposal for a regulation of the European Parliament and of the Council Amending Regulation (EU) 2018/1862 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters as regards the entry of alerts by Europol.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Alerts

Europol may only enter an alert in SIS after it has established that this is necessary and justified, by ensuring that a **detailed individual analysis** of the data provided confirmed the reliability of the source of information and the accuracy of the information on the person concerned.

Europol may enter alerts on third-country nationals in SIS for the purpose of informing end-users carrying out a search in SIS that those persons are suspected of being involved in or have been convicted of a criminal offence.

Review period for alerts on persons

Europol may enter an alert on a third-country national for a period of three years.

Data protection

Where personal data is entered in SIS, it is proposed that Europol should inform the data subject of the possibility of lodging a complaint with the European Data Protection Supervisor and seeking a judicial remedy from the Court of Justice of the European Union.

Monitoring and statistics

Members added that eu-LISA should also produce daily, monthly and annual statistics showing the number of entries of alerts proposed by Europol, against which a reasoned objection was expressed by a Member State, categorised by Member State and by objection provided.

Entry into force, start of operation and application

The report proposed that Europol should by six months after the entry into force of this amending Regulation, notify the Commission that it has made the necessary technical and procedural arrangements to process SIS data and exchange supplementary information pursuant to this Regulation.

No later than one year after the entry into force of this amending Regulation, the Commission should adopt a decision setting the date from which Europol may start entering, updating and deleting alerts in SIS, pursuant to this Regulation.

Strengthening Europol’s mandate: entry of alerts in SIS

2020/0350(COD) - 09/12/2020 - Legislative proposal

PURPOSE: to establish a specific alert category issued by Europol in SIS in order to exchange information on persons who represent a threat to the internal security of the European Union.

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

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: given the increasingly global nature of serious crime and terrorism brought about by growing mobility, the information that third countries and international organisations obtain about criminals and terrorists is increasingly relevant for the EU‘s security. Such information should contribute to the comprehensive efforts to ensure internal security in the European Union. Some of this information is only shared with Europol. While Europol holds valuable information received from external partners on serious criminals and terrorists, it cannot issue alerts in SIS. Member States are also not always able to issue alerts in SIS on the basis of such information.

In order to bridge the gap in information sharing on serious crime and terrorism, in particular on foreign terrorist fighters – where the monitoring of their movement is crucial – it is necessary to ensure Europol is able to make this information available directly and in real-time to front-line officers in Member States.

Europol should therefore be authorised to enter alerts in SIS, in full respect of fundamental rights and data protection rules. To that end, the Commission proposes that a specific category of alert should be created in SIS, to be issued exclusively by Europol, in order to inform end-users carrying out a search in SIS that the person concerned is suspected of being involved in a criminal offence in respect of which Europol is competent, and in order for Europol to obtain confirmation that the person who is subject to the alert has been located.

This Commission proposal is part of the Counter-Terrorism package.

CONTENT: the present proposal seeks to amend Regulation (EU) 2018/1862 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters as regards the entry of alerts by Europol. In particular, it widens the scope of application of the current SIS by introducing a new alert category for Europol.

Specific provisions

The proposal seeks to:

- enable Europol to issue ‘information alerts’ on suspects and criminals as a new alert category in SIS, for exclusive use by Europol in specific and well-defined cases and circumstances. This is an important paradigm change for SIS, as until now, only Member States could enter, update and delete data in SIS and Europol had ‘read-only’ access covering all alert categories. Europol would be able to issue alerts on the basis of its analysis of third-country sourced information or information from international organisations, within the scope of crimes falling under Europol’s mandate and only on third-country nationals who are

not beneficiaries of free movement rights. The purpose of the new alert category is that in case of a ‘hit’, the alert would inform the frontline officer that Europol holds information on the person;

- set out detailed provisions on the procedural requirements that Europol is required to fulfil prior to entering an alert in SIS;

- align the obligations and requirements of Europol when entering alerts in SIS with alert issuing Member States. These requirements concern: categories of data, proportionality, minimum data content for an alert to be entered, entering biometric data, general data processing rules, quality of the data in SIS as well as rules on distinguishing between persons with similar characteristics, misused identity and links. The frontline officer would be required to report immediately the occurrence of the ‘hit’ to the national SIRENE Bureau, which would in turn contact Europol. The frontline officer would only report that the person who is subject of an alert was located and would indicate the place, time and reason for the check carried out;

- define the review period for alerts entered by Europol as well as the alert deletion rules which are specific to this type of alert. As a general rule, an alert should be kept only for the time that is necessary to achieve the purpose for which it was entered.

Budgetary implications

The budgetary impact, estimated at EUR 1 820 000 for the period 2021-2022, reflects the changes required for establishing this new alert category in Central SIS by eu-LISA, the EU Agency responsible for the management and development of Central SIS.

The expenses related to the development of the national systems connected to Central SIS are to be covered by the resources available to the Member States under the new Multiannual Financial Framework 2021-2027 for the development and maintenance of SIS. The proposal would also require Europol to set up a technical interface for entering, updating and deleting data in Central SIS.

Strengthening Europol’s mandate: entry of alerts in SIS

2020/0350(COD) - 08/06/2022 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 470 votes to 118, with 16 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council Amending Regulation (EU) 2018/1862 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters as regards the entry of alerts by Europol.

The proposed Regulation aims at establishing a specific category of alerts in the interest of the Union entered into the SIS by the Member States following a proposal by Europol for the exchange of information on persons involved in serious crime or terrorism, as well as the rules applicable to this category.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

Information alerts on third country nationals in the interest of the Union

In order to bridge the gap in sharing information on serious crime and terrorism, in particular on foreign terrorist fighters, the amended text stressed the need to ensure that, upon a proposal by Europol, Member States are able to enter information alerts into SIS on third-country nationals in the interest of the Union, in order to make that information provided by third countries and international organisations available, directly and in real time, to front-line officers in Member States.

The amending Regulation provides for the creation of a **specific category of alerts in the SIS for information on third country nationals** in the interest of the Union. These alerts should be entered into the SIS by the Member States, at their discretion and subject to verification and analysis of the proposal by Europol, in order to inform end-users searching the SIS that the person concerned is suspected of being involved in a criminal offence for which Europol is competent.

Europol should:

- share all information it holds on a particular case, except for information that has clearly been obtained in gross violation of human rights;

- share the outcome of cross-checking the data against its databases, information relating to the accuracy and reliability of the data and its analysis of whether there are sufficient grounds for considering that the person concerned has committed, taken part in, or intends to commit a criminal offence in respect of which Europol is competent;

- inform the Member States without delay where it has relevant additional or modified data in relation to its proposal to enter an information alert into SIS or evidence suggesting that data included in its proposal are factually incorrect or have been unlawfully stored, in order to ensure the lawfulness, completeness and accuracy of SIS data;

- transmit to the issuing Member State without delay additional or modified data in relation to an information alert that was entered into SIS upon its proposal, in order to allow the issuing Member State to complete or modify the information alert.

When an alert for information is entered in the SIS, the Member State issuing the alert will inform the other Member States and Europol by means of an exchange of supplementary information. Where Member States decide not to enter the alert for information proposed by Europol and where the relevant conditions are met, they may decide to enter another type of alert on the same person.

Member States should put in place the necessary procedures for entering, updating and deleting information alerts in SIS in accordance with this Regulation.

Europol should keep records relating to its proposals for entering information alerts into SIS under this Article and provide reports to Member States every six months on the information alerts entered into SIS and on the cases where Member States did not enter the information alerts.

Execution of the action based on an information alert

In the event of a hit on an information alert, the executing Member State should collect and communicate to the issuing Member State all or some of the following information:

- the fact that the person who is the subject of an information alert has been located;

- the place, time and reason for the check;

- the route of the journey and destination;

- the persons accompanying the subject of the information alert who can reasonably be expected to be associated with the subject of the information alert;

- objects carried, including travel documents;

- the circumstances in which the person was located.

Dactyloscopic data in SIS in relation to alerts entered may also be searched using complete or incomplete sets of fingerprints or palm prints discovered at the scenes of serious crimes or terrorist offences under investigation, where it can be established to a high degree of probability that those sets of prints belong to a perpetrator of the offence and provided that the search is carried out simultaneously in the Member State's relevant national fingerprints databases

A Member State may enter an alert on a person for a period of one year. The issuing Member State should review the need to retain the alert within that one-year period. Alerts on persons should be deleted automatically after the review period has expired.

Alerts on objects entered should be reviewed where they are linked to an alert on a person. Such alerts should only be kept for as long as the alert on the person is kept.

Alerts for information entered should be deleted as soon as the alert expires.