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Screening Schengen Information System

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SIS Legal Framework

- **SIS I +**: (not relevant for CC)
  - Articles 92-119 of the SC
    - Decisions and declarations of the Executive Committee
      - E.g. Financial Regulations (Schengen budget)
    - Amendments to the SC
      - Decision and Regulation on new functions of the SIS (fight against terrorism)
      - Access for vehicle registration authorities

- **SIS II**: 
  - Instruments for the “development” of the SIS II
  - Legal basis for the establishment, operations and use of the SIS II
    - Deadline for adoption mid 2006
Purpose of the SIS and context

- Purpose of the SIS
  - Indispensable component of the Schengen Area for:
    - applying the provisions on movement of persons
    - ensuring high level of security in this area

- Intrinsically linked to the implementation of the Schengen Acquis!
Six classic categories of alerts

- Persons wanted for extradition
- Aliens for whom entry was refused
- Missing persons + persons placed under police protection
- Witnesses, + persons summoned to appear before judicial authorities
- Persons / objects for specific checks or discrete surveillance
- Objects (stolen vehicles, firearms, documents, banknotes)
Alerts for the purpose of refusing entry

- Grounds for issuing the alert
  - Threat to public policy or security
  - Immigration (expulsion/removal)

- Access
  - Authorities responsible for external borders controls and issuing visas
  - Authorities responsible for immigration control and for issuing residence permits
Alerts on persons wanted for arrest and extradition

- Judge issues a European Arrest Warrant (EAW) or international arrest warrant
- Supplementary information exchanged via the SIRENE Bureaux
- Possibility of not executing the arrest (flagging)
Breakdown of alerts by categories of wanted persons in SIS I

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No Alerts
Categories of Data - WP alerts

- **SIS I**
  - Surname(s) and forename(s) …;
  - Any specific objective physical characteristics not subject to frequent change;
  - Date and place of birth;
  - Sex;
  - Nationality;
  - Whether the person concerned is armed or violent
  - Reason for the alert
  - Action to be taken

- **SIS II new data fields:**
  - Photographs
  - Fingerprints
  - Links
Categories of data - Alerts on objects

- motor vehicles with a cylinder capacity exceeding 50 cc which have been stolen, misappropriated or lost;
- trailers and caravans with an unladen weight exceeding 750 kg 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 (passports, identity cards, driving licences) which have been stolen, misappropriated or lost;
- banknotes (suspect notes).
New functions SIS I that will be taken over by SIS II

- **New access rights**
  - National judicial authorities (criminal proceedings and judicial inquiries)
  - Eurojust
  - Europol
  - Vehicle registration authorities (Title V TEC Regulation)

- **Enlarge/update the list of data in the alerts on objects and WP**
  - Residence permits and travel documents
  - Vehicle registration certificates and vehicle number plates
  - Updated list of data in WP records
Data protection and security rules

- **SIS I legal regime**: Articles 102-118 + Convention CoE No 108
  - Right to access, correct, delete the data (via a judicial or data protection remedy)
  - Purpose limitation (art 102)
  - Logging of the processing
  - Data ownership principle
  - Maximum conservation period
  - Security and confidentiality rules
  - Liability and sanctions
  - National and Joint Supervision (JSA)

- **SIS II**: rules under discussion
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SIS II: Development
Mandate to the Commission to develop SIS II

- Council Regulation and Decision 2001
  - 1st and 3rd pillar instruments
- Comitology procedure
- Funded with the EU Budget
- Public procurement
  - Contract with HP and Steria in October 2004 (approx. value € 40 millions)
- Deadline for start of operations: March 2007

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SIS II Users

Current Users of SIS I

- Austria
- Belgium
- Denmark
- Finland
- France
- Germany
- Greece
- Iceland
- Ireland (*)
- Italy
- Luxembourg
- Norway
- Portugal
- Spain
- Sweden
- The Netherlands
- United Kingdom (*)

- Candidate Countries - Authorities (e.g. Europol, Eurojust, ...)

- New Member States
  - Cyprus
  - Czech republic
  - Estonia
  - Hungarian
  - Latvia
  - Lithuania
  - Malta
  - Poland
  - Slovakia
  - Slovenia

Other new Users
- Switzerland
- Candidate Countries
- Authorities (e.g. Europol, Eurojust, ...)

(*) Ireland & United Kingdom will become users during this project.
Technical Architecture of SIS II

Community

CS-SIS central database

network

NI SIS

SIS II

MS

NS

(National Copy)

comp. aut.

comp. aut.

comp. aut.

comp. aut.

(technical copy)
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SIRENE Bureaux

Central System

SIS II data
Supplementary information

NI

SIRENE Bureau

SIS II communication infrastructure

NI

SIRENE Bureau

NI

SIRENE Bureau

NI
Strategic requirements for SIS II

Flexibility and scalability
- Designed to handle more than double the number of users than the current SIS deals with.
- New user’s incorporation must be easy, with minimal implications for current users.

Evolution and new technology
- Will have the potential to handle a significantly larger amount of data, new information types, new objects and further new functions.
- Will offer the possibility of working with biometric data

Economy and high availability
- The system must be designed to be easily manageable, cost-effective and more homogenous than the current system, especially from the user’s perspective.
Recommendations for CC

- Long-term project
  - Huge budgetary and organisational impact
- Define responsibilities within the country as early as possible
  - Appoint a full time project manager
- Assess existing national IT environments and how to integrate it into SIS II.