



**2016/0408(COD)**

15.6.2017

# **AMENDMENTS**

## **6 - 37**

**Draft opinion**  
**Hilde Vautmans**  
(PE605.920v02-00)

Establishment, operation and use of the Schengen Information System (SIS) in  
the field of border checks

Proposal for a regulation  
(COM(2016)0882 – C8-0533/2016 – 2016/0408(COD))



**Amendment 6**  
**Tonino Picula**

**Proposal for a regulation**  
**Recital 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***(14a) Highly sensitive biometric data will be collected and, therefore, their collection and use should be subject to a strict analysis before deciding to register them in the SIS. Biometric identifiers should be introduced and searched only under specific conditions, which meets the proportionality requirement of the data protection legal framework.***

Or. en

**Amendment 7**  
**Tonino Picula**

**Proposal for a regulation**  
**Recital 21**

*Text proposed by the Commission*

*Amendment*

(21) This Regulation should set mandatory rules for the consultation of national authorities in case a third country national holds or may obtain a valid residence permit or other authorisation or right to stay granted in one Member State, and another Member State intends to issue or already entered an alert for refusal of entry and stay to the third country national concerned. Such situations create serious uncertainties for border guards, police and immigration authorities. Therefore, it is appropriate to provide for a mandatory timeframe for rapid consultation with a definite result in order to avoid that persons representing a threat may enter to the Schengen area.

(21) This Regulation should set mandatory rules for the consultation of national authorities in case a third country national holds or may obtain a valid residence permit or other authorisation or right to stay granted in one Member State, and another Member State intends to issue or already entered an alert for refusal of entry and stay to the third country national concerned. Such situations create serious uncertainties for border guards, police and immigration authorities. Therefore, it is appropriate to provide for a ***clear guidelines and*** mandatory timeframe for rapid consultation with a definite result in order to avoid that persons representing a threat may enter to the Schengen area.

**Amendment 8**  
**Georgios Epitideios**

**Proposal for a regulation**  
**Recital 23**

*Text proposed by the Commission*

(23) Alerts should *not* be kept in SIS *longer than the time required to fulfil* the purposes for which they were issued. *In order to reduce the administrative burden on the authorities involved in processing data on individuals for different purposes, it is appropriate to align the maximum retention period of refusal of entry and stay alerts with the possible maximum length of entry bans issued in accordance with procedures respecting Directive 2008/115/EC. Therefore, the retention period for alerts on persons should be a maximum of five years. As a general principle, alerts on persons should be automatically deleted from SIS after a period of five years. Decisions to keep alerts on persons should be based on a comprehensive individual assessment. Member States should review alerts on persons within the defined period and keep statistics about the number of alerts on persons for which the retention period has been extended.*

*Amendment*

(23) Alerts should be kept in SIS *and archived once* the purposes for which they were issued *are fulfilled*.

Or. el

**Amendment 9**  
**Georgios Epitideios**

**Proposal for a regulation**  
**Recital 24**

*Text proposed by the Commission*

*Amendment*

*(24) Entering and extending the expiry date of a SIS alert should be subject to the necessary proportionality requirement, examining whether a concrete case is adequate, relevant and important enough to insert an alert in SIS. In cases of offences pursuant Articles 1, 2, 3 and 4 of Council Framework Decision 2002/475/JHA on combating terrorism<sup>49</sup> an alert should always be created on third country nationals for the purposes of refusal of entry and stay taking into account the high level of threat and overall negative impact such activity may result in.*

*deleted*

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<sup>49</sup> Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3).

Or. el

**Amendment 10**  
**Tonino Picula**

**Proposal for a regulation**  
**Recital 26**

*Text proposed by the Commission*

(26) Data processed in SIS in application of this Regulation should not be transferred or made available to third countries or to international organisations.

*Amendment*

(26) Data processed **and stored** in SIS in application of this Regulation, **as well as SIS information already made available to authorised authorities**, should not be transferred or made available to third countries or to international organisations.

Or. en

**Amendment 11**  
**Georgios Epitideios**

**Proposal for a regulation**  
**Recital 30**

*Text proposed by the Commission*

(30) Both the Member States and the Agency should maintain security plans in order to facilitate the implementation of security obligations and should cooperate with each other in order to address security issues from a common perspective.

*Amendment*

(30) Both the Member States and the Agency should maintain security plans in order to facilitate the implementation of security obligations and should cooperate with each other in order to address security issues from a common perspective. ***They must also have drawn up alternative plans to deal with situations not foreseen by the original plans.***

Or. el

**Amendment 12**  
**Georgios Epitideios**

**Proposal for a regulation**  
**Recital 31**

*Text proposed by the Commission*

(31) The national independent supervisory authorities should monitor the lawfulness of the processing of personal data by the Member States in relation to this Regulation. The rights of data subjects for access, ***rectification*** and ***erasure*** of their personal data stored in SIS, and subsequent remedies before national courts as well as the mutual recognition of judgments should be set out. Therefore, it is appropriate to require annual statistics from Member States.

*Amendment*

(31) The national independent supervisory authorities should monitor the lawfulness of the processing of personal data by the Member States in relation to this Regulation. The rights of data subjects for access and ***rectification*** of their personal data stored in SIS, and subsequent remedies before national courts as well as the mutual recognition of judgments should be set out. Therefore, it is appropriate to require annual statistics from Member States.

Or. el

**Amendment 13**  
**Dubravka Šuica**

**Proposal for a regulation**

**Recital 42 a (new)**

*Text proposed by the Commission*

*Amendment*

***(42a) All measures taken in relation to the SIS should comply with the Charter of Fundamental Rights. Member States should apply guidelines, to be established and monitored jointly by the European Union Agency for Asylum and the European Union Agency for Fundamental Rights, for a common practice with regard to taking fingerprints and facial images of irregular third-country nationals that complies with the Charter of Fundamental Rights of the European Union and builds upon the checklist prepared by the European Union Agency for Fundamental Rights. Special care and sensitivity should be applied regarding the registration of minors, for example regarding the taking of facial images and finger prints.***

Or. en

**Amendment 14  
Dubravka Šuica**

**Proposal for a regulation  
Recital 53 a (new)**

*Text proposed by the Commission*

*Amendment*

***(53a) Any reform or provision in the Regulation should not create unnecessary obstacles for Member States who will or are in the process of joining the Schengen area***

Or. en

**Amendment 15  
Georgios Epitideios**

**Proposal for a regulation**  
**Article 4 – paragraph 2**

*Text proposed by the Commission*

2. SIS data shall be entered, updated, **deleted** and searched via the various N.SIS. A partial or a full national copy shall be available for the purpose of carrying out automated searches in the territory of each of the Member States using such a copy. The partial national copy shall contain at least the data listed in Article 20(2) (a)-(v) of this Regulation. It shall not be possible to search the data files of other Member States' N.SIS.

*Amendment*

2. SIS data shall be entered, updated and searched via the various N.SIS. A partial or a full national copy shall be available for the purpose of carrying out automated searches in the territory of each of the Member States using such a copy. The partial national copy shall contain at least the data listed in Article 20(2) (a)-(v) of this Regulation. It shall not be possible to search the data files of other Member States' N.SIS.

Or. el

**Amendment 16**  
**Georgios Epitideios**

**Proposal for a regulation**  
**Article 10 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Each Member State shall, in relation to its N.SIS, adopt the necessary measures, including a security plan, a business continuity plan **and** a disaster recovery plan, in order to:

*Amendment*

1. Each Member State shall, in relation to its N.SIS, adopt the necessary measures, including a security plan, a business continuity plan, a disaster recovery **plan and an alternative** plan, in order to:

Or. el

**Amendment 17**  
**Georgios Epitideios**

**Proposal for a regulation**  
**Article 10 – paragraph 1 – point ka (new)**

*Text proposed by the Commission*

*Amendment*



*(ka) be able to react when required to deal with situations not foreseen in the planning.*

Or. el

**Amendment 18**  
**Georgios Epitideios**

**Proposal for a regulation**  
**Article 16 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The Agency shall adopt the necessary measures, including of a security plan a business continuity plan *and* a disaster recovery plan for Central SIS and the Communication Infrastructure in order to:

*Amendment*

1. The Agency shall adopt the necessary measures, including of a security plan, a business continuity plan, a disaster recovery *plan and an alternative* plan for Central SIS and the Communication Infrastructure in order to:

Or. el

**Amendment 19**  
**Georgios Epitideios**

**Proposal for a regulation**  
**Article 16 – paragraph 1 – point ka**

*Text proposed by the Commission*

*Amendment*

*(ka) be able to react in cases in which it is required to deal with situations not foreseen in the original planning.*

Or. el

**Amendment 20**  
**Georgios Epitideios**

**Proposal for a regulation**  
**Article 18 – paragraph 4**

*Text proposed by the Commission*

4. The logs may only be used for the purposes mentioned in paragraph 1 **and shall be deleted at the earliest one year, and at the latest three years, after their creation. The logs which include the history of alerts shall be erased after one to three years after deletion of the alerts.**

*Amendment*

4. The logs may only be used for the purposes mentioned in paragraph 1.

Or. el

**Amendment 21**  
**Georgios Epitideios**

**Proposal for a regulation**  
**Article 18 – paragraph 5**

*Text proposed by the Commission*

5. Logs *may* be kept **longer if they are required for monitoring procedures that are already underway.**

*Amendment*

5. Logs **shall** be kept **and** archived.

Or. el

**Amendment 22**  
**Tonino Picula**

**Proposal for a regulation**  
**Article 20 – paragraph 2 – point s**

*Text proposed by the Commission*

(s) the category of the person's identification document;

*Amendment*

(s) the category of the person's identification document, **or other documents used so far under its own name or under aliases;**

Or. en

**Amendment 23**  
**Dubravka Šuica**

**Proposal for a regulation**  
**Article 20 – paragraph 2 – point s**

*Text proposed by the Commission*

(s) the category of the person's identification **document**;

*Amendment*

(s) the category of the person's **current and/or past** identification **documents**;

Or. en

**Amendment 24**  
**Tonino Picula**

**Proposal for a regulation**  
**Article 20 – paragraph 2 – point u**

*Text proposed by the Commission*

(u) the number(s) of the person's identification document;

*Amendment*

(u) the number(s) of the person's identification document, **or other documents used so far under its own name or aliases**;

Or. en

**Amendment 25**  
**Dubravka Šuica**

**Proposal for a regulation**  
**Article 20 – paragraph 2 – point u**

*Text proposed by the Commission*

(u) the number(s) of the person's identification **document**;

*Amendment*

(u) the number(s) of the person's **current and/or past** identification **documents**;

Or. en

## Amendment 26

Miguel Urbán Crespo, Sabine Lösing, Takis Hadjigeorgiou

### Proposal for a regulation

#### Article 24 – paragraph 1

*Text proposed by the Commission*

1. Data on third-country nationals in respect of whom an alert has been issued for the purposes of refusing entry and stay shall be entered in SIS on the basis of a national alert resulting from a decision taken by the competent administrative or judicial authorities in accordance with the rules of procedure laid down by national law taken on the basis of an individual assessment. Appeals against those decisions shall be *made in accordance with national law*.

*Amendment*

1. Data on third-country nationals in respect of whom an alert has been issued for the purposes of refusing entry and stay shall be entered in SIS on the basis of a national alert resulting from a decision taken by the competent administrative or judicial authorities in accordance with the rules of procedure laid down by national law taken on the basis of an individual assessment. ***In full respect of Regulation 2016/679, effective remedies and*** appeals against those decisions, ***as well as the right to access their personal data and to erase, complete or ratify them,*** shall be ***guaranteed, including for third country nationals not present on EU territory***

Or. en

## Amendment 27

Georgios Epitideios

### Proposal for a regulation

#### Article 24 – paragraph 2 – point ba (new)

*Text proposed by the Commission*

*Amendment*

***(ba) a third-country national where there are serious grounds to believe that he or she had relations with terrorist organisations or is suspected of committing a terrorist act.***

Or. el

## Amendment 28

**Georgios Epitideios**

**Proposal for a regulation  
Article 26 – paragraph 1**

*Text proposed by the Commission*

1. Where a Member State considers granting a residence permit or other authorisation offering a right to stay to a third-country national who is the subject of an alert for refusal of entry and stay entered by another Member State, it shall first consult the issuing Member State through the exchange of supplementary information and shall take account of the interests of that Member State. The issuing Member State shall provide a definite reply within seven days. Where the Member State considering granting a permit or other authorisation offering a right to stay decides to grant it, the alert for refusal of entry and stay shall be *deleted*.

*Amendment*

1. Where a Member State considers granting a residence permit or other authorisation offering a right to stay to a third-country national who is the subject of an alert for refusal of entry and stay entered by another Member State, it shall first consult the issuing Member State through the exchange of supplementary information and shall take account of the interests of that Member State. The issuing Member State shall provide a definite reply within seven days. Where the Member State considering granting a permit or other authorisation offering a right to stay decides to grant it, the alert for refusal of entry and stay shall be *archived*.

Or. el

**Amendment 29  
Tonino Picula**

**Proposal for a regulation  
Article 29 – paragraph 2**

*Text proposed by the Commission*

2. For the purposes of Article 24(2) and (3) and Article 27 the right to access data entered in SIS and the right to search such data directly may also be exercised by national judicial authorities, including those responsible for the initiation of public prosecutions in criminal proceedings and for judicial inquiries prior to charge, in the performance of their tasks, as provided for in national legislation, and by their coordinating authorities.

*Amendment*

2. ***Only duly authorised staff of designated authorities should have access to the SIS after following appropriate trainings on data security and data protection.*** For the purposes of Article 24(2) and (3) and Article 27 the right to access data entered in SIS and the right to search such data directly may also be exercised by national judicial authorities, including those responsible for the initiation of public prosecutions in criminal proceedings and for judicial inquiries prior

to charge, in the performance of their tasks, as provided for in national legislation, and by their coordinating authorities.

Or. en

### Amendment 30

Miguel Urbán Crespo, Sabine Lösing, Takis Hadjigeorgiou

#### Proposal for a regulation

##### Article 30 – paragraph 3

###### *Text proposed by the Commission*

3. The use of information obtained from a search in the SIS is subject to the consent of the Member State concerned. If the Member State allows the use of such information, the handling thereof by Europol shall be governed by Regulation (EU) 2016/794. ***Europol may only communicate such information to third countries and third bodies with the consent of the Member State concerned.***

###### *Amendment*

3. The use of information obtained from a search in the SIS is subject to the consent of the Member State concerned. If the Member State allows the use of such information, the handling thereof by Europol shall be governed by Regulation (EU) 2016/794.

Or. en

### Amendment 31

Georgios Eptideios

#### Proposal for a regulation

##### Article 34 – paragraph 1

###### *Text proposed by the Commission*

1. Alerts entered in SIS pursuant to this Regulation shall be kept only for the time required to achieve the purposes for which they were entered.

###### *Amendment*

1. Alerts entered in SIS pursuant to this Regulation shall be kept ***active*** only for the time required to achieve the purposes for which they were entered. ***After this period, alerts shall be archived.***

Or. el

**Amendment 32**  
**Georgios Epitideios**

**Proposal for a regulation**  
**Article 34 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. In cases where it becomes clear to staff in the SIRENE Bureau, who are responsible for coordinating and verifying of data quality, that an alert on a person has achieved its purpose and should be deleted from SIS, the staff shall notify the authority which created the alert to bring this issue to the attention of the authority. The authority shall have 30 calendar days from the receipt of this notification to indicate that the alert has been or shall be deleted or shall state reasons for the retention of the alert. If the 30-day period expires without such a reply the alert shall be deleted by the staff of the SIRENE Bureau. SIRENE Bureaux shall report any recurring issues in this area to their national supervisory authority.** *deleted*

Or. el

**Amendment 33**  
**Georgios Epitideios**

**Proposal for a regulation**  
**Article 34 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. Alerts shall automatically be erased after the review period referred to in paragraph 2 except where the Member State issuing the alert has informed CS-SIS about the extension of the alert to CS-SIS pursuant to paragraph 5. CS-SIS shall automatically inform the Member States of the scheduled deletion of data from the system four months in** *deleted*

*advance.*

Or. el

**Amendment 34**  
**Georgios Epitideios**

**Proposal for a regulation**  
**Article 35**

*Text proposed by the Commission*

*Amendment*

**Article 35**

***deleted***

***Deletion of alerts***

***1. Alerts on refusal of entry and stay pursuant to Article 24 shall be deleted when the decision on which the alert was entered has been withdrawn by the competent authority, where applicable following the consultation procedure referred to in Article 26.***

***2. Alerts relating to third-country nationals who are the subject of a restrictive measure as referred to in Article 27 shall be deleted when the measure implementing the travel ban has been terminated, suspended or annulled.***

***3. Alerts issued in respect of a person who has acquired citizenship of any State whose nationals are beneficiaries of the right of free movement within the Union shall be deleted as soon as the issuing Member State becomes aware, or is informed pursuant to Article 38 that the person in question has acquired such citizenship.***

Or. el

**Amendment 35**  
**Miguel Urbán Crespo, Sabine Lösing, Takis Hadjigeorgiou**

**Proposal for a regulation**  
**Article 47 – paragraph 1**



*Text proposed by the Commission*

1. The right of data subjects to have access to data relating to them entered in SIS and to have such data rectified or erased shall be exercised in accordance with the law of the Member State before which they invoke that right.

*Amendment*

1. The right of data subjects to have access to data relating to them entered in SIS and to have such data rectified or erased shall be exercised in accordance with the law of the Member State before which they invoke that right, ***regardless if the data subject is on EU territory.***

Or. en

**Amendment 36**

**Miguel Urbán Crespo, Sabine Lösing, Takis Hadjigeorgiou**

**Proposal for a regulation**

**Article 48 – paragraph 2 – point a – point ii**

*Text proposed by the Commission*

(ii) the provision of the information proves impossible ***or would involve a disproportionate effort;***

*Amendment*

(ii) the provision of the information proves impossible;

Or. en

**Amendment 37**

**Miguel Urbán Crespo, Sabine Lösing, Takis Hadjigeorgiou**

**Proposal for a regulation**

**Article 49 – paragraph 1**

*Text proposed by the Commission*

1. Any person may bring an action before the courts or the authority competent under the law of any Member State to access, rectify, delete or erase information or to obtain compensation in connection with an alert relating to him.

*Amendment*

1. Any person may bring an action before the courts or the authority competent under the law of any Member State to access, rectify, delete or erase information or to obtain compensation in connection with an alert relating to him ***or her, regardless of being present or not on EU territory when taking such action***

