



**2018/0802(CNS)**

2.5.2018

# **AMENDMENTS**

## **1 - 5**

**Draft report**

**Monica Macovei**

Implementation of the remaining provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania

Proposal for a decision

(15820/2017 – C8-0017/2018 – 2018/0802(CNS))



**Amendment 1**  
**Maria Grapini**

**Proposal for a decision**  
**Recital 3**

*Text proposed by Council*

(3) On 9 June 2011, the Council concluded, in accordance with the applicable Schengen evaluation procedures, that the conditions in all the areas of the Schengen acquis relating to air borders, land borders, police cooperation, data protection, the SIS, sea borders and visas had been fulfilled by Bulgaria and Romania.

*Amendment*

(3) On 9 June 2011, the Council concluded, in accordance with the applicable Schengen evaluation procedures, that the conditions in all the areas of the Schengen acquis relating to air borders, land borders, police cooperation, data protection, the SIS, sea borders and visas had been fulfilled by Bulgaria and Romania ***and that they would be capable of ensuring the same level of protection for Union external borders as the other Schengen countries.***

Or. ro

**Amendment 2**  
**Maria Grapini**

**Proposal for a decision**  
**Recital 4**

*Text proposed by Council*

(4) On 12 October 2017, the Council adopted Decision (EU) 2017/1908<sup>4</sup> putting into effect certain provisions of the Schengen acquis relating to the Visa Information System ('VIS') in Bulgaria and Romania, without prejudice to the separate decision of the Council to be adopted by unanimity in accordance with Article 4(2) of the 2005 Act of Accession as regards the lifting of checks at internal borders of the Member States concerned. The putting into effect of ***those*** provisions ***which authorises*** Bulgaria and Romania to access the VIS data for consultation

*Amendment*

(4) On 12 October 2017, the Council adopted Decision (EU) 2017/1908<sup>4</sup> putting into effect certain provisions of the Schengen acquis relating to the Visa Information System ('VIS') in Bulgaria and Romania, without prejudice to the separate decision of the Council to be adopted by unanimity in accordance with Article 4(2) of the 2005 Act of Accession as regards the lifting of checks at internal borders of the Member States concerned. The putting into effect of ***the*** provisions ***authorising*** Bulgaria and Romania ***respectively*** to access the VIS

purposes and in accordance with the procedures and conditions specified in that Decision is aiming at facilitating checks by Bulgaria and Romania at border crossing points at their external borders, which are Schengen external borders, and within their territory, thereby increasing the level of security in the Schengen area and facilitating the fight against serious crime and terrorism.

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<sup>4</sup> Council Decision (EU) 2017/1908 of 12 October 2017 on the putting into effect of certain provisions of the Schengen acquis relating to the Visa Information System in the Republic of Bulgaria and Romania (OJ L 269, 19.10.2017, p. 39).

data for consultation purposes and in accordance with the procedures and conditions specified in that Decision is aiming at *enhancing public safety and* facilitating checks by Bulgaria and Romania at border crossing points at their external borders, which are Schengen external borders, and within their territory, thereby increasing the level of security in the Schengen area and facilitating the fight against serious crime and terrorism.

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<sup>4</sup> Council Decision (EU) 2017/1908 of 12 October 2017 on the putting into effect of certain provisions of the Schengen acquis relating to the Visa Information System in the Republic of Bulgaria and Romania (OJ L 269, 19.10.2017, p. 39).

Or. ro

### **Amendment 3** **Maria Grapini**

#### **Proposal for a decision** **Recital 5**

##### *Text proposed by Council*

(5) In order to increase the level of security in the Schengen area and to make the fight against serious crime and terrorism *more effective*, the checks by Bulgaria and Romania at their external borders and in their territory should *become* more effective by issuing SIS alerts for the purposes of refusing entry or stay and by executing such alerts introduced by other Member States, in particular if such alerts are based on a threat to public policy or public security or national security. In order to ensure that Bulgaria and Romania have the obligation to refuse entry into or stay on their respective territory to third country

##### *Amendment*

(5) In order to increase the level of security in the Schengen area and to make *more effective* the fight against serious crime and terrorism, the checks by Bulgaria and Romania at their external borders and in their territory should *be* more effective by issuing SIS alerts for the purposes of refusing entry or stay and by executing such alerts introduced by other Member States, in particular if such alerts are based on a threat to public policy or public security or national security. In order to ensure that Bulgaria and Romania have the obligation to refuse entry into or stay on their respective territory to third country nationals for whom an entry ban

nationals for whom an entry ban has been issued by another Member State, as well as the obligation to issue such SIS alerts, it is *appropriate* to lift the remaining restrictions concerning the use of the SIS. The lifting of those restrictions in Bulgaria and Romania will contribute to increase the level of security in the Schengen area and make the fight against serious crime and terrorism *more effective*.

has been issued by another Member State, as well as the obligation to issue such SIS alerts, it is *necessary* to lift the remaining restrictions concerning the use of the SIS. The lifting of those restrictions in Bulgaria and Romania will contribute to increase the level of security in the Schengen area and make *more effective* the fight against serious crime and terrorism.

Or. ro

#### **Amendment 4** **Maria Grapini**

##### **Proposal for a decision** **Recital 6**

###### *Text proposed by Council*

(6) It is *appropriate* to set a date as from which the remaining restrictions *of* the Schengen acquis relating to the SIS should be lifted.

###### *Amendment*

(6) It is *necessary* to set a date as from which the remaining restrictions *regarding* the Schengen acquis relating to the SIS should be lifted.

Or. ro

#### **Amendment 5** **Maria Grapini**

##### **Proposal for a decision** **Recital 8**

###### *Text proposed by Council*

(8) Given that the verification in accordance with the applicable Schengen evaluation procedures concerning Bulgaria and Romania has already been completed pursuant to Article 4(2) of the 2005 Act of Accession, the verification under *point (b)* Article *I(1)* of Council Regulation (EU) No 1053/2013<sup>5</sup> will not be carried out in

###### *Amendment*

(8) Given that the verification in accordance with the applicable Schengen evaluation procedures concerning Bulgaria and Romania has already been completed pursuant to Article 4(2) of the 2005 Act of Accession, the verification under Article *I(1)(b)* of Council Regulation (EU) No 1053/2013<sup>5</sup> will not be carried out in

respect of those Member States. However, following the adoption of this Decision, the lifting of the remaining restrictions on the use of the SIS [should come into effect on [...]].

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<sup>5</sup> Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27).

respect of those Member States. However, following the adoption of this *Council* Decision, the lifting of the remaining restrictions on the use of the SIS *by Romania and Bulgaria* [should come into effect on [.....]].

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<sup>5</sup> Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27).

Or. ro