



6.5.2019

NOTICE TO MEMBERS

Subject: Petition No 0718/2018 by W.S. (German) on repeated exposure to excessive police checks at international airports due to allegedly unsubstantiated demands by the French authorities

1. Summary of petition

The petitioner complains that he is frequently subject to additional border checks and administrative controls at international airports in Germany, especially when returning from non-EU countries, due to an allegedly unsubstantiated request from French authorities regarding the repeated verification of the petitioner's permanent residential address. The petitioner explains that in the last three years, he has been subject to 22 such checks by police at Frankfurt airport, however he claims to never have been told why such checks are necessary and which authority in France has requested them. He explains that each time he is subject to questioning, the German border guard demands to make photocopies of his personal identification documents and passport. He also objects to the police escort he receives in each such instance of such checks i.e. being escorted through the airport by armed officers. The petitioner is at a loss on whom to address due to the lack of information on the reasons for the checks, and therefore seeks assistance from the European Parliament.

Information

- The petition appears to be missing one page. The PETI Secretariat verified with the relevant EP services in possession of the original petition, and no additional documents were received.

2. Admissibility

Declared admissible on 23 November 2018. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 6 May 2019

All persons crossing the external borders must be subject to border controls. Since 7 April 2017¹, EU citizens are subject to verification on a systematic basis against relevant databases, including the Schengen Information System (SIS). Member States may also consult national and international databases in this context.

The Commission has no access to the data in the SIS or any other international, EU or national database and therefore cannot establish whether there is any data relating to the petitioner in any of these systems.

In accordance with data protection principles, all individuals whose data is processed in the SIS are recognised specific rights by Regulation (EC) No 1987/2006² and Council Decision 2007/533/JHA³.

These rights are the following:

- the right of access to data relating to those stored in the SIS II (see Article 41 of Regulation (EC) No 1987/2006 and Article 58 of Council Decision 2007/533/JHA);
- the right to correction of inaccurate data or deletion when data have been unlawfully stored (see Article 41 of Regulation (EC) No 1987/2006 and Article 58 of Council Decision 2007/533/JHA);
- the right to bring proceedings before the courts or competent authorities to correct or delete data or to obtain compensation (see Article 43 of Regulation (EC) No 1987/2006 and Article 59 of Council Decision 2007/533/JHA).

Anyone exercising any of these rights can apply to the competent authorities in the Member State of his or her choice, regardless of the Member State that issued the alert.

Any person wishing to request access should follow the regular procedure of access to data and submit an enquiry to the competent authority in any Member State of choice.

The full list of competent authorities to which a person can submit an application may be found in the Guide for exercising the right of access compiled by the SIS II supervision coordination group, available at the following link:

https://edps.europa.eu/data-protection/european-it-systems/schengen-information-system_en

The Guide also describes the procedures specific to each country applying the Schengen acquis, which are to be followed by persons wishing to exercise their right of access, correction or deletion of data.

1 Until that date the EU citizens have been subject to such checks on a non-systematic basis.

2 Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II), OJ L 381, 28.12.2006, p. 4.

3 Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II), OJ L 205, 7.8.2007, p. 63.

Conclusion

In the absence of access to the SIS by the Commission and lack of competences of the Commission to investigate individual cases, no further action from the Commission is warranted.