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REPORT

with a proposal for a European Parliament recommendation to the Council on the second-generation Schengen information system (SIS II)
2003/2180(INI))

Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

Rapporteur: Carlos Coelho

PR_INI

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PROCEDURAL PAGE

At the sitting of 2 June 2003 the President of Parliament announced that he had referred the proposal for a recommendation by Carlos Coelho, on behalf of the PPE-DE Group, on the second-generation Schengen information system (SIS II) (B5-0268/2003). under Rule 49(1) of the Rules of Procedure, to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible.

At its meeting of 23 April 2003 the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs decided to draw up a report on the subject under Rule 49(3) and Rule 107, and appointed Carlos Coelho rapporteur (2003/2180(INI)).

It considered the draft report at its meetings of 6 October 2003 and 4 November 2003.

At the last meeting it adopted the proposal for a recommendation by 26 votes to 4, with 1 abstention.

The following were present for the vote: Jorge Salvador Hernández Mollar (chairman), Robert J.E. Evans (vice-chairman), Johanna L.A. Boogerd-Quaak (vice-chairwoman), Giacomo Santini (vice-chairman), Carlos Coelho (rapporteur), Christian Ulrik von Boetticher, Alima Boumediene-Thiery, Giuseppe Brienza, Kathalijne Maria Buitenweg (for Patsy Sörensen), Carmen Cerdeira Morterero, Ozan Ceyhun, Gérard M.J. Deprez, Giuseppe Di Lello Finuoli, Koenraad Dillen, Bárbara Dührkop Dührkop (for Martin Schulz pursuant to Rule 153(2)), Margot Keßler, Timothy Kirkhope, Eva Klamt, Alain Krivine (for Ole Krarup), Baroness Ludford, Lucio Manisco (for Fodé Sylla), Bill Newton Dunn, Marcelino Oreja Arburúa, Elena Ornella Paciotti, Hubert Pirker, Heide Rühle, Francesco Rutelli, Gerhard Schmid, Miet Smet (for Bernd Posselt), Joke Swiebel, Anna Terrón i Cusí and Maurizio Turco.

The report was tabled on 7 November 2003.

PROPOSAL FOR A EUROPEAN PARLIAMENT RECOMMENDATION TO THE COUNCIL

on the second-generation Schengen information system (SIS II) 2003/2180(INI))

The European Parliament,

- having regard to the proposal for a recommendation to the Council by Carlos Coelho, on behalf of the PPE-DE Group, on the second-generation Schengen information system (SIS II) (B5-0268/2003),
- having regard to the upcoming enlargement of the European Union,
- having regard to its resolution of 17 December 2002 on the initiative by the Kingdom of Spain with a view to adopting a Council Regulation concerning the introduction of some new functions for the Schengen Information System, in particular in the fight against terrorism,¹
- having regard to the Thessaloniki European Council Conclusion, in particular its paragraph 11,
- having regard to the Conclusions of the Justice and Home Affairs Council of 5 and 6 June 2003, in particular as regards the functions of the SIS and the SIS II architecture,
- having regard to the discussions in Council about the two Spanish initiatives concerning the introduction of new functions for the Schengen Information System, in particular as regards the fight against terrorism,
- having regard to the Commission staff working paper on the development of the second-generation Schengen information system - 2002 progress report (SEC(2003) 206),
- having regard to the proposal of the Commission for a regulation amending the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders as regards access to the Schengen Information System by the services in the Member States responsible for issuing registration certificates for vehicles (COM(2003) 510),
- having regard to the fifth annual report of the Schengen Joint Supervisory Authority,
- having regard to the working documents on common rules on personal data protection under the third pillar, and, in particular, the note of the Greek Presidency of 3 June 2003,
- having regard to Rule 49(3) and Rule 107 of its Rules of Procedure,
- having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0398/2003),

¹ OJ C 160, 4.7.2002, p. 5.

The Schengen Information System II

- A. whereas the Schengen Information System (SIS) was created as a compensatory measure to allow for the free movement of persons,
- B. whereas over the years the perception of the SIS changed away from the concept of a compensatory measure towards an idea that the SIS is a useful and efficient tool of police cooperation whose data can be used for other purposes than those initially foreseen,¹
- C. whereas also with enlargement of the EU the need arises to develop a second generation SIS,
- D. whereas the decision was taken to develop the SIS II by the year 2006,
- E. whereas so far no clear legal framework about the principles governing police cooperation were laid down in application of Article 30 of the Treaty on European Union, nor was a clear border protection policy established,

New functions

- F. whereas the Council, in its conclusions of 5 and 6 June 2003, agreed in principle that the new SIS should allow for the addition of new categories of alerts (on persons and on objects) and fields, the interlinking of alerts, the modification of the duration of the alerts, and the storage, transfer and possible querying of biometric data, especially photographs and fingerprints,
- G. whereas the Council remains undecided on concrete questions such as which new categories of objects or persons to include,
- H. whereas the discussion in Council about the two Spanish initiatives concerning the introduction of new functions for the Schengen Information System, in particular as regards the fight against terrorism, led to an agreement about certain new objects, such as certain vehicles or documents,

The European Arrest Warrant

- I. whereas the Council Framework Decision on the European arrest warrant and the surrender procedures between Member States² provides in its Article 9 for the use of the SIS for the transmission of a European Arrest Warrant,

¹ Note from the Presidency on requirements for SIS, doc. 5968/02, 5.2.2002.

² OJ L 190, 18.7.2002, p. 1.

New users

- J. whereas the Council in its conclusions of 5/6 June 2003 agreed in principle that the SIS II must allow for new authorities to obtain access to the SIS (including where necessary the possibility of giving partial access or access with a purpose different from the original one set in the alerts), while it remains undecided on which authorities should acquire access,
- K. whereas the Council seems to have accepted¹ some of the conditions previously defined by Parliament on access for Europol to the SIS, but did not do so on important requests, such as that Europol comply with the data protection requirements in Article 117 of the Schengen Convention, that it should only be able to search data for the purpose for which it was provided, that it should not be able to transfer any data to which it has access to any third State or third body, and that the Joint Supervisory Body's role be increased,
- L. whereas the situation is the same as regards access for national members of Eurojust, for which the Council did not accept the requests that Eurojust should not be able to transfer any data to which it has access to any third State or third body and that it should only be able to search data for the purposes for which it was provided,
- M. whereas the Council drafts on the Spanish initiatives open the possibility for access by national judicial authorities in the performance of their tasks as set out in national legislation; whereas the JSA is of the opinion that access must be limited to the purposes of the alerts in the SIS and cannot be extended to tasks as set out in national legislation,²
- N. whereas access to the SIS for vehicle registration authorities was recently proposed to Parliament and the Council by the Commission (COM(2003) 510),
- O. whereas access for a series of other authorities (non-governmental authorities such as credit agencies; extended access for authorities issuing residence permits; access for asylum authorities to Article 96 data, and for security and intelligence services and for benefits agencies to Article 100; access for authorities responsible for border surveillance; and extended access for Member States' representations abroad) is under discussion in Council working groups³,
- P. whereas access for new users implies use of the data for new purposes,

Data Protection

- Q. whereas the SIS is the largest database in Europe,
- R. whereas currently the data protection regime of the SIS is not only governed by the Schengen convention and controlled by the JSA but also subject to a confusing number of data protection rules and control bodies under the first as well as of the third pillar,

¹ The latest available documents are doc. 10054/03 and 10055/03 .

² SCHAC 2513/02; p. 3

³ Doc. 5033/2003

- S. whereas all the discussed changes to the SIS have repercussions on data protection,
- T. whereas the European Convention provides in Article 50 of the draft treaty establishing a constitution for Europe for a general European data protection law and an independent control authority; whereas the Charter of Fundamental Rights also provides for the protection of personal data (Article 8),

External relations and SIS

- U. whereas the implementation of the Schengen rules as regards external borders by the new Member States will lead to new borders in Europe,
- V. whereas the exchange of data with third countries entails the risk of violating EU data protection standards,

Management of SIS

- W. whereas the call of the European Parliament to entrust the strategic management of the SIS to an agency financed entirely from the EU budget and subject to control by the European Parliament¹ is being discussed as one possible solution; whereas no consensus has so far been reached on this question,

Location of SIS

- X. whereas there seems to be a consensus among Member States to keep the operational management of the SIS provisionally in its current location in Strasbourg and to provide for a contingency system at a different location,

Synergy with the Visa Information System (VIS)

- Y. whereas the Council, in its conclusions on the development of the VIS adopted on 5 and 6 June 2003, invites the Commission to continue its preparatory work on the development of the VIS on the basis of a centralised architecture, taking into account the option of a common technical platform with SIS II and without delaying the development of SIS II; whereas the Council will give the necessary political orientation by December 2003 at the latest on the basic elements of the VIS, including the architecture, the functionalities, the choice of biometric identifier(s) and the approach for the implementation of the system, thus making it possible to integrate the VIS as a possible option in the call for tender for SIS II; whereas the Commission has presented two proposals to modify the regulations laying down a uniform format for visas and for residence permits of third-country nationals providing for the mandatory storage of the facial image and fingerprints as biometric identifiers (COM(2003)

¹ European Parliament resolution of 20 September 2001 on crossing external borders and the development of Schengen cooperation, paragraph 19, OJ C 77, 28.3.2002, p. 141.

558);

Budget of SIS and VIS

Z. whereas the development of SIS II is estimated to cost EUR 14.45 bn more than originally planned; whereas the legislative basis covers only the costs of the development of SIS II and not the operating costs; whereas the appropriations for the development of SIS II are non-compulsory expenditure, and thus not subject to codecision;

AA. whereas the development of VIS is estimated to cost EUR 157 bn (with annual operating costs of EUR 35 bn); whereas the Commission is currently preparing a legislative act to allow for the inclusion in the Union budget of the necessary appropriations for the development of the VIS, on the basis of Article 66 of the Treaty establishing the European Community, which provides for consultation of the European Parliament; whereas the very high estimated costs of the development and operation of the VIS require a prior broad political consensus on the need for the VIS and on its functions;

1. Addresses the following recommendations to the Council:

- a) that it encourage a public debate about the political objectives to be reached with the SIS II and the nature of the SIS; requests also the clear definition of these objectives;
- b) that the development of a new SIS in the future take place in a transparent and democratic way, which should avoid, inter alia, forwarding legislative proposals to Parliament only after a political agreement has already been reached in Council;
- c) that a detailed study be undertaken about the feasibility of merging existing or future databases (SIS, Europol, Eurodac, VIS, Eurojust, etc.) on the basis of a single technical platform for a 'Union Information System', which should evolve to encompass future system needs in all relevant areas; reiterates its call to develop as far as possible synergies between the different databases with the aim of recombining the systems in order to optimise resources, avoid overlaps and gaps and ensure a coherent data protection regime;
- d) that an annual assessment be undertaken of operational use, effectiveness and respect for fundamental rights as provided for by the Charter of Fundamental Rights of the European Union, the European Convention of Human Rights and the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data, which has been ratified by all the Member States;
- e) that each proposal for granting full or partial access to new authorities be thoroughly examined as regards the specific purpose for which those authorities need to access the SIS, which data they will be allowed to access, how the access should take place (directly or indirectly), and how the data protection requirements of Article 118 of the Schengen Convention can be ensured; argues that special attention should be given to the position of private parties (e.g. in the case of vehicle registration);
- f) that it decide as soon as possible that the strategic management of the SIS and other large-

scale IT-systems be entrusted to an European agency steered by a management board composed of representatives of the European institutions and Member States, and financed entirely from the EU budget and therefore subject to control by the European Parliament;

- g) that it decide as well as soon as possible on a definitive location for the central part of SIS II; demands that no tasks in the running of SIS shall be given to a private company;
- h) that it ensure that any extension of the SIS is accompanied by the highest standards of data protection, with a view to always trying to find the right balance between the right to the protection of personal data and security; also to pay particular attention to the human rights implications and dangers inherent in the inclusion of biometric data; is of the opinion that the guiding principle is the use of data only for purposes expressly stated well in advance; requests the respect of this principle; objects therefore to any derogations from that principle, such as those expressed in the Council conclusions of 5 and 6 June 2003 calling for further examination of the 'possibility for some authorities to use the SIS data for purposes other than those for which they were originally introduced in the SIS';
- i) that it ensure the very close involvement of the Joint Supervisory Authority (JSA) and national data protection authorities in the development of the SIS II;
- j) that it provide better financial and human resources to enable the JSA to carry out its work; repeats its call for a specific budget section for the JSA independent from Council's section;¹
- k) that it encourage the JSA to cooperate as closely as possible with the European Data Protection Officer who is currently being appointed by the European Parliament and the Council;
- l) that it start the process of harmonisation of the data access and protection rules particularly of today's 3rd pillar immediately; urges that such a harmonisation should be build upon the formulation of fundamental principles, which have to be respected without exception;
- m) that it ensure the use of the Schengen facility agreed at the Copenhagen European Council also for the national preparation of the new Member States for inclusion in the SIS; that it pay particular attention to ensuring that consistently high standards of data protection and efficiency are maintained across the national and central elements of the SIS, especially in the light of any differences in structure and technology;
- n) that citizens should be better informed about the SIS; refers to the principle that data subjects have a right to access to and rectification of their individual data and that, if the right to access cannot be observed in full or in part, data subjects must be notified of their right to appeal to the competent authority; asks that there be a right of appeal at the European level to the Ombudsman and/or the Data Protection Supervisor;
- o) that it encourage the Commission to base its proposal for the legislative act allowing for the

¹ European Parliament resolution of 21.9.2000 on the initiative of the Portuguese Republic with a view to the adoption of a Council Decision establishing a Secretariat for the Joint Supervisory Data Protection Bodies set up by the Convention on the Establishment of a European Police Office (Europol Convention), the Convention on the Use of Information Technology for Customs Purposes and the Convention implementing the Schengen Agreement on the gradual abolition of checks at the common borders (Schengen Convention), OJ C 146, 17.5.2001, p. 83.

inclusion in the Union budget of the necessary appropriations for the development of the VIS not only on Article 66 also on Article 62, paragraph 2b) IV [rules on a uniform visa] of the Treaty establishing the European Community (providing for codecision as of 1 May 2004); wishes, on this occasion but also on a continuous basis, to be comprehensively informed by the Council on the VIS, including the outcome of the feasibility study, the inclusion of biometric data, the external aspects of the VIS development and data protection provisions;

- p) that it provide regular information about the development of SIS II;
 - q) that Parliament's positions as outlined above be taken into account by the Council;
2. Instructs its President to forward this recommendation to the Council and, for information, to the Commission and the Schengen Joint Supervisory Authority.

EXPLANATORY STATEMENT

The views of the rapporteur are set out in more detail in two working documents: (i) on the Schengen Information System II (SIS II): current developments (timetable, new functions and users currently under discussion) dated 4 June 2003 (PE 329.884) and (ii) of 2 June 2003 on the Schengen Information System II: future developments (PE 329.884).

The Salami tactic or (un)coordinated chaos ? SIS; SIS 1+; SIS II; SIS II and VIS; Council conclusions, secret deliberations and diverse legislative proposals

In order to analyse 'the development of the Schengen Information System II' it is necessary to study a set of very different documents linked to very different procedures making it very difficult to arrive at a global picture. The issues under discussion are proposals for new functions, e.g. for more data and links between it in the SIS, for more users, for a new architecture, for new synergies, notably with the visa information system, and therefore for a new management of the SIS.

These different ideas are pursued in different fora and with a different legal status. It is necessary to distinguish the technical development of SIS II as such, the Spanish initiatives concerning the introduction of some new functions for the SIS, (including those in the fight against terrorism), the political discussion in the Council about the issues listed above, the occasional legislative proposal emerging from this political discussion like the recent one on access for vehicle registration authorities, the discussions in the Council working groups, and closely related questions like the procedure to amend the SIRENE manual or the practical implementation of the European Arrest Warrant through the SIS.

This approach is first of all very opaque, difficult to follow even by experts and completely incomprehensible for normal people. It is secondly not very democratic since formal legislative proposals only see the light of the day after years of discussion in various Council working groups and only when a consensus among Member States is reached. Your rapporteur considers that in the future this approach should be avoided.

The developing new character of the Schengen Information System

What is completely avoided by this approach is an open and clear acknowledgement of the fact that we are not speaking any more about a limited compensatory measure introduced to facilitate the free movement of persons. Article 92(1) of the Schengen Convention clearly provides that it should be used only for the purposes of border checks and other police checks etc. 'in the context of the applications of the provisions of this Convention relating to the movement of persons.' Article 102(1) refers to use of 'the data provided for in Articles 95 to 100 only for the purposes laid down for each category of alert referred to in those articles.' This contradicts other views expressed that the SIS be used for 'police information purposes in a broad sense'.¹

Silently the character of the SIS has changed. This is a fact. The open question, however, is:

¹ Note from the Presidency on requirements for SIS, doc. 5968/02, 5 February 2002

What exactly should the purpose of the SIS be in the future ? How should we define the 'broad sense'?

Only once the question as to the purpose of the SIS is clearly answered and politically accepted can the discussion about the issues like new functions or users be comprehensively answered. The following comments about the issues under discussion have to be seen in this light.

New functions

The general idea is to add more data to the SIS and to allow for different kind of searches. The Spanish initiatives for example provide already for the inclusion of new data (the type of offence; boats, aircraft and containers, industrial equipment, residence permits and travel documents, vehicle registration certificates, credit cards, stocks and shares etc. that have been stolen or lost). The Council conclusions of 5 / 6 June of this year for example mention discussions about new objects to be included, new categories of persons, and interlinking. More is under discussion in Council working groups.

The problem with all this is how to prevent new demands for the data being added. Will the fight against terrorism or crime be the overriding interest justifying everything?

The question that arises in this context is, whether the system will keep the character of a hit-no-hit system or whether it is not developing in other directions. If this is the case an honest and clear acknowledgement of this would be needed, as well as a discussion about the question whether this change is supported or not.

The European Arrest Warrant

The Framework Decision on the European arrest warrant provides for the use of the SIS for the transmission of a European Arrest Warrant. The discussion about the practical and technical implementation of this provision is ongoing. It is clear that the direct introduction of the European arrest warrant in the SIS is currently technically not possible and can only be implemented from the moment SIS II is operational. The period from 1 January 2004 until 2006 will therefore be a transitional period. With the arrest warrant exactly the question mentioned just above becomes relevant: Of course, one could decide to add the data to the system (although it is already available via the SIRENE system). If, however, the data is put to a new use this should be clearly stated.

New users

The Council is determined to give more authorities access to the SIS data in the future. In the Spanish initiatives that will soon be formally adopted, access for Europol, the national members of Eurojust and national judicial authorities is foreseen. The legislative proposal to give access to vehicle registration authorities was recently made. Access to more authorities is under discussion. Your rapporteur is of the opinion that further access can be granted but only on condition that the fundamental data protection principles are respected. This point of view found its expression in the report on the introduction of new functions for the Schengen Information System, in particular in the fight against terrorism and was already, at the time, at least partly ignored by Council.

Data Protection

All changes, be they new functions or new users, have repercussions on data protection. Therefore at the same time data protection measures have to keep pace with the decisions made. To give just one practical example of issues that could arise: Eurojust. Eurojust will, at some point in the future that will still need to be decided, have access to SIS data. But how about data protection at Eurojust ? Article 17 of the Eurojust decision provides for the appointment of a data protection officer. This person will start working at Eurojust, however, just in the autumn of 2003, well after Eurojust started its operational activity. Also, its joint supervisory authority for the protection of personal data met for the first time this summer, well after the start of operations. This might be a small example but it shows that a lot still needs to be achieved. Data protection standards at all these new users need to be ensured. Without appropriate data protection standards in place your rapporteur cannot support any further development of the SIS.

External aspects of the SIS

Under the chapter 'external aspects' two aspects need to be distinguished. The first issue in the situation of the new Member States as of 1 May 2004. Before they can effectively join the Schengen area they have to fulfil the necessary preconditions especially with regard to the protection of external borders. The current timetable for the development of the SIS II assumes an enlargement of the system by 2006. Both sides have to work hard to achieve this goal.

The second issue is the sharing of data with third countries. The Spanish initiatives provide for example for the transmission of SIS data from Europol and Eurojust to third states and third bodies 'with the consent of the Member State concerned'. In its report on the Spanish initiatives Parliament had objected to this transfer of data to third countries or bodies unless certain conditions with respect to data protection are guaranteed. A transfer of data risks violating fundamental principles: it could be used for other purposes, it could be transferred again, or the data protection standards could be unsatisfactory. Without sufficient safeguards that fundamental principles are accepted transfers of data cannot be accepted.

Management of the SIS

The Schengen Information System cannot continue to be managed on a purely intergovernmental basis and in secrecy. After the incorporation of the Schengen acquis into the framework of the EU and the financing of the development of the SIS II from the general budget of the EU, and given the repercussions on the life of citizens, it is absolutely necessary to find a new structure for the strategic management of the SIS. Your rapporteur believes that neither entrusting the strategic management to the Commission nor leaving it with the Council can be the solution. Parliament has in the past called on several occasions for the establishment of an agency for that purpose. The agency could be steered by a management board composed of representatives of the Member States and the European institutions. This could ensure the involvement of all stakeholders. The agency should be financed entirely from the general budget of the EU and thereby controlled by the European Parliament.

Location of the SIS

It not so important where the system will at the end be physically installed. What is, however, important is that this decision is taken as soon as possible and that it is a final one and not a provisional one. The case of various new agencies set up in recent years (for example for aviation safety, maritime safety or food safety) is illustrating in this respect: seats of agencies become topics for European Council meetings and even then it is not possible to decide. This results in provisional seats with all the attendant uncertainty and operational difficulties.

Synergy with the Visa Information System (VIS)

In principle the use of synergies between large-scale IT systems has to be welcomed since it can help to reduce costs. It needs to be ensured, however, that the data remains strictly separated and that controls are in place to ensure this.

Budget of SIS II and VIS

Both the development and the running of SIS II and VIS are going to be quite expensive. The Commission currently estimates that the development of the VIS will cost EUR 157 bn and the cost for operation could reach EUR 35 bn annually. The Commission will, according to its work plan, make the necessary proposal in September 2003, and it plans to base it on Article 66 [cooperation between the relevant departments of the administrations of the Member States] of the Treaty establishing the European Community, which provides for simple consultation of the European Parliament. The proposal should, however, also be based on Article 62, paragraph 2b) IV [rules on a uniform visa] of the Treaty establishing the European Community, which provides for codecision as of 1 May 2004. To associate Parliament through the codecision procedure will avoid discussions about the budget in each budgetary procedure and over sensitive political issues like data protection, biometrics, and synergies with other databases.

MINORITY OPINION

pursuant to Rule 161(3) of the Rules of Procedure
Marco Cappato, Maurizio Turco

We have voted against the Coelho report on the Schengen Information System II because we believe that the discussed changes to the SIS have serious and alarming repercussions on the fundamental right of European citizens to data protection and privacy, creating a risk for abuse and legal vacuums. The SIS database is actually being transformed from a compensatory measure related to the free movement of citizens into a tool for police cooperation, notably foreseeing new provisions related to functions, users, relations with third countries and other bodies and synergy with the VIS. Furthermore, these developments take place in the absence of common rules on personal data protection under the third pillar, that should at least entrust real monitoring powers to a Joint Supervisory Authority, and should also guarantee the right of the citizen to appeal to such an authority or to the national and European legal authorities. We can accept that the SIS is updated technically and with a view to enlargement. But we cannot accept that the proposed SIS developments put at risk citizens' rights.

PROPOSAL FOR A RECOMMENDATION - B5-0268/2003

14 May 2003

pursuant to Rule 49(1) of the Rules of Procedure
by Carlos Coelho
on behalf of the PPE-DE Group

Recommendation on the second-generation Schengen information system (SIS II)

The European Parliament,

- having regard to Rule 49(1) of its Rules of Procedure,
- A. whereas the Council has decided to develop a new second-generation Schengen Information System (SIS II),
- B. whereas SIS II should allow for:
 - enlargement: SIS II will have to be designed to handle more than double the number of Member States that the current SIS deals with;
 - new developments: SIS II must have the potential to handle a significantly larger quantity of data and to be extended to cope with new information types, new subjects, further new functions and new categories of users;
 - economy: SIS II should be more homogenous from the user's perspective, in order to remain manageable and cost-effective despite having more users and functions,
- C. whereas on 18 February 2003, in accordance with the requirement under Article 6 of Council Regulation 2424/2001 on the development of the second-generation Schengen Information System (SIS II) of 6 December 2001, the Commission published a staff working paper on SIS II (SEC(2003) 206),
- D. whereas the target date for SIS II given by the Council is set at around 2006 and whereas, in order to achieve this, the Council intends to decide on the terms of reference for the new system in July,
- E. whereas the European Parliament should have the opportunity to express its views on the development of SIS II before the decision on the terms of reference is taken,
- F. whereas there are still many open questions to which answers need to be found,
- 1. Takes the view that the selection of the functional specifications and the network for SIS II will have wide implications for its operational management;

2. Believes that the SIS cannot continue to be managed in secrecy on a purely intergovernmental basis, given the incorporation of the Schengen acquis in the Treaties; believes that it should be managed by the Commission;
3. Recalls that the SIS contains extremely sensitive personal data and that the Joint Supervisory Authority raised concerns concerning the data quality and data protection aspects in particular;
4. Calls on the Council to ensure that the safeguards for the protection of citizens' rights are not undermined;
5. Calls in consequence on the Council to cooperate closely with data protection authorities;
6. Considers it imperative – especially in view of enlargement and the challenge of effective external border controls – that the EU institutions and all the Member States should work together in every phase of setting up SIS II;
7. Demands therefore to be closely involved in the development of SIS II.