



Plenary sitting

A9-0082/2022

1.4.2022

REPORT

on the proposal for a Council decision on the application of the provisions of the Schengen *acquis* in the area of the Schengen Information System in the Republic of Cyprus
(COM(2021)0472 – C9-0350/2021 – 2021/0266(NLE))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Peter Kofod

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council decision on the application of the provisions of the Schengen *acquis* in the area of the Schengen Information System in the Republic of Cyprus

(COM(2021)0472 – C9-0350/2021 – 2021/0266(NLE))

(Consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2021)0472),
 - having regard to Article 3(2) of the 2003 Act of Accession, pursuant to which the Council consulted Parliament (C9-0350/2021),
 - having regard to Rule 82 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0082/2022),
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
 4. Instructs its President to forward its position to the Council and the Commission.

EXPLANATORY STATEMENT

A. Background

On 28 May 2019, Cyprus declared its willingness and commitment to apply all parts of the Schengen *acquis* and to be subject to Schengen evaluations, to the extent possible considering the special circumstances of Cyprus as recognised in Protocol No 10 to the 2003 Act of Accession.

In line with Article 3(1) and (2) of the 2003 Act of Accession¹ certain provisions of the Schengen *acquis* are already applicable in Cyprus from the date of accession, while other provisions only apply pursuant to a Council Decision to that effect after verification that the necessary conditions for the application of all parts of that *acquis* have been met. This verification is done in accordance with the relevant Schengen evaluation procedures. Council Regulation (EU) No 1053/2013, establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*², provides for these Schengen evaluation procedures.

The Schengen evaluation in the area of the Schengen Information System (SIS) can only take place when the SIS has been put into operation in Cyprus. For this purpose, it is required that the Council adopts a Decision on putting into effect the provisions of the Schengen *acquis* in the area of the SIS in Cyprus. Such Decision can only be taken after Cyprus has made the necessary technical and legal arrangements, including relating to data protection, to process SIS data and exchange supplementary information. Accordingly, a Schengen evaluation to verify the level of data protection in Cyprus was carried out in November 2019. On 5 November 2020 the Commission adopted, by means of Commission Implementing Decision³, the evaluation report confirming that a satisfactory level of data protection is met.

B. Position of the rapporteur

The entry into force of the Council Decision should allow for SIS data to be transferred to Cyprus. The use of the SIS data in Cyprus should allow the Commission to verify, in accordance with the Schengen evaluation procedures, that the provisions concerning the SIS are being applied correctly.

Certain restrictions on the use of the SIS in Cyprus will be imposed until the Council has decided on the full application of the Schengen *acquis* in Cyprus and on the lifting of checks at the crossing points between the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus exercises effective control and the areas in which it does not. Such Decision shall only be taken when it has been verified that the necessary conditions for the application of all parts of the relevant *acquis* have been met in Cyprus in accordance with Article 3(2) of the 2003 Act of Accession.

In light of recent challenges facing Cyprus, namely a surge of illegal migrants arriving guided

¹ OJ L 236, 23.9.2003, p. 33.

² OJ L 295, 6.11.2013, p. 27.

³ C (2020) 8150.

by smugglers from the northern part of its territory and in view of the fact that they illegally cross the 184 kilometre long so called Green Line, bypassing any checks at the crossing points between the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus exercises effective control and the areas in which it does not, the Rapporteur considers it paramount for Cyprus authorities to be able to verify information in the SIS. As a result, border control and law enforcement authorities will be able to enter and consult alerts on persons or objects in the SIS in order to ensure a higher level of public security.

The Rapporteur stresses, however, that Cyprus accession to Schengen area remains to be assessed independently of this participation in the SIS. Any future accession to the Schengen area should be evaluated solely in view of its ability to keep the external borders of the European Union safe and secure.

On this basis, the Rapporteur recommends that Parliament endorse the draft Council's text without amendments to encourage the Member States to proceed speedily with the adoption of the Decision.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Proposal for a Council decision on the application of the provisions of the Schengen acquis in the area of Schengen Information System in the Republic of Cyprus
References	COM(2021)0472 – C9-0350/2021 – 2021/0266(NLE)
Date of consultation / request for consent	12.8.2021
Committee responsible Date announced in plenary	LIBE 13.9.2021
Rapporteurs Date appointed	Peter Kofod 13.1.2022
Discussed in committee	16.3.2022
Date adopted	31.3.2022
Result of final vote	+: 46 –: 5 0: 2
Members present for the final vote	Magdalena Adamowicz, Abir Al-Sahlani, Malik Azmani, Vladimír Bilčík, Vasile Blaga, Karolin Braunsberger-Reinhold, Patrick Breyer, Saskia Bricmont, Joachim Stanisław Brudziński, Jorge Buxadé Villalba, Damien Carême, Clare Daly, Marcel de Graaff, Anna Júlia Donáth, Lucia Ďuriš Nicholsonová, Cornelia Ernst, Laura Ferrara, Nicolaus Fest, Jean-Paul Garraud, Sophia in 't Veld, Patryk Jaki, Assita Kanko, Fabienne Keller, Peter Kofod, Moritz Körner, Alice Kuhnke, Hélène Laporte, Jeroen Lenaers, Lukas Mandl, Nuno Melo, Nadine Morano, Maite Pagazaurtundúa, Emil Radev, Paulo Rangel, Terry Reintke, Karlo Ressler, Diana Riba i Giner, Sara Skyttedal, Vincenzo Sofo, Martin Sonneborn, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Tomas Tobé, Yana Toom, Tom Vandendriessche, Elissavet Vozemberg-Vrionidi, Jadwiga Wiśniewska, Javier Zarzalejos
Substitutes present for the final vote	Bartosz Arłukowicz, Christian Doleschal, Anne-Sophie Pelletier, Miguel Urbán Crespo
Date tabled	1.4.2022

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

46	+
ECR	Joachim Stanisław Brudziński, Jorge Buxadé Villalba, Patryk Jaki, Assita Kanko, Vincenzo Sofo, Jadwiga Wiśniewska
ID	Nicolaus Fest, Jean-Paul Garraud, Peter Kofod, Hélène Laporte, Annalisa Tardino, Tom Vandendriessche
NI	Laura Ferrara
PPE	Magdalena Adamowicz, Bartosz Arłukowicz, Vladimír Bilčík, Vasile Blaga, Karolin Braunsberger-Reinhold, Christian Doleschal, Jeroen Lenaers, Lukas Mandl, Nuno Melo, Nadine Morano, Emil Radev, Paulo Rangel, Karlo Ressler, Sara Skyttedal, Tomas Tobé, Elissavet Vozemberg-Vrionidi, Javier Zarzalejos
Renew	Abir Al-Sahlani, Malik Azmani, Anna Júlia Donáth, Lucia Ďuriš Nicholsonová, Sophia in 't Veld, Moritz Körner, Maite Pagazaurtundúa, Ramona Strugariu, Yana Toom
Verts/ALE	Patrick Breyer, Saskia Bricmont, Damien Carême, Alice Kuhnke, Terry Reintke, Diana Riba i Giner, Tineke Strik

5	-
ID	Marcel de Graaff
The Left	Clare Daly, Cornelia Ernst, Anne-Sophie Pelletier, Miguel Urbán Crespo

2	0
NI	Martin Sonneborn
Renew	Fabienne Keller

Key to symbols:

+ : in favour

- : against

0 : abstention