EIROPAS PARLAMENTS

2004 *2009*

Pilsoņu brīvību, tieslietu un iekšlietu komiteja

PAGAIDU
2003/0198(COD)

08.03.2005.

***II
IETEIKUMA PROJEKTS OTRAJAM LASĪJUMAM

par Padomes kopējo nostāju, ko tā pieņēmusi nolūkā pieņemt Eiropas Parlamenta un Padomes regulu, ar ko groza konvenciju, ar kuru īsteno 1985. gada 14. jūnija Šengenas līgumu par pakāpenisku kontroles atcelšanu pie kopīgām robežām attiecībā uz to dalībvalstu dienestu pieeju Šengenas informācijas sistēmai, kuri ir atbildīgi par transportlīdzekļu reģistrācijas apliecību izsniegšanu
(14238/1/2004 – C6-0007/2005 – 2003/0198(COD))

Pilsoņu brīvību, tieslietu un iekšlietu komiteja

Referents: *Carlos Coelho*

Izmantoto apzīmējumu skaidrojums

*	Apspriežu procedūra *nodoto balsu vairākums*
**I	Sadarbības procedūra (pirmais lasījums) *nodoto balsu vairākums*
**II	Sadarbības procedūra (otrais lasījums) *nodoto balsu vairākums, lai apstiprinātu kopējo nostāju* *Parlamenta deputātu vairākums, lai noraidītu vai grozītu kopējo nostāju*
***	Piekrišanas procedūra *Parlamenta deputātu vairākums, izņemot gadījumus, kas minēti EK līguma 105., 107., 161. un 300. pantā un ES līguma 7. pantā*
***I	Koplēmuma procedūra (pirmais lasījums) *nodoto balsu vairākums*
***II	Koplēmuma procedūra (otrais lasījums) *nodoto balsu vairākums, lai apstiprinātu kopējo nostāju* *Parlamenta deputātu vairākums, lai noraidītu vai grozītu kopējo nostāju*
***III	Koplēmuma procedūra (trešais lasījums) *nodoto balsu vairākums, lai apstiprinātu kopīgo projektu*

(Norādīto procedūru izvēlas atkarībā no Komisijas ierosinātā juridiskā pamata)

Grozījumi normatīvā tekstā

Parlamenta grozījumos izmaiņas ir treknā slīprakstā. Teksts parastā slīprakstā tehniskajiem dienestiem norāda tās normatīvā teksta daļas, kurās ir ierosināti labojumi galīgajam teksta variantam (piemēram, nepārprotami kļūdainas teksta daļas vai to izlaidumi kādā no valodām). Šie labojumu ierosinājumi jāapstiprina attiecīgajiem tehniskajiem dienestiem.

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EIROPAS PARLAMENTA NORMATĪVĀS REZOLŪCIJAS PROJEKTS

par Padomes kopējo nostāju, ko tā pieņēmusi nolūkā pieņemt Eiropas Parlamenta un Padomes regulu, ar ko groza konvenciju, ar kuru īsteno 1985. gada 14. jūnija Šengenas līgumu par pakāpenisku kontroles atcelšanu pie kopīgām robežām attiecībā uz to dalībvalstu dienestu pieeju Šengenas informācijas sistēmai, kuri ir atbildīgi par transportlīdzekļu reģistrācijas apliecību izsniegšanu
(14238/1/2004 – C6-0007/2005 – 2003/0198(COD))

(Koplēmuma procedūra, otrais lasījums)

Eiropas Parlaments,

– ņemot vērā Padomes kopējo nostāju (14238/1/2004 – C6-0007/2005),

– ņemot vērā tā nostāju pirmajā lasījumā [1] attiecībā uz Komisijas priekšlikumu Eiropas Parlamentam un Padomei (KOM(2003)0510) [2],

– ņemot vērā Komisijas novērtējumu (KOM(2005)0003) [3],

– ņemot vērā EK līguma 251. panta 2. punktu,

– ņemot vērā Reglamenta 62. pantu,

– ņemot vērā Pilsoņu brīvību, tieslietu un iekšlietu komitejas ieteikumu otrajam lasījumam (A6-0000/2005),

1. apstiprina grozīto kopējo nostāju;

2. uzdod tā priekšsēdētājam nosūtīt Parlamenta nostāju Padomei un Komisijai.

Padomes kopējā nostāja	Parlamenta izdarītie grozījumi
	Grozījums Nr. 1 3. apsvērums
3) ***Nīderlandes Karalistes ierosinājums pieņemt*** Padomes lēmumu, kas vērstos pret noziegumiem, kuri saistīti ar transportlīdzekļiem un kuriem ir pārrobežu sekas [1], paredz izmantot SIS kā būtisku tiesībaizsardzības stratēģijas sastāvdaļu, apkarojot ar transportlīdzekļiem saistītus noziegumus;	3) Padomes ***2004. gada 22. decembra Lēmums 2004/919/EK,*** kas vērstos pret noziegumiem, kuri saistīti ar transportlīdzekļiem un kuriem ir pārrobežu sekas [1], paredz izmantot SIS kā būtisku tiesībaizsardzības stratēģijas sastāvdaļu, apkarojot ar transportlīdzekļiem saistītus noziegumus;

[1] Pieņemtais teksts, 1.4.2004., P5_TA(2004)01266.
[2] OV vēl nav publicēts.
[3] OV vēl nav publicēts.

[1] *OV C 34, 7.2.2004., 18. lpp.*

[1] *OV L 389, 30.12.2004., 28. lpp.*

Justification

Since the initiative now been adopted, the text of the recital needs to be adjusted.

Grozījums Nr. 2
13.a apsvērums (jauns)

13.a Attiecībā uz Šveici šī regula saistībā ar Nolīgumu starp Eiropas Savienību, Eiropas Kopienu un Šveices Konfederāciju par Šveices Konfederācijas asociēšanu Šengenas* aquis *īstenošanā, piemērošanā un pilnveidošanā papildina tos Šengenas* acquis [1] *noteikumus, kuri attiecas uz jomu, kas minēta Lēmuma [2] 1999/437/EK 1. panta G punktā, skatot to saistībā ar 4. panta 1. punktu Padomes 2004. gada 25. oktobra lēmumos par minētā nolīguma parakstīšanu attiecīgi Eiropas Savienības un Eiropas Kopienas vārdā par dažu tā [3] noteikumu provizorisku piemērošanu;

_____.

[1] *Padomes dokuments Nr. 13054/04 ir pieejams* **http://register.consilium.eu.int.**

[2] *OV L 176, 10.07.1999., 31. lpp.*

[3] *OV L 368, 15.12.2004., 26. lpp. un OV L 370, 17.12.2004., 78. lpp.*

Justification

Since the Agreement with Switzerland was signed on 26 October, any legislative act that constitutes a development of the Schengen Acquis as regards the purposes served by the Agreement should be identified as such in a separate recital. Since this Regulation is a development of the Schengen Acquis, it requires a recital concerning Switzerland.

Grozījums Nr. 3
1. PANTS
102.a panta 3.a punkts (jauns) (1990. g. Šengenas Konvencija)

3a. Katru gadu Padome, saņēmusi atzinumu no kopīgās uzraudzības iestādes, ko izveidoja saskaņā ar datu aizsardzības noteikumu 115. pantu, iesniedz Eiropas Parlamentam ziņojumu par šī panta īstenošanu. Šajā ziņojumā iekļauj informāciju un statistikas datus par šī panta īstenošanas pielietojumu un rezultātiem un to, kā tika piemēroti datu aizsardzības noteikumi.

Justification

To receive a report about the implementation of this Article is very important for Parliament. The original amendment 10, which was not included by Council in its common position, is therefore tabled again. It is, however, modified in two aspects: first, because the Commission has no responsibility for the management of SIS 1+, it is proposed that the Council itself sends this report. Second, to save the Member States the job of making technical changes, the number of searches and the number of stolen vehicles is replaced by the more general words "information and statistics relating to the use and results of the implementation of this Article".

EXPLANATORY STATEMENT

I. Background

In view of increase in the number of vehicles which are being stolen and illegally traded[1], further action to combat crime of this nature must be taken as a matter of urgency. In a Europe within which checks at internal borders have been abolished, a response must be found which involves clear action at Community level. One course of action discussed in this context is the access to the Schengen Information System (SIS) for vehicle registration authorities.

Following the request of Council and intensive debates the Commission in 2003 made such a proposal to give public vehicle registration authorities direct access to some data in the SIS (COM(2003)510). This should allow them to better check whether vehicles presented to them for registration have been stolen. Should a vehicle registration authority be a private entity then the access should be indirect, i.e. an access via a public authority.

On 1st April 2004 the European Parliament adopted its first reading (T5-0266/2004)[2] based on the rapporteur's previous report (A5-0205/2004). At its first reading, Parliament on the one hand limited the data to which vehicle registration authorities should have access by withdrawing access to data relating to blank official documents and to data concerning issued identity papers. On the other hand, Parliament suggested including in the SIS (and subsequently giving vehicle registration authorities access to) data concerning vehicle registration certificates and vehicle number plates which have been stolen, misappropriated or lost. In addition, it emphasised that clearer information should be given as to which bodies are entitled to have access, and for what purpose. Furthermore, Parliament requested a yearly report on the implementation of this measure. Finally, to underline that increased access should only be possible with strengthened data protection rules it introduced the requirement to record every transmission.

II. Council's common position

On 22 December 2004 Council adopted its common position (14238/1/04) accompanied by the statement of the Council's reasons (14238/1/04 REV 1 ADD 1). Pursuant to Article 251.2 TEC the European Commission informed that it supports the common position (COM(2005)3).

The Council essentially followed Parliament's first reading. It agreed to modify the data to which vehicle registration authorities should have access, as outlined above. Overall, Council accepted 7 out of 10 amendments from Parliament.

[1] Statistics provided by Europol reveal that in 2002 1.149.114 vehicles were stolen of which only 388.779 could be recovered.
[2] Not yet published in OJ.

III. Recommendation of the rapporteur

The rapporteur welcomes the common position of Council and is pleased that the Council followed Parliament's first reading to such a large extent. He is confident that the legal act can soon be finally adopted, in order to allow this useful measure to come into force.[1]

Since most of Parliament's amendments were accepted by Council there are very few outstanding issues for the second reading.

As regards Amendment 4 as contained in the report A5-0205/2004 and adopted by Parliament, which was not included by Council, the rapporteur has dropped it, since on 24 February 2005 the Council finally adopted the initiative by the Kingdom of Spain with a view to adopting a Council Decision concerning the introduction of some new functions for the Schengen Information System, in particular in the fight against terrorism. This decision provides for a change to Article 100 f) of the Schengen Implementing Convention by including data on "vehicle registration certificates and vehicle number plates which have been stolen, misappropriated, lost or invalidated;". This change covers the original Amendment 4.

As regards Amendment 11 as contained in the report A5-0205/2004 and adopted by Parliament, which was not included by Council, the rapporteur has dropped it too, since its paragraphs 1 and 3 are also contained in the Decision mentioned above. Paragraph 2 of the amendment 11 is, however, not included. This paragraph proposed recording the person or object on whom the search in the SIS was run, the terminal or user carrying out the search, the place, date and time of the search and the reasons for the search. It was an attempt to change the data-protection rules for the SIS in general and the rapporteur can accept that it was, for the moment, not included in the revised text of the Schengen Implementing Convention. Since the proposal for the SIS II is forthcoming, this issue can be dealt with in the context of this legal instrument.

The rapporteur does, however, insist on Amendment 10. This amendment requests an annual report about the implementation of the proposed access to vehicle registration authorities to combat vehicle crime. In this report the Commission shall also "state how many searches were made, how many stolen vehicles were detected and how the data protection rules were applied". Council did not include this amendment by arguing that "the current draft Regulation does not provide the correct and sufficient legal basis for these provisions."[2] The rapporteur does not agree with this argument because if it would be true then we would never have a report on anything.

Reporting about the SIS is of great importance for Parliament. Currently Parliament receives no report on the SIS. Only the table of hits and the report of the Joint Supervisory Authority are available. With these documents alone it is not possible for Parliament to make an assessment of the system. Only with more detailed reports which include a qualitative and quantitative assessment can Parliament exercise its legislative function. The legislator needs to know whether a law achieves its objectives or not. Reporting is also important for Parliament's role as one arm of the budgetary authority, since the SIS central unit is paid for

[1] For a general appreciation of the Commission's proposal the rapporteur refers to his report A5-0205/2004.
[2] 14238/1/04 REV 1 ADD 1, p. 2, point 4.

out of the European budget. The rapporteur therefore proposes that Amendment 10 be retained.

Nevertheless, he proposes a slightly different wording, in order to ensure that Member States do not have to change their national systems at this stage before changes will become necessary anyway under SIS II. He also proposes that the report should be sent by the Council because the Commission has no responsibility for the management of the current system (SIS 1+).

In addition to this amendment the rapporteur proposes two further amendments which are of a technical nature. One amendment is introduced to take account of Switzerland's forthcoming accession to the Schengen acquis on which this measure constitutes a development. A second amendment updates the text in order to take account of the fact that the Dutch initiative to which Parliament referred in its Amendment 1 and the Council in recital 3 has in the meantime been adopted.[1]

IV. The second generation Schengen Information System (SIS II)

Since the amendments contained in this proposal will be included in the proposal on the new SIS II, the rapporteur considers that some of Parliament's requests should be restated: first of all, the SIS II proposal should be based on a legal basis providing for the codecision procedure, as is the case with the proposal on the Visa Information System. Nothing else would be appropriate in the changed context. This forthcoming procedure would then also be the occasion to deal with the outstanding issues of this report, notably reporting and the data-protection rules in general.

In this context the rapporteur also expresses his concern about the declaration Austria and Germany made for the minutes. This declaration states that the two Member States are of the opinion that this legal act should have had its legal basis in the third pillar.

Furthermore, the rapporteur would like to point out that Parliament will look very carefully at each proposal to give access to the SIS to new authorities.[2] As already outlined in report A5-0205/2004, several proposals are being discussed which also relate to private entities. Private entities should under no circumstances be granted direct access to the SIS. It should also be borne in mind that the security risk increases as increasing numbers of people have access to what is very sensitive information.

Finally, the rapporteur also repeats his wish to receive in the future more reassurance that the data-protection rules laid down in the Schengen convention and in Directive 95/46 are effectively respected and controlled. Data-protection authorities need sufficient resources to fulfil their task and Member States have to be firmly committed to defending the fundamental right of data protection.

[1] Council Decision (2004/920/EC) of 22 December 2004 on tackling vehicle crime with cross-border implications, in OJ L 389 of 30.12.2004, p. 28.
[2] European Parliament recommendation to the Council on the second-generation Schengen information system (SIS II) (2003/2180(INI)) adopted on 20.11.2003.

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