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**LIMITE**

**SCHENGEN 6**  
**SIRIS 23**  
**COMIX 105**

**NOTE**

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From: Presidency

To: Working Party for Schengen Matters (Acquis) / Mixed Committee  
(EU/Iceland, Norway and Switzerland, Liechtenstein)

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No. prev. doc.: 15813/16, 15814/16, 5522/17

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Subject: Proposal for a Regulation of the European Parliament and of the Council  
on the establishment, operation and use of the Schengen Information  
System (SIS) in the field of border checks

Proposal for a Regulation of the European Parliament and of the Council  
on the establishment, operation and use of the Schengen Information  
System (SIS) in the field of police cooperation and judicial cooperation in  
criminal matters

- Revised compromise version of articles common to both instruments

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At its meetings on 16 January 2017 and 8 February 2017, the Working Party for Schengen Matters (Acquis) examined the provisions common to both the Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks (15813/16) and the Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters (15814/16). At its meeting on 8 February 2017, the Working Party concluded the first round of discussions on all the provisions common to both instruments.

Delegations will find in the annex a revised compromise text, taking into account the outcome of the debates during those meetings and the written comments received from the delegations.

Changes to the original Commission proposals (15813/16 and 15814/16) are marked in **bold**.

General scrutiny reservations are pending on both proposals from the following Member States:

AT, BG, CZ, DE, FI, HU, IT, LT, NL, PL, PT, SE and SI.

UK entered a scrutiny reservation on the proposal for a Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters (15814/16).

Parliamentary reservations are pending from DE and PL on both instruments (15813/16 and 15814/16) and from UK on the proposal for a Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters (15814/16).

Reservations on specific provisions are indicated in the footnotes.

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## CHAPTER I

## GENERAL PROVISIONS

*Article 1*  
*General purpose of SIS*

| <i>(Proposal on Border Checks –<br/>15813/16)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <i>(Proposal on Law Enforcement –<br/>15814/16)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <p>The purpose of SIS shall be to ensure a high level of security within the area of freedom, security and justice of the Union, including the maintenance of public security and public policy and the safeguarding of security in the territories of the Member States, and to <b>ensure the application of</b> the provisions of Chapter 2 of Title V of Part Three of the Treaty on the Functioning of the European Union relating to the movement of persons <b>on</b> their territories, using information communicated via this system.</p> | <p>The purpose of SIS shall be to ensure a high level of security within the area of freedom, security and justice of the Union including the maintenance of public security and public policy and the safeguarding of security in the territories of the Member States, and to <b>ensure the application of</b> the provisions of Chapter 4 and Chapter 5 of Title V of Part Three of the Treaty on the Functioning of the European Union relating to the movement of persons <b>on</b> their territories, using information communicated via this system.</p> |

*Article 2*  
*Scope*

| <i>(Proposal on Border Checks)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <i>(Proposal on Law Enforcement)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <p>1. This Regulation establishes the conditions and procedures for the entry and processing in SIS of alerts in respect of third-country nationals, the exchange of supplementary information and additional data for the purpose of refusing entry into and stay on the territory of the Member States.</p> <p>2. This Regulation also lays down provisions on the technical architecture of SIS, the responsibilities of the Member States and of the European Agency <b>for</b> the operational management of large-scale IT systems in the area of freedom, security and justice, general data processing, the rights of the persons concerned and liability.</p> | <p>1. This Regulation establishes the conditions and procedures for the entry and processing in SIS of alerts on persons and objects, the exchange of supplementary information and additional data for the purpose of police and judicial cooperation in criminal matters.</p> <p>2. This Regulation also lays down provisions on the technical architecture of SIS, the responsibilities of the Member States and of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, general data processing, the rights of the persons concerned and liability.</p> |

**Article 3**  
**Definitions**

| <i>(Proposal on Border Checks)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <i>(Proposal on Law Enforcement)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <p>1. For the purposes of this Regulation, the following definitions shall apply:</p> <p>(a) ‘alert’ means a set of data, including biometric identifiers as referred to in Article 22, entered in SIS allowing the competent authorities to identify a person with a view to taking specific action;</p> <p>(b) ‘supplementary information’ means information not forming part of the alert data stored in SIS, but connected to SIS alerts, which is to be exchanged:</p> <ol style="list-style-type: none"> <li>(1) in order to allow Member States to consult or inform each other when entering an alert;</li> <li>(2) following a hit in order to allow the appropriate action to be taken;</li> <li>(3) when the required action cannot be taken;</li> <li>(4) when dealing with the quality of SIS data;</li> <li>(5) when dealing with the compatibility and priority of alerts;</li> <li>(6) when dealing with rights of access;</li> </ol> <p>(c) ‘additional data’ means the data stored in SIS and connected with SIS alerts which are to be immediately available to the competent authorities where a person in respect of whom data has been entered in SIS is located as a result of searches made therein;</p> <p>(d)<sup>1</sup> ‘third-country national’ means any person who is not a citizen of the Union within the meaning of Article 20(1) of the TFEU, with the exception of persons who enjoy rights of free movement equivalent to those of Union citizens under agreements between the Union, or the Union and its Member States on the one hand, and third countries on the other hand;</p> | <p>1. For the purposes of this Regulation, the following definitions shall apply:</p> <p>(a) ‘alert’ means a set of data, including biometric identifiers as referred to in Article 22 and in Article 40, entered in SIS allowing the competent authorities to identify a person or an object with a view to taking specific action;</p> <p>(b) ‘supplementary information’ means information not forming part of the alert data stored in SIS, but connected to SIS alerts, which is to be exchanged:</p> <ol style="list-style-type: none"> <li>(1) in order to allow Member States to consult or inform each other when entering an alert;</li> <li>(2) following a hit in order to allow the appropriate action to be taken;</li> <li>(3) when the required action cannot be taken;</li> <li>(4) when dealing with the quality of SIS data;</li> <li>(5) when dealing with the compatibility and priority of alerts;</li> <li>(6) when dealing with rights of access;</li> </ol> <p>(c) ‘additional data’ means the data stored in SIS and connected with SIS alerts which are to be immediately available to the competent authorities where a person in respect of whom data has been entered in SIS is located as a result of searches made therein;</p> |

<sup>1</sup> DE entered a reservation on this provision. DE considers that a consistent definition for 'third-country national' should be used in all legal acts, including the Dublin Regulation.

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| <p>(e) ‘personal data’ means any information relating to an identified or identifiable natural person (‘data subject’);</p> <p>(f) ‘an identifiable natural person’ is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;</p> <p>(g) ‘processing of personal data’ means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, logging, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;</p> <p>(h) a ‘hit’ in SIS means:</p> <ol style="list-style-type: none"> <li>(1) a search is conducted by <b>an end-user</b>;</li> <li>(2) the search reveals an alert (...) entered by <b>a Member State in SIS</b>;</li> <li>(3) data concerning the alert in SIS <b>match</b> the search data;</li> </ol> <p><b>(3a) the match is confirmed by the end-user; and</b></p> <ol style="list-style-type: none"> <li>(4) further actions are requested (...).</li> </ol> <p>(i) ‘issuing Member State’ means the Member State which entered the alert in SIS;</p> <p>(j) ‘executing Member State’ means the Member State which takes <b>or has taken</b> the required actions following a hit;</p> <p>(k) ‘end-users’ mean competent authorities directly searching CS-SIS, N.SIS or a technical copy thereof.</p> <p>(l) ‘return’ means return as defined in point 3</p> | <p>(d) ‘personal data’ means any information relating to an identified or identifiable natural person (‘data subject’);</p> <p>(e) ‘an identifiable natural person’ is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;</p> <p>(f) ‘processing of personal data’ means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, logging, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;</p> <p>(g) a ‘hit’ in SIS means:</p> <ol style="list-style-type: none"> <li>(1) a search is conducted by <b>an end-user</b>;</li> <li>(2) the search reveals an alert entered by <b>a Member State in SIS</b>;</li> <li>(3) data concerning the alert in SIS match the search data;</li> </ol> <p><b>(3a) the match is confirmed by the end-user; and</b></p> <ol style="list-style-type: none"> <li>(4) further actions are requested.</li> </ol> <p>(h) ‘flag’ means a suspension of validity of an alert at the national level that may be added to alerts for arrest, alerts for missing persons and alerts for discreet, inquiry and specific checks (...);</p> <p>(i) ‘issuing Member State’ means the Member State which entered the alert in SIS;</p> <p>(j) ‘executing Member State’ means the Member State which takes or has taken the required actions following a hit;</p> <p>(k) ‘end-users’ mean competent authorities directly searching CS-SIS, N.SIS or a technical copy thereof;</p> |
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| <p>of Article 3 of Directive 2008/115/EC;</p> <p>(m) 'entry ban' means entry ban as defined in point 6 of Article 3 of Directive 2008/115/EC;</p> <p><b>(ma) 'biometric identifiers' means personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data;</b><sup>2</sup></p> <p>(n) 'dactyloscopic data' means data on fingerprints and palm prints which due to their unique character (...) and the reference points contained therein enable accurate and conclusive comparisons on a person's identity;</p> <p><b>(na) 'facial image' means digital images of the face with sufficient image resolution and quality to be used in automated biometric matching;</b><sup>3</sup></p> <p><b>(nb) 'DNA profile' means a letter or number code which represents a set of identification characteristics of the noncoding part of an analysed human DNA sample, i.e. the particular molecular structure at the various DNA locations (loci);</b><sup>4</sup></p> <p>(o) 'serious crime' means offences listed in Article 2(1) and (2) of Framework Decision 2002/584/JHA of 13 June 2002;<sup>5</sup></p> <p>(p) 'terrorist offences' means offences under national law referred to in Articles <b>3 to 14</b> of <b>Directive 2017/XX (PE-CONS 53/16)</b>.</p> | <p><b>(ka) 'biometric identifiers' means personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data;</b><sup>2</sup></p> <p>(l) 'dactyloscopic data' means data on fingerprints and palm prints which due to their unique character and the reference points contained therein enable accurate and conclusive comparisons on a person's identity;</p> <p><b>(la) 'facial image' means digital images of the face with sufficient image resolution and quality to be used in automated biometric matching;</b><sup>3</sup></p> <p><b>(lb) 'DNA profile' means a letter or number code which represents a set of identification characteristics of the noncoding part of an analysed human DNA sample, i.e. the particular molecular structure at the various DNA locations (loci);</b><sup>4</sup></p> <p>(m) 'serious crime' means offences listed in Article 2(1) and (2) of Framework Decision 2002/584/JHA of 13 June 2002;<sup>5</sup></p> <p>(n) 'terrorist offences' means offences under national law referred to in Articles <b>3 to 14</b> of <b>Directive 2017/XX (PE-CONS 53/16)</b>.</p> |
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<sup>2</sup> This definition corresponds to 'biometric data' as defined in Article 3(13) of Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89). However, in the EES proposal, 'biometric data' is defined as 'fingerprint data and facial image' (see Article 3(17) in 6960/17).

<sup>3</sup> Same definition as in the EES proposal (see Article 3(16) in 6960/17)

<sup>4</sup> Same definition as in Article 2(c) of Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

<sup>5</sup> Council Framework Decision (2002/584/JHA) of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.07.2002, p. 1).

**Article 4**  
**Technical architecture and ways of operating SIS**

| <b><i>(Proposal on Border Checks)</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b><i>(Proposal on Law Enforcement)</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <p>1. SIS shall be composed of:</p> <p>(a) a central system (Central SIS) composed of:</p> <ul style="list-style-type: none"> <li>– a technical support function ('CS-SIS') containing a database, the 'SIS database',</li> <li>– a uniform national interface (NI-SIS);</li> </ul> <p>(b)<sup>6</sup> a national system (N.SIS) in each of the Member States, consisting of the national data systems which communicate with Central SIS. An N.SIS shall contain a data file (a 'national copy'), containing a complete or partial copy of the SIS database as well as a backup N.SIS. The N.SIS and its backup may be used simultaneously to ensure uninterrupted availability to end-users;</p> <p>(c) a communication infrastructure between CS-SIS and NI-SIS (the Communication Infrastructure) that provides an encrypted virtual network dedicated to SIS data and the exchange of data between SIRENE Bureaux as referred to in Article 7(2).</p> <p><b>2. Member States shall enter, update, delete and search SIS data (...) via the various N.SIS. A partial or a full national copy shall be available for the purpose of carrying out automated searches in the territory of each of the Member States using such a copy. The partial national copy shall contain at least the data listed in Article 20(2) (a) to (v) of this Regulation. It shall not be possible to search the data files of other Member States' N.SIS.</b></p> <p>3. CS-SIS shall perform technical supervision and administration functions and have a backup CS-SIS, capable of ensuring all functionalities of the principal CS-SIS in the event of failure</p> | <p>1. SIS shall be composed of:</p> <p>(a) a central system (Central SIS) composed of:</p> <ul style="list-style-type: none"> <li>– a technical support function ('CS-SIS') containing a database, the 'SIS database',</li> <li>– a uniform national interface (NI-SIS);</li> </ul> <p>(b)<sup>6</sup> a national system (N.SIS) in each of the Member States, consisting of the national data systems which communicate with Central SIS. An N.SIS shall contain a data file (a 'national copy'), containing a complete or partial copy of the SIS database as well as a backup N.SIS. The N.SIS and its backup may be used simultaneously to ensure uninterrupted availability to end-users;</p> <p>(c) a communication infrastructure between CS-SIS and NI-SIS (the Communication Infrastructure) that provides an encrypted virtual network dedicated to SIS data and the exchange of data between SIRENE Bureaux as referred to in Article 7(2).</p> <p><b>2. Member States shall enter, update, delete and search SIS data (...) via the various N.SIS. A partial or a full national copy shall be available for the purpose of carrying out automated searches in the territory of each of the Member States using such a copy. The partial national copy shall contain at least the data listed in Article 20(2) concerning objects and the data listed in Article 20(3) (a) to (v) of this Regulation concerning alerts on persons. It shall not be possible to search the data files of other Member States' N.SIS.</b></p> <p>3. CS-SIS shall perform technical supervision and administration functions and have a backup CS-SIS, capable of ensuring all functionalities of the principal CS-SIS in the event of failure</p> |

<sup>6</sup> FI, supported by NO, opposed the obligation for the Member States to have a national copy and entered a reservation on this provision. PT also entered a reservation on this provision, as it favoured the existence of national copies, taking into account the high number of future queries, in particular for the purposes of border checks.

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| <p>of this system. CS-SIS and the backup CS-SIS shall be located in the two technical sites of the European Agency for the operational management of large-scale information systems in the area of freedom, security and justice established by Regulation (EU) No 1077/2011 ('the Agency'). CS-SIS or backup CS-SIS may contain an additional copy of the SIS database and may be used simultaneously in active operation provided that each of them is capable to process all transactions related to SIS alerts.</p> <p>4. CS-SIS shall provide the services necessary for the entry and processing of SIS data, including searches in the SIS database. CS-SIS shall:</p> <ul style="list-style-type: none"> <li>(a) provide online update of the national copies;</li> <li>(b) ensure synchronisation of and consistency between the national copies and the SIS database;</li> <li>(c) provide the operation for initialisation and restoration of the national copies;</li> <li>(d) provide uninterrupted availability.</li> </ul> | <p>of this system. CS-SIS and the backup CS-SIS shall be located in the two technical sites of the European Agency for the operational management of large-scale information systems in the area of freedom, security and justice established by Regulation (EU) No 1077/2011 ('the Agency'). CS-SIS or backup CS-SIS may contain an additional copy of the SIS database and may be used simultaneously in active operation provided that each of them is capable to process all transactions related to SIS alerts.</p> <p>4. CS-SIS shall provide the services necessary for the entry and processing of SIS data, including searches in the SIS database. CS-SIS shall:</p> <ul style="list-style-type: none"> <li>(a) provide online update of the national copies;</li> <li>(b) ensure synchronisation of and consistency between the national copies and the SIS database;</li> <li>(c) provide the operation for initialisation and restoration of the national copies;</li> <li>(d) provide uninterrupted availability.</li> </ul> |
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**Article 5**  
**Costs**

1. The costs of operating, maintaining and further developing Central SIS and the Communication Infrastructure shall be borne by the general budget of the European Union.
2. These costs shall include work done with respect to CS-SIS that ensures the provision of the services referred to in Article 4(4).
3. The costs of setting up, operating, maintaining and further developing each N.SIS shall be borne by the Member State concerned.



**CHAPTER II**  
**RESPONSIBILITIES OF THE MEMBER STATES<sup>7</sup>**

*Article 6*  
*National systems*

Each Member State shall be responsible for setting up, operating, maintaining and further developing its N.SIS and connecting its N.SIS to NI-SIS.

Each Member State shall be responsible for ensuring the continuous operation of the N.SIS, its connection to NI-SIS and the uninterrupted availability of SIS data to the end-users.

**Each Member State shall transmit its alerts via its N.SIS<sup>8</sup>.**

*Article 7*  
*N.SIS Office and SIRENE Bureau*

| <i>(Proposal on Border Checks)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <i>(Proposal on Law Enforcement)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <p>1. Each Member State shall designate an authority (the N.SIS Office), which shall have central responsibility for its N.SIS.</p> <p>That authority shall be responsible for the smooth operation and security of the N.SIS, shall ensure the access of the competent authorities to the SIS and shall take the necessary measures to ensure compliance with the provisions of this Regulation. It shall be responsible for ensuring that all functionalities of SIS are appropriately made available to the end-users.</p> <p>(...)<sup>9</sup></p> <p>2. Each Member State shall designate the authority which shall ensure the exchange and availability of all supplementary information (the SIRENE Bureau) in accordance with the provisions of the SIRENE Manual, as referred to in Article 8.</p> <p>Those Bureaux shall also coordinate the verification of the quality of the information entered in SIS. For those purposes they shall</p> | <p>1. Each Member State shall designate an authority (the N.SIS Office), which shall have central responsibility for its N.SIS.</p> <p>That authority shall be responsible for the smooth operation and security of the N.SIS, shall ensure the access of the competent authorities to the SIS and shall take the necessary measures to ensure compliance with the provisions of this Regulation. It shall be responsible for ensuring that all functionalities of SIS are appropriately made available to the end users.</p> <p>(...)<sup>9</sup></p> <p>2. Each Member State shall designate the authority which shall ensure the exchange and availability of all supplementary information (the SIRENE Bureau) in accordance with the provisions of the SIRENE Manual, as referred to in Article 8.</p> <p>Those Bureaux shall also coordinate the verification of the quality of the information entered in SIS. For those purposes they shall</p> |

<sup>7</sup> Articles 6 to 14 are also applicable to the Returns Proposal (15812/16) by virtue of Article 13 of the Returns Proposal.

<sup>8</sup> Moved from Article 7(1) *in fine*, excluding the word 'Office' at the end of the sentence.

<sup>9</sup> Moved to Art. 6 *in fine*.

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| <p>have access to data processed in SIS.</p> <p>3. The Member States shall inform the Agency of their N.SIS (...) Office and of their SIRENE Bureau. The Agency shall publish the list of them together with the list referred to in Article 36(8).</p> | <p>have access to data processed in SIS.</p> <p>3. The Member States shall inform the Agency of their N.SIS (...) Office and of their SIRENE Bureau. The Agency shall publish the list of them together with the list referred to in Article 53(8).</p> |
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**Article 8**  
**Exchange of supplementary information**

| <b><i>(Proposal on Border Checks)</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b><i>(Proposal on Law Enforcement)</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <p>1. Supplementary information shall be exchanged in accordance with the provisions of the SIRENE Manual and using the Communication Infrastructure. Member States shall provide the necessary technical and personal resources to ensure the continuous availability and exchange of supplementary information. In the event that (...) the Communication Infrastructure is unavailable, Member States may use other adequately secured technical means to exchange supplementary information.</p> <p>2. Supplementary information shall be used only for the purpose for which it was transmitted in accordance with Article 43 unless prior consent is obtained from the issuing Member State.</p> <p>3. The SIRENE Bureaux shall carry out their task in a quick and efficient manner, in particular by replying to a request as soon as possible but not later than 12 hours<sup>10</sup> after the receipt of the request.</p> <p>4. <b>The Commission shall adopt implementing acts to lay down</b> detailed rules for the exchange of supplementary information (...) in the form of a manual <b>entitled</b> the ‘SIRENE Manual’. <b>Those implementing acts</b> shall be adopted (...) in accordance with the examination procedure referred to in Article 55(2) (...).</p> | <p>1. Supplementary information shall be exchanged in accordance with the provisions of the SIRENE Manual and using the Communication Infrastructure. Member States shall provide the necessary technical and personal resources to ensure the continuous availability and exchange of supplementary information. In the event that the Communication Infrastructure is unavailable, Member States may use other adequately secured technical means to exchange supplementary information.</p> <p>2. Supplementary information shall be used only for the purpose for which it was transmitted in accordance with Article 61 unless prior consent is obtained from the issuing Member State.</p> <p>3. The SIRENE Bureaux shall carry out their task in a quick and efficient manner, in particular by replying to a request as soon as possible but not later than 12 hours<sup>10</sup> after the receipt of the request.</p> <p>4. <b>The Commission shall adopt implementing acts to lay down</b> detailed rules for the exchange of supplementary information (...) in the form of a manual <b>entitled</b> the ‘SIRENE Manual’. <b>Those implementing acts</b> shall be adopted (...) in accordance with the examination procedure referred to in Article 72(2) (...).</p> |

<sup>10</sup> DE, EL, ES, HU, LT, SE and SK expressed concerns regarding this provision.

**Article 9**  
**Technical and functional compliance**

| <b><i>(Proposal on Border Checks)</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b><i>(Proposal on Law Enforcement)</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <p>1. When setting up its N.SIS, each Member State shall comply with common standards, protocols and technical procedures established to ensure the compatibility of its NSIS with CS-SIS for the prompt and effective transmission of data. (...) <sup>11</sup></p> <p>2. Member States shall ensure, by means of the services provided by CS-SIS, that data stored in the national copy are, by means of automatic updates referred to in Article 4(4), identical to and consistent with the SIS database, and that a search in its national copy produces a result equivalent to that of a search in the SIS database. End-users shall receive the data required to perform their tasks, in particular all data required for the identification of the data subject and to take the required action.</p> <p><b>3. <sup>12</sup> The Commission shall adopt implementing acts to lay down and develop common standards, protocols and technical procedures, referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 55(2).</b></p> | <p>1. When setting up its N.SIS, each Member State shall comply with common standards, protocols and technical procedures established to ensure the compatibility of its NSIS with CS-SIS for the prompt and effective transmission of data. (...) <sup>11</sup></p> <p>2. Member States shall ensure, by means of the services provided by CS-SIS, that data stored in the national copy are, by means of automatic updates referred to in Article 4(4), identical to and consistent with the SIS database, and that a search in its national copy produces a result equivalent to that of a search in the SIS database. End-users shall receive the data required to perform their tasks, in particular all data required for the identification of the data subject and to take the required action.</p> <p><b>3. <sup>12</sup> The Commission shall adopt implementing acts to lay down and develop common standards, protocols and technical procedures, referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(2).</b></p> |

**Article 10**  
**Security – Member States**

| <b><i>(Proposal on border checks)</i></b>                                                                                                                                                                                                                                                                                                                                                                                             | <b><i>(Proposal on Law Enforcement)</i></b>                                                                                                                                                                                                                                                                                                                                                                                     |
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| <p>1. Each Member State shall <sup>13</sup>, in relation to its N.SIS, adopt the necessary measures, including a security plan, a business continuity plan and a disaster recovery plan (...) in order to:</p> <p>(a) physically protect data, including by making contingency plans for the protection of critical infrastructure;</p> <p>(b) deny unauthorised persons access to data-processing facilities used for processing</p> | <p>1. Each Member State shall <sup>13</sup>, in relation to its N.SIS, adopt the necessary measures, including a security plan, a business continuity plan and a disaster recovery plan in order to:</p> <p>(a) physically protect data, including by making contingency plans for the protection of critical infrastructure;</p> <p>(b) deny unauthorised persons access to data-processing facilities used for processing</p> |

<sup>11</sup> Moved to paragraph 3.

<sup>12</sup> Moved from paragraph 1, *in fine*.

<sup>13</sup> eu-LISA proposes to insert the words: "in consultation with the Agency".

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| <p>personal data (facilities access control);</p> <p>(c) prevent the unauthorised reading, copying, modification or removal of data media (data media control);</p> <p>(d) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of stored personal data (storage control);</p> <p>(e) prevent the use of automated data-processing systems by unauthorised persons using data communication equipment (user control);</p> <p>(f) ensure that persons authorised to use an automated data-processing system have access only to the data covered by their access authorisation, by means of individual and unique user identifiers<sup>14</sup> and confidential access modes only (data access control);</p> <p>(g) ensure that all authorities with a right of access to SIS or to the data processing facilities create profiles describing the functions and responsibilities of persons who are authorised to access, enter, update, delete and search the data and make these profiles available to the national supervisory authorities referred to in Article 50(1) without delay upon their request (personnel profiles);</p> <p>(h) ensure that it is possible to verify and establish to which bodies personal data may be transmitted using data communication equipment (communication control);</p> <p>(i) ensure that it is subsequently possible to verify and establish which personal data have been input into automated data-processing systems, when, by whom and for what purpose the data were input (input control);</p> <p>(j) prevent the unauthorised reading, copying, modification or deletion of personal data during transfers of personal data or during transportation of data media, in particular by means of appropriate encryption techniques (transport control);</p> | <p>personal data (facilities access control);</p> <p>(c) prevent the unauthorised reading, copying, modification or removal of data media (data media control);</p> <p>(d) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of stored personal data (storage control);</p> <p>(e) prevent the use of automated data-processing systems by unauthorised persons using data communication equipment (user control);</p> <p>(f) ensure that persons authorised to use an automated data-processing system have access only to the data covered by their access authorisation, by means of individual and unique user identifiers<sup>14</sup> and confidential access modes only (data access control);</p> <p>(g) ensure that all authorities with a right of access to SIS or to the data processing facilities create profiles describing the functions and responsibilities of persons who are authorised to access, enter, update, delete and search the data and make these profiles available to the national supervisory authorities referred to in Article 66 without delay upon their request (personnel profiles);</p> <p>(h) ensure that it is possible to verify and establish to which bodies personal data may be transmitted using data communication equipment (communication control);</p> <p>(i) ensure that it is subsequently possible to verify and establish which personal data have been input into automated data-processing systems, when, by whom and for what purpose the data were input (input control);</p> <p>(j) prevent the unauthorised reading, copying, modification or deletion of personal data during transfers of personal data or during transportation of data media, in particular by means of appropriate encryption techniques (transport control);</p> |
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<sup>14</sup> Same wording as in Article 12(2) and (3) and Article 18(2) and (3).

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| <p>(k) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring (self-auditing).</p> <p>2. Member States shall take measures equivalent to those referred to in paragraph 1 as regards security in respect of the processing and exchange of supplementary information, including securing the premises of the SIRENE Bureau.</p> <p>3. Member States shall take measures equivalent to those referred to in paragraph 1 as regards security in respect of the processing of SIS data by the authorities referred to in Article 29.</p> | <p>(k) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring (self-auditing).</p> <p>2. Member States shall take measures equivalent to those referred to in paragraph 1 as regards security in respect of the processing and exchange of supplementary information, including securing the premises of the SIRENE Bureau.</p> <p>3. Member States shall take measures equivalent to those referred to in paragraph 1 as regards security in respect of the processing of SIS data by the authorities referred to in Article 43.</p> |
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**Article 11**  
**Confidentiality – Member States**

Each Member State shall apply its rules of professional secrecy or other equivalent duties of confidentiality to all persons and bodies required to work with SIS data and supplementary information, in accordance with its national law. That obligation shall also apply after those persons leave office or employment or after the termination of the activities of those bodies.

**Article 12**  
**Keeping of logs at national level**

| <i>(Proposal on Border Checks)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <i>(Proposal on Law Enforcement)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <p>1. Member States shall ensure that every access to and all exchanges of personal data within CS-SIS are logged in their N.SIS for the purposes of checking whether or not the search is lawful, monitoring the lawfulness of data processing, self-monitoring and ensuring the proper functioning of N.SIS, data integrity and security. <b>This does not apply to the automatic processes referred to in Article 4(4) (a), (b) and (c).</b></p> <p>2. The logs shall show, in particular, the history of the alert, the date and time of the data processing activity, the (...) data used to perform a search, a reference to the (...) data transmitted and the <b>individual and unique user identifiers</b><sup>15</sup> of both the competent</p> | <p>1. Member States shall ensure that every access to and all exchanges of personal data within CS-SIS are logged in their N.SIS for the purposes of checking whether or not the search is lawful, monitoring the lawfulness of data processing, self-monitoring and ensuring the proper functioning of N.SIS, data integrity and security. <b>This does not apply to the automatic processes referred to in Article 4(4) (a), (b) and (c).</b></p> <p>2. The <b>logs</b> shall show, in particular, the history of the alert, the date and time of the data processing activity, the data used to perform a search, a reference to the data transmitted and the <b>individual and unique user identifiers</b><sup>15</sup> of both the competent authority and the person</p> |

<sup>15</sup> Same wording as in paragraph 3 and Article 10(1)(f).

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| <p>authority and the person responsible for processing the data.</p> <p>3. If the search is carried out with <b>dactyloscopic</b> data or facial image in accordance with Article 22 the logs shall show, in particular, the type of data used to perform a search, a reference to the type data transmitted and the <b>individual and unique user identifiers</b><sup>16</sup> of both the competent authority and the person responsible for processing the data.</p> <p>4. The logs may be used only for the purpose referred to in paragraph 1 and shall be deleted at the earliest one year, and at the latest three years, after their creation.</p> <p>5. Logs may be kept longer if they are required for monitoring procedures that are already under way.</p> <p>6. The (...) national <b>supervisory</b> authorities in charge of checking whether or not searches are lawful, monitoring the lawfulness of data processing, self-monitoring and ensuring the proper functioning of the N.SIS, data integrity and security, shall have access, within the limits of their competence and at their request, to these logs for the purpose of fulfilling their duties.</p> | <p>responsible for processing the data.</p> <p>3. If the search is carried out with <b>dactyloscopic</b> data or facial image in accordance with Articles 40, 41 and 42 the logs shall show, in particular, the type of data used to perform a search, a reference to the type of data transmitted and the <b>individual and unique user identifiers</b><sup>16</sup> of both the competent authority and the person responsible for processing the data.</p> <p>4. The logs may be used only for the purpose referred to in paragraph 1 and shall be deleted at the earliest one year, and at the latest three years, after their creation.</p> <p>5. Logs may be kept longer if they are required for monitoring procedures that are already under way.</p> <p>6. The (...) national <b>supervisory</b> authorities in charge of checking whether or not searches are lawful, monitoring the lawfulness of data processing, self-monitoring and ensuring the proper functioning of the N.SIS, data integrity and security, shall have access, within the limits of their competence and at their request, to these logs for the purpose of fulfilling their duties.</p> <p>7.<sup>17</sup> Where Member States carry out automated scanned searches of the number plates of motor vehicles, using Automatic Number Plate Recognition systems, Member States shall maintain a log of the search in accordance with national law. (...) <sup>18</sup>. Where a positive match is achieved against data stored in SIS, or a national or technical copy of SIS data, a full search shall be carried out in SIS in order to verify that a match has indeed been achieved. The provisions of paragraphs 1 to 6 of this Article shall apply to this full search.<sup>19</sup></p> |
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<sup>16</sup> Same wording as in paragraph 2 and Article 10(1)(f).

<sup>17</sup> CZ, FR, NL and UK expressed concerns regarding this provision.

<sup>18</sup> Text moved to new paragraph 8.

<sup>19</sup> CZ, FR, NL and UK expressed concerns regarding this provision.

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|  | <p><b>8.<sup>20</sup> The Commission shall adopt implementing acts to establish the content of the log, referred to in paragraph 7. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(2).</b></p> |
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***Article 13***  
***Self-monitoring***

Member States shall ensure that each authority entitled to access SIS data takes the measures necessary to comply with this Regulation and cooperates, where necessary, with the national supervisory authority.

***Article 14***  
***Staff training***

Before being authorised to process data stored in SIS and periodically after access to SIS data has been granted, the staff of the authorities having a right to access SIS shall receive appropriate training about data-security, data-protection rules and the procedures on data processing as set out in the SIRENE Manual. The staff shall be informed of any relevant criminal offences and penalties.

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<sup>20</sup> Text moved from paragraph 7.

**CHAPTER III**  
**RESPONSIBILITIES OF THE AGENCY<sup>21</sup>**

*Article 15*  
*Operational management*

| <i>(Proposal on Border Checks)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <i>(Proposal on Law Enforcement)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <p>1. The Agency shall be responsible for the operational management of Central SIS. The Agency shall (...), in cooperation with the Member States, ensure that at all times the best available technology, using a cost-benefit analysis, is used for Central SIS.</p> <p>2.<sup>22</sup> The Agency shall also be responsible for the following tasks relating to the Communication Infrastructure.</p> <p style="padding-left: 20px;">(a) supervision;</p> <p style="padding-left: 20px;">(b) security;</p> <p style="padding-left: 20px;">(c) the coordination of relations between the Member States and the provider;</p> <p>3.<sup>23</sup> The Commission shall be responsible for all other tasks relating to the Communication Infrastructure, in particular:</p> <p style="padding-left: 20px;">(a) tasks relating to implementation of the budget;</p> <p style="padding-left: 20px;">(b) acquisition and renewal;</p> <p style="padding-left: 20px;">(c) contractual matters.</p> <p>4. The Agency shall also be responsible for the following tasks relating to the SIRENE Bureaux and communication between the SIRENE Bureaux:</p> <p style="padding-left: 20px;">(a) the coordination and management of testing;<sup>24</sup></p> <p style="padding-left: 20px;">(b) the maintenance and update of technical specifications for the exchange of supplementary information between SIRENE</p> | <p>1. The Agency shall be responsible for the operational management of Central SIS. The Agency shall, in cooperation with the Member States, ensure that at all times the best available technology, using a cost-benefit analysis, is used for Central SIS.</p> <p>2.<sup>22</sup> The Agency shall also be responsible for the following tasks relating to the Communication Infrastructure.</p> <p style="padding-left: 20px;">(a) supervision;</p> <p style="padding-left: 20px;">(b) security;</p> <p style="padding-left: 20px;">(c) the coordination of relations between the Member States and the provider;</p> <p>3.<sup>23</sup> The Commission shall be responsible for all other tasks relating to the Communication Infrastructure, in particular:</p> <p style="padding-left: 20px;">(a) tasks relating to implementation of the budget;</p> <p style="padding-left: 20px;">(b) acquisition and renewal;</p> <p style="padding-left: 20px;">(c) contractual matters.</p> <p>4. The Agency shall <b>also</b> be responsible for the following tasks relating to the SIRENE Bureaux and communication between the SIRENE Bureaux:</p> <p style="padding-left: 20px;">(a) the coordination and management of testing;<sup>24</sup></p> <p style="padding-left: 20px;">(b) the maintenance and update of technical specifications for the exchange of supplementary information between SIRENE</p> |

<sup>21</sup> Articles 15 –18 are also applicable to the Returns Proposal by virtue of Article 13 of the Returns Proposal.

<sup>22</sup> This provision would be redrafted in the context of the coming proposals on eu-LISA.

<sup>23</sup> This provision would be redrafted in the context of the coming proposals on eu-LISA.

<sup>24</sup> NL, PT, RO, eu-LISA expressed concerns on this provision.



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| <p>Bureaux and the Communication Infrastructure and managing the impact of technical changes where it affects both SIS and the exchange of supplementary information between SIRENE Bureaux.</p> <p>5. The Agency shall develop and maintain a mechanism and procedures for carrying out quality checks on the data in CS-SIS and shall provide regular reports to the Member States<sup>25</sup>. The Agency shall provide a regular report to the Commission covering the issues encountered and the Member States concerned. (...) <sup>26</sup></p> <p>6. Operational management of Central SIS shall consist of all the tasks necessary to keep Central SIS functioning 24 hours a day, seven days a week <b>in accordance with this Regulation</b>, in particular the maintenance work and technical developments necessary for the smooth running of the system. Those tasks also include <b>the coordination, management and support of testing activities for Central SIS and the national systems</b>, ensuring that Central SIS and the national systems operate in accordance with the technical and functional requirements in accordance with Article 9 of this Regulation.</p> <p><b>7.<sup>27</sup> The Commission shall adopt implementing acts to establish the mechanism and procedures for the quality checks on the data in CS-SIS, referred to in paragraph 5, and the interpretation of data quality compliance. Those implementing acts shall be adopted</b> in accordance with the examination procedure referred to in Article 55(2).</p> | <p>Bureaux and the Communication Infrastructure and managing the impact of technical changes where it affects both SIS and the exchange of supplementary information between SIRENE Bureaux.</p> <p>5. The Agency shall develop and maintain a mechanism and procedures for carrying out quality checks on the data in CS-SIS and shall provide regular reports to the Member States<sup>25</sup>. The Agency shall provide a regular report to the Commission covering the issues encountered and the Member States concerned. (...) <sup>26</sup></p> <p>6. Operational management of Central SIS shall consist of all the tasks necessary to keep Central SIS functioning 24 hours a day, seven days a week <b>in accordance with this Regulation</b>, in particular the maintenance work and technical developments necessary for the smooth running of the system. Those tasks also include <b>the coordination, management and support of testing activities for Central SIS and the national systems</b>, ensuring that Central SIS and the national systems operate in accordance with the technical and functional requirements in accordance with Article 9 of this Regulation.</p> <p><b>7.<sup>27</sup> The Commission shall adopt implementing acts to establish the mechanism and procedures for the quality checks on the data in CS-SIS, referred to in paragraph 5, and the interpretation of data quality compliance. Those implementing acts shall be adopted</b> in accordance with the examination procedure referred to in Article 72(2).</p> |
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<sup>25</sup> eu-LISA would prefer more clear provisions on its competences regarding access to data.

<sup>26</sup> Text moved to new paragraph 7.

<sup>27</sup> Text moved from paragraph 5.

*Article 16  
Security*

| <i>Article 16 (Proposal on Border Checks)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <i>Article 16 (Proposal on Law Enforcement)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <p>1. The Agency shall adopt the necessary measures<sup>28</sup>, including of a security plan, a business continuity plan and a disaster recovery plan for Central SIS and the Communication Infrastructure in order to:</p> <p>(a) physically protect data, including by making contingency plans for the protection of critical infrastructure;</p> <p>(b) deny unauthorised persons access to data-processing facilities used for processing personal data (facilities access control);</p> <p>(c) prevent the unauthorised reading, copying, modification or removal of data media (data media control);</p> <p>(d) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of stored personal data (storage control);</p> <p>(e) prevent the use of automated data-processing systems by unauthorised persons using data communication equipment (user control);</p> <p>(f) ensure that persons authorised to use an automated data-processing system have access only to the data covered by their access authorisation by means of individual and unique user identifiers and confidential access modes only (data access control);</p> <p>(g) create profiles describing the functions and responsibilities for persons who are authorised to access the data or the data processing facilities and make these profiles available to the European Data Protection Supervisor referred to in Article 51 without delay upon its request (personnel profiles);</p> <p>(h) ensure that it is possible to verify and establish to which bodies personal data may be transmitted using data communication equipment (communication control);</p> | <p>1. The Agency shall adopt the necessary measures<sup>29</sup>, including of a security plan, a business continuity plan and a disaster recovery plan for Central SIS and the Communication Infrastructure in order to:</p> <p>(a) physically protect data, including by making contingency plans for the protection of critical infrastructure;</p> <p>(b) deny unauthorised persons access to data-processing facilities used for processing personal data (facilities access control);</p> <p>(c) prevent the unauthorised reading, copying, modification or removal of data media (data media control);</p> <p>(d) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of stored personal data (storage control);</p> <p>(e) prevent the use of automated data-processing systems by unauthorised persons using data communication equipment (user control);</p> <p>(f) ensure that persons authorised to use an automated data-processing system have access only to the data covered by their access authorisation by means of individual and unique user identifiers and confidential access modes only (data access control);</p> <p>(g) create profiles describing the functions and responsibilities for persons who are authorised to access the data or the data processing facilities and make these profiles available to the European Data Protection Supervisor referred to in Article 64 without delay upon its request (personnel profiles);</p> <p>(h) ensure that it is possible to verify and establish to which bodies personal data may be transmitted using data communication equipment (communication control);</p> |

<sup>28</sup> eu-LISA asked to include in recital 30 a reference to Commission Decision 2017/46.

<sup>29</sup> eu-LISA asked to include in recital 40 a reference to Commission Decision 2017/46.

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| <p>(i) ensure that it is subsequently possible to verify and establish which personal data have been input into automated data-processing systems, when and by whom the data were input (input control);</p> <p>(j) prevent the unauthorised reading, copying, modification or deletion of personal data during transfers of personal data or during transportation of data media in particular by means of appropriate encryption techniques (transport control);</p> <p>(k) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring to ensure compliance with this Regulation (self-auditing).</p> <p>2. The Agency shall take measures equivalent to those referred to in paragraph 1 as regards security in respect of the processing and exchange of supplementary information through the Communication Infrastructure.</p> | <p>(i) ensure that it is subsequently possible to verify and establish which personal data have been input into automated data-processing systems, when and by whom the data were input (input control);</p> <p>(j) prevent the unauthorised reading, copying, modification or deletion of personal data during transfers of personal data or during transportation of data media in particular by means of appropriate encryption techniques (transport control);</p> <p>(k) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring to ensure compliance with this Regulation (self-auditing).</p> <p>2. The Agency shall take measures equivalent to those referred to in paragraph 1 as regards security in respect of the processing and exchange of supplementary information through the Communication Infrastructure.</p> |
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**Article 17**  
**Confidentiality – Agency**

| <i>(Proposal on Border Checks)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <i>(Proposal on Law Enforcement)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <p>1. Without prejudice to Article 17 of the Staff Regulations of officials and the Conditions of Employment of other servants of the European Union, the Agency shall apply appropriate rules of professional secrecy or other equivalent duties of confidentiality of comparable standards to those laid down in Article 11 of this Regulation to all its staff required to work with SIS data. This obligation shall also apply after those persons leave office or employment or after the termination of their activities.</p> | <p>1. Without prejudice to Article 17 of the Staff Regulations of officials and the Conditions of Employment of other servants of the European Union, the Agency shall apply appropriate rules of professional secrecy or other equivalent duties of confidentiality of comparable standards to those laid down in Article 11 of this Regulation to all its staff required to work with SIS data. This obligation shall also apply after those persons leave office or employment or after the termination of their activities.</p> |
| <p>2. The Agency shall take measures equivalent to those referred to in paragraph 1 as regards confidentiality in respect of the exchange of supplementary information through the Communication Infrastructure.</p>                                                                                                                                                                                                                                                                                                                | <p>2. The Agency shall take measures equivalent to those referred to in paragraph 1 as regards confidentiality in respect of the exchange of supplementary information through the Communication Infrastructure.</p>                                                                                                                                                                                                                                                                                                                |

**Article 18**  
**Keeping of logs at central level**

| <b>(Proposal on Border Checks)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>(Proposal on Law Enforcement)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <p>1. The Agency shall ensure that every access to and all exchanges of personal data within CS-SIS are logged for the purposes mentioned in Article 12(1).</p> <p>2. The logs shall show, in particular, the history of the alert<sup>30</sup>, the date and time of the data transmitted, (...) a reference to the (...) data transmitted and the <b>individual and unique user identifiers</b><sup>31</sup> of the competent authority responsible for processing the data.</p> <p>3. If the search is carried out with <b>dactyloscopic</b> data or facial image in accordance with Article 22 and 28 the logs shall show, in particular, the type of data used to perform a search, a reference to the type of data transmitted and the <b>individual and unique identifiers</b> of both the competent authority and the person responsible for processing the data.</p> <p>4. The logs may only be used for the purposes mentioned in paragraph 1 and shall be deleted at the earliest one year, and at the latest three years, after their creation. The logs which include the history of alerts shall be erased after one to three years after deletion of the alerts.</p> <p>5. Logs may be kept longer if they are required for monitoring procedures that are already underway.</p> <p>6. The <b>European Data Protection Supervisor</b> shall have access, within the limits of <b>its</b> competence and at <b>its</b> request, to those logs for the purpose of fulfilling <b>its</b> tasks.</p> | <p>1. The Agency shall ensure that every access to and all exchanges of personal data within CS-SIS are logged for the purposes mentioned in Article 12(1).</p> <p>2. The logs shall show, in particular, the history of the alert<sup>30</sup>, the date and time of the data transmitted, (...) a reference to the (...) data transmitted and the <b>individual and unique user identifiers</b><sup>31</sup> of the competent authority responsible for processing the data.</p> <p>3. If the search is carried out with <b>dactyloscopic</b> data or facial image in accordance with Articles 40, 41 and <b>42</b> the logs shall show, in particular, the type of data used to perform a search, a reference to the type of data transmitted and the <b>individual and unique identifiers</b> of both the competent authority and the person responsible for processing the data.</p> <p>4. The logs may only be used for the purposes mentioned in paragraph 1 and shall be deleted at the earliest one year, and at the latest three years, after their creation. The logs which include the history of alerts shall be erased after one to three years after deletion of the alerts.</p> <p>5. Logs may be kept longer if they are required for monitoring procedures that are already underway.</p> <p>6. The <b>European Data Protection Supervisor</b> shall have access, within the limits of <b>its</b> competence and at <b>its</b> request, to those logs for the purpose of fulfilling <b>its</b> tasks.</p> |

<sup>30</sup> Singular, as in Article 12(2).

<sup>31</sup> Same wording as in Articles 10(1)(f) and 12(2) and (3).

**CHAPTER IV**  
**INFORMATION TO THE PUBLIC**<sup>32</sup>

*Article 19*  
*SIS information campaigns*

The Commission, in cooperation with the national supervisory authorities and the European Data Protection Supervisor, shall regularly carry out campaigns informing the public about the objectives of SIS, the data stored, the authorities having access to SIS and the rights of data subjects. Member States shall, in cooperation with their national supervisory authorities, devise and implement the necessary policies to inform their citizens about SIS generally.

**CHAPTER VII / XII**  
**RIGHT TO ACCESS AND RETENTION OF ALERTS**

*Article 30 / Article 46*  
*Access to SIS data by Europol*

| <i>Article 30</i><br><i>(Border Checks Proposal)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <i>Article 46</i><br><i>(Law Enforcement proposal)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <p>1. The European Union Agency for Law Enforcement Cooperation (Europol) shall have, within its mandate, (...) the right to access and search data entered into SIS.</p> <p>2. Where a search by Europol reveals the existence of an alert in SIS, Europol shall inform the issuing Member State via the channels defined by Regulation (EU) 2016/794.</p> <p>3. The use of information obtained from a search in the SIS is subject to the consent of the <b>issuing</b> Member State. If the Member State allows the use of such information, the handling thereof by Europol shall be governed by Regulation (EU) 2016/794. Europol may only communicate such information to third countries and third bodies with the consent of the Member State concerned.</p> <p>4. Europol may request further information from the Member State concerned in accordance with the provisions of Regulation (EU) 2016/794.</p> <p>5. Europol shall:</p> | <p>1. The European Union Agency for Law Enforcement Cooperation (Europol) shall have, within its mandate, the right to access and search data entered into SIS.</p> <p>2. Where a search by Europol reveals the existence of an alert in SIS, Europol shall inform the issuing Member State via the channels defined by Regulation (EU) 2016/794.</p> <p>3. The use of information obtained from a search in the SIS is subject to the consent of the <b>issuing</b> Member State. If the Member State allows the use of such information, the handling thereof by Europol shall be governed by Regulation (EU) 2016/794. Europol may only communicate such information to third countries and third bodies with the consent of the Member State concerned.</p> <p>4. Europol may request further information from the Member State concerned in accordance with the provisions of Regulation (EU) 2016/794.</p> <p>5. Europol shall:</p> |

<sup>32</sup> Article 19 is also applicable to the Returns Proposal by virtue of Article 13 of the Returns Proposal (15812/16).

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| <p>(a) without prejudice to paragraphs 3, 4 and 6, not connect parts of SIS nor transfer the data contained therein to which it has access to any computer system for data collection and processing operated by or at Europol nor download or otherwise copy any part of SIS;</p> <p>(b) limit access to data entered in SIS to specifically authorised staff of Europol;</p> <p>(c) adopt and apply measures provided for in Articles 10 and 11;</p> <p>(d) allow the European Data Protection Supervisor to review the activities of Europol in the exercise of its right to access and search data entered in SIS.</p> <p>6. Data may only be copied for technical purposes, provided that such copying is necessary in order for duly authorised Europol staff to carry out a direct search. The provisions of this Regulation shall apply to such copies. The technical copy shall be used for the purpose of storing SIS data whilst those data are searched. Once the data have been searched they shall be deleted. Such uses shall not be construed to be an unlawful downloading or copying of SIS data. Europol shall not copy alert data or additional data issued by Member States or from CS-SIS into other Europol systems.</p> <p>7. Any copies, as referred to in paragraph 6, which lead to off-line databases may be retained for a period not exceeding 48 hours. That period may be extended in an emergency until the emergency comes to an end. Europol shall report any such extensions to the European Data Protection Supervisor.</p> <p><b>8. By way of derogation from paragraphs 2 and 4,</b> Europol may receive and process supplementary information on corresponding SIS alerts provided that the data processing rules referred to in paragraphs (...) <b>5 to 7</b> (...) are applied as appropriate.</p> <p>9. For the purpose of verifying the lawfulness of data processing, self-monitoring and ensuring proper data security and integrity Europol should keep logs of every access to and search in SIS <b>in accordance with Article</b></p> | <p>(a) without prejudice to paragraphs 3, 4 and 6, not connect parts of SIS nor transfer the data contained therein to which it has access to any computer system for data collection and processing operated by or at Europol nor download or otherwise copy any part of SIS;</p> <p>(b) limit access to data entered in SIS to specifically authorised staff of Europol;</p> <p>(c) adopt and apply measures provided for in Articles 10 and 11;</p> <p>(d) allow the European Data Protection Supervisor to review the activities of Europol in the exercise of its right to access and search data entered in SIS.</p> <p>6. Data may only be copied for technical purposes, provided that such copying is necessary in order for duly authorised Europol staff to carry out a direct search. The provisions of this Regulation shall apply to such copies. The technical copy shall be used for the purpose of storing SIS data whilst those data are searched. Once the data have been searched they shall be deleted. Such uses shall not be construed to be an unlawful downloading or copying of SIS data. Europol shall not copy alert data or additional data issued by Member States or from CS-SIS into other Europol systems.</p> <p>7. Any copies, as referred to in paragraph 6, which lead to off-line databases may be retained for a period not exceeding 48 hours. That period may be extended in an emergency until the emergency comes to an end. Europol shall report any such extensions to the European Data Protection Supervisor.</p> <p><b>8. By way of derogation from paragraphs 2 and 4,</b> Europol may receive and process supplementary information on corresponding SIS alerts provided that the data processing rules referred to in paragraphs <b>5 to 7</b> are applied as appropriate.</p> <p>9. For the purpose of verifying the lawfulness of data processing, self-monitoring and ensuring proper data security and integrity Europol should keep logs of every access to and search in SIS <b>in accordance with Article</b></p> |
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12. Such logs and documentation shall not be considered to be the unlawful downloading or copying of any part of SIS.

12. Such logs and documentation shall not be considered to be the unlawful downloading or copying of any part of SIS.

*Article 31 / Article 48*

*Access to SIS data by the European Border and Coast Guard teams, teams of staff involved in return-related tasks, and members of the migration management support teams<sup>33</sup>*

| <p><i>Article 31<br/>(Border Checks Proposal)</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p><i>Article 48<br/>(Law Enforcement proposal)</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| <p>1. The members of the European Border and Coast Guard teams or teams of staff involved in return-related tasks as well as the members of the migration management support teams, <b>set up in accordance with Articles 18, 20 and 32 of Regulation (EU) 2016/1624</b> shall, within their mandate <b>and provided that they are authorised to carry out checks in accordance with Article 29(1)</b>, have the right to access and search data entered in SIS (...). <b>Access to data entered in SIS shall not be extended to any other team members.</b><sup>34</sup></p> <p>2. Members of the European Border and Coast Guard teams or teams of staff involved in return-related tasks as well as the members of the migration management support teams shall <b>exercise this right to</b> access and search data entered in SIS in accordance with paragraph 1 via the technical interface set up and maintained by the European Border and Coast Guard Agency as referred to in Article 32(2).</p> <p>3. Where a search by a member of the European Border and Coast Guard teams or teams of staff involved in return-related tasks or by a member of the migration management support teams reveals the existence of an alert in SIS, the issuing Member State shall be informed thereof. In accordance with Article 40 of Regulation (EU) 2016/1624, members of the teams may only act in response to an alert in SIS under instructions from and, as a general rule, in the presence of border guards or staff involved in return-related tasks of the host</p> | <p>1. The members of the European Border and Coast Guard teams or teams of staff involved in return-related tasks as well as the members of the migration management support teams, <b>set up in accordance with Articles 18, 20 and 32 of Regulation (EU) 2016/1624</b> shall, within their mandate <b>and provided that they are authorised to carry out checks in accordance with Article 43</b>, have the right to access and search data entered in SIS (...). <b>Access to data entered in SIS shall not be extended to any other team members.</b><sup>34</sup></p> <p>2. Members of the European Border and Coast Guard teams or teams of staff involved in return-related tasks as well as the members of the migration management support teams shall <b>exercise this right to</b> access and search data entered in SIS in accordance with paragraph 1 via the technical interface set up and maintained by the European Border and Coast Guard Agency as referred to in Article 49(1).</p> <p>3. Where a search by a member of the European Border and Coast Guard teams or teams of staff involved in return-related tasks or by a member of the migration management support teams reveals the existence of an alert in SIS, the issuing Member State shall be informed thereof. In accordance with Article 40 of Regulation (EU) 2016/1624, members of the teams may only act in response to an alert in SIS under instructions from and, as a general rule, in the presence of border guards or staff involved in return-related tasks of the host</p> |

<sup>33</sup> It should be plural ("teams") in both instruments.

<sup>34</sup> Text moved from paragraph 5.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <p>Member State in which they are operating. The host Member State may authorise members of the teams to act on its behalf.</p> <p>4. Every instance of access and every search made by a member of the European Border and Coast Guard teams or teams of staff involved in return-related tasks or by a member of the migration management support teams shall be logged in accordance with the provisions of Article 12 and every use made by them of data accessed by them shall be <b>logged</b>.</p> <p>5. (...) <sup>35</sup></p> <p><b>6. The European Border and Coast Guard teams or teams of staff involved in return-related tasks or members of the migration management support teams shall take measures to ensure security and confidentiality as provided for in Articles 10 and 11 (...).</b></p> | <p>Member State in which they are operating. The host Member State may authorise members of the teams to act on its behalf.</p> <p>4. Every instance of access and every search made by a member of the European Border and Coast Guard teams or teams of staff involved in return-related tasks or by a member of the migration management support teams shall be logged in accordance with the provisions of Article 12 and every use made by them of data accessed by them shall be logged.</p> <p>5. (...) <sup>35</sup></p> <p><b>6. The European Border and Coast Guard teams or teams of staff involved in return-related tasks or members of the migration management support teams shall take measures to ensure security and confidentiality as provided for in Articles 10 and 11 (...).</b></p> |
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*Article 32 / Article 49*  
*Access to SIS data by the European Border and Coast Guard Agency*

| <i>Article 32<sup>36</sup></i><br><i>(Border Checks Proposal)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <i>Article 49<sup>36</sup></i><br><i>(Law Enforcement proposal)</i>                                                                                                                                                                                                                 |
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| <p>1. The European Border and Coast Guard Agency shall, for the purpose of analysing the threats that may affect the functioning or security of the external borders, have the right to access and search data entered in SIS, in accordance with Articles 24 and 27.</p> <p>2. For the purposes of Article 31(2) and paragraph 1 of this Article the European Border and Coast Guard Agency shall set up and maintain a technical interface which allows a direct connection to Central SIS.</p> <p>3. Where a search by the European Border and Coast Guard Agency reveals the existence of an alert in SIS, it shall inform the issuing Member State.</p> <p>4. (...) <sup>37</sup></p> <p>5. (...) <sup>38</sup></p> | <p>1. For the purposes of Article 48(1) and paragraph 2 of this Article the European Border and Coast Guard Agency shall set up and maintain a technical interface which allows a direct connection to Central SIS.</p> <p>2. (...) <sup>37</sup></p> <p>3. (...) <sup>38</sup></p> |

<sup>35</sup> Merged with paragraph 1.

<sup>36</sup> NL entered a reservation on this Article.

<sup>37</sup> Moved to Article 32A(1).

<sup>38</sup> Moved to Article 32A(2).



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <p>6. Nothing in this Article shall be interpreted as affecting the provisions of Regulation (EU) 2016/1624 concerning data protection and the liability for any unauthorised or incorrect processing of such data by the European Border and Coast Guard Agency.</p> <p>7. Every instance of access and every search made by the European Border and Coast Guard Agency shall be logged in accordance with the provisions of Article 12 and every use made of data accessed by the European Border and Coast Guard Agency shall be <b>logged</b>.</p> <p>8. Except where necessary to perform the tasks for the purposes of the Regulation establishing a European Travel Information and Authorisation System (ETIAS), no parts of SIS shall be connected to any computer system for data collection and processing operated by or at the European Border and Coast Guard Agency, nor shall the data contained in SIS to which the European Border and Coast Guard Agency has access be transferred to such a system. No part of SIS shall be downloaded. The logging of access and searches shall not be construed to be the downloading or copying of SIS data.</p> <p><b>9. The European Border and Coast Guard Agency shall take measures to ensure security and confidentiality as provided for in Articles 10 and 11 (...).</b></p> | <p>4. Nothing in this Article shall be interpreted as affecting the provisions of Regulation (EU) 2016/1624 concerning data protection and the liability for any unauthorised or incorrect processing of such data by the European Border and Coast Guard Agency.</p> <p>5. Every instance of access and every search made by the European Border and Coast Guard Agency shall be logged in accordance with the provisions of Article 12 and each use made of data accessed by them shall be <b>logged</b>.</p> <p>6. Except where necessary to perform the tasks for the purposes of the Regulation establishing a European Travel Information and Authorisation System (ETIAS), no parts of SIS shall be connected to any computer system for data collection and processing operated by or at the European Border and Coast Guard Agency, nor shall the data contained in SIS to which the European Border and Coast Guard Agency has access be transferred to such a system. No part of SIS shall be downloaded. The logging of access and searches shall not be construed to be the downloading or copying of SIS data.</p> <p><b>7. The European Border and Coast Guard Agency shall take measures to ensure security and confidentiality as provided for in Articles 10 and 11 (...).</b></p> |
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*Article 32A/ Article 49A*  
*Access to SIS data by the ETIAS Central Unit*

| <i>Article 32A<sup>39</sup></i><br><i>(Border Checks Proposal)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <i>Article 49A<sup>40</sup></i><br><i>(Law Enforcement proposal)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <p><b>1. The European Border and Coast Guard Agency shall, for the purpose of performing its tasks conferred on it by the Regulation establishing a European Travel Information and Authorisation System (ETIAS), have the right to access and search data entered in SIS, in accordance with Articles 24 and 27.</b></p> <p><b>2. Where a verification by the European Border and Coast Guard Agency reveals the existence of an alert in SIS the procedure set out in Article 22 of Regulation establishing a European Travel Information and Authorisation System (ETIAS) applies.</b></p> | <p><b>1. The European Border and Coast Guard Agency shall, for the purpose of performing its tasks conferred on it by the Regulation establishing a European Travel Information and Authorisation System (ETIAS), have the right to access and search data entered in SIS, in accordance with Articles 26, 32, 34, 36 and 38(2)(j) and (k).</b></p> <p><b>2. Where a verification by the European Border and Coast Guard Agency reveals the existence of an alert in SIS the procedure set out in Article 22 of Regulation establishing a European Travel Information and Authorisation System (ETIAS) applies.</b></p> |

*Article 32B<sup>41</sup> / Article 49B<sup>41</sup>*

| <i>Article 32B</i><br><i>Evaluation of the use of SIS by Europol and the European Border and Cost Guard Agency</i><br><i>(Proposal on Border Checks)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <i>Article 49B</i><br><i>Evaluation of the use of SIS by Europol, Eurojust and the European Border and Cost Guard Agency</i><br><i>(Law Enforcement proposal)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <p><b>The Commission shall carry out an evaluation of the operation and the use of SIS in accordance with this Regulation by Europol and the European Border and Cost Guard Agency at least every four years. To this end the Commission shall be assisted by a maximum of four experts designated by Member States. The Commission shall draw up an evaluation report in consultation with the designated Member State experts. Europol and the European Border and Cost Guard Agency respectively, shall be given the opportunity to make comments prior to the adoption of the report. The evaluation report shall be sent to the European Parliament and to the Council.</b></p> | <p><b>The Commission shall carry out an evaluation of the operation and the use of SIS in accordance with this Regulation by Europol, Eurojust and the European Border and Cost Guard Agency at least every four years. To this end the Commission shall be assisted by a maximum of four experts designated by Member States. The Commission shall draw up an evaluation report in consultation with the designated Member State experts. Europol, Eurojust and the European Border and Cost Guard Agency respectively, shall be given the opportunity to make comments prior to the adoption of the report. The evaluation report shall be sent to the European Parliament and to the Council.</b></p> |

<sup>39</sup> Provisions moved from Article 32(4) and (5).

<sup>40</sup> Provisions moved from Article 49(2) and (3).

<sup>41</sup> New Article on the evaluation of the Agencies.

**CHAPTER IX / XV**  
**DATA PROTECTION<sup>42</sup>**

**Article 46<sup>43</sup> / Article 64<sup>43</sup>**  
**Applicable legislation**

| <b>Article 46 (Proposal on Border Checks)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Article 64 (Proposal on Law Enforcement)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <p>1. Regulation (EC) No 45/2001 shall apply to the processing of personal data by the Agency under this Regulation.</p> <p>2. Regulation (EU) 2016/679 shall apply to the processing of personal data by the authorities referred to in Article 29 of this Regulation. <b>Where it does not apply</b>, national provisions transposing Directive (EU) 2016/680 <b>shall</b> apply.<sup>44</sup></p> <p>3. National provisions transposing Directive (EU) 2016/680 shall apply for processing of data by competent national authorities for the purposes of the prevention, investigation, detection, or prosecution of criminal offences of the execution of criminal penalties including the safeguarding against the prevention of threat to public security.</p> | <p>1. Regulation (EC) No 45/2001 shall apply to the processing of personal data by the Agency under this Regulation.</p> <p>2. <b>National provisions transposing Directive (EU) 2016/680 shall apply to the processing of personal data</b> by competent national authorities for the purposes of the prevention, investigation, detection, or prosecution of criminal offences of the execution of criminal penalties including the safeguarding against the prevention of threat to public security. <b>Where they do not apply, Regulation (EU) 2016/679 shall apply.</b><sup>45</sup></p> <p>3. (...) <sup>46</sup></p> |

<sup>42</sup> Articles 46 to 52 (Proposal on Border Checks) are also applicable to Returns by virtue of Article 13 of the Returns Proposal.

<sup>43</sup> DE entered a scrutiny reservation on this Article, in particular with regard to the relation between the different instruments.

<sup>44</sup> Reworded taking into account COM and CLS suggestions. Should be also reflected in recital 28.

<sup>45</sup> Merged with paragraph 3, taking into account COM and CLS suggestions. Should be also reflected in recital 36.

<sup>46</sup> Merged with paragraph 2.

**Article 46A<sup>47</sup> (Proposal on Border Checks)**  
**Right of information**

1. Third-country nationals who are the subject of an alert issued in accordance with this Regulation shall be informed in accordance with Articles 13 and 14 of **Regulation (EU) 2016/679, or with Articles 12 and 13 of Directive (EU) 2016/680, respectively**. This information shall be provided in writing, together with a copy of or a reference to the national decision giving rise to the alert, as referred to in Article 24(1).
2. This information shall not be provided:
  - (f) where:
    - i) the personal data have not been obtained from the third-country national in question; and
    - ii) the provision of the information proves impossible or would involve a disproportionate effort;
  - (g) where the third country national in question already has the information;
  - (h) where national law allows for the right of information to be restricted, in particular in order to safeguard national security, defence, public security and the prevention, investigation, detection and prosecution of criminal offences.

**Article 47 / Article 65**  
**Right of access, rectification of inaccurate data and erasure of unlawfully stored data**

| <b>Article 47 (Proposal on Border Checks)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Article 65 (Proposal on Law Enforcement)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <p>1. The right of data subjects to have access to data relating to them entered in SIS and to have such data rectified or erased shall be exercised in accordance with the law of the Member State before which they invoke that right.</p> <p>2. (...)</p> <p>3. A Member State other than that which has issued an alert may communicate information <b>to a data subject</b> concerning such data only <b>once each alert-issuing Member State has been given the opportunity to state its position</b>. This shall be done through the exchange of supplementary information.</p> <p>4.<sup>48</sup> A Member State shall take a decision not to communicate information to the data subject, in</p> | <p>1. The right of data subjects to have access to data relating to them entered in SIS and to have such data rectified or erased shall be exercised in accordance with the law of the Member State before which they invoke that right.</p> <p>2. (...)</p> <p>3. A Member State other than that which has issued an alert may communicate information <b>to a data subject</b> concerning such data only <b>once each alert-issuing Member State has been given the opportunity to state its position</b>. This shall be done through the exchange of supplementary information.</p> <p>4.<sup>48</sup> A Member State shall take a decision not to communicate information to the data subject, in</p> |

<sup>47</sup> Moved from Article 48.

<sup>48</sup> SE entered a scrutiny reservation on this paragraph.

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| <p>whole or in part, in accordance with national law, to the extent that, and for as long as such a partial or complete restriction constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the <b>data subject</b> concerned, in order <b>notably</b> to:</p> <ul style="list-style-type: none"> <li>(a) avoid obstructing official or legal inquiries, investigations or procedures;</li> <li>(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;</li> <li>(c) protect public security;</li> <li>(d) protect national security;</li> <li>(e) protect the rights and freedoms of others.</li> </ul> <p><b>5. Following an application for access, rectification or erasure, the data subject shall be informed as soon as possible from the date of application, as to the follow-up given to the exercise of these rights (...)<sup>49</sup>.</b></p> <p>6. (...)<sup>50</sup></p> | <p>whole or in part, in accordance with national law, to the extent that, and for as long as such a partial or complete restriction constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the <b>data subject</b> concerned, in order <b>notably</b> to:</p> <ul style="list-style-type: none"> <li>(a) avoid obstructing official or legal inquiries, investigations or procedures;</li> <li>(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;</li> <li>(c) protect public security;</li> <li>(d) protect national security;</li> <li>(e) protect the rights and freedoms of others.</li> </ul> <p>5. (...)</p> <p><b>6. Following an application for access, rectification or erasure, the data subject shall be informed as soon as possible from the date of application, as to the follow-up given to the exercise of these rights (...)<sup>51</sup>.</b></p> <p>7. (...)<sup>52</sup></p> |
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*Article 48 (Proposal on Border Checks)  
Right of information*

(...)<sup>53</sup>

<sup>49</sup> Paragraph merged with paragraph 6.  
<sup>50</sup> Merged with paragraph 5.  
<sup>51</sup> Paragraph merged with paragraph 7.  
<sup>52</sup> Merged with paragraph 6.  
<sup>53</sup> Moved to Article 46A.

*Article 49 / Article 66  
Remedies*

| <i>Article 49 (Proposal on Border Checks)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <i>Article 66 (Proposal on Law Enforcement)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <p>1. Any person may bring an action before <b>any</b> competent <b>authorities, including courts</b>, under the law of any Member State to access, rectify, erase <b>or obtain</b> information or to obtain compensation in connection with an alert relating to him.</p> <p>2. The Member States undertake mutually to enforce final decisions handed down by the courts or authorities referred to in paragraph 1 of this Article, without prejudice to the provisions of Article 53.</p> <p>3. <b>The national (...) authorities shall (...) report annually on:</b></p> <ul style="list-style-type: none"> <li>(a) the number of subject access requests submitted to the data controller and the number of cases where access to the data was granted;</li> <li>(b) the number of subject access requests submitted to the national supervisory authority and the number of cases where access to the data was granted;</li> <li>(c) the number of requests for the rectification of inaccurate data and the erasure of unlawfully stored data to the data controller and the number of cases where the data were <b>rectified or erased</b>;</li> <li>(d) the number of requests for the rectification of inaccurate data and the erasure of unlawfully stored data submitted to the national supervisory authority;</li> <li>(e)<sup>54</sup> the number of cases which are heard before the courts;</li> <li>(f) the number of cases where the court ruled in favour of the applicant in any aspect of the case; <b>and</b></li> </ul> | <p>1. Any person may bring an action before <b>any</b> competent <b>authorities, including courts</b>, under the law of any Member State to access, rectify, erase or obtain information or to obtain compensation in connection with an alert relating to him.</p> <p>2. The Member States undertake mutually to enforce final decisions handed down by the courts or authorities referred to in paragraph 1 of this Article, without prejudice to the provisions of Article 70.</p> <p>3. <b>The national (...) authorities shall (...) report annually on:</b></p> <ul style="list-style-type: none"> <li>(a) the number of subject access requests submitted to the data controller and the number of cases where access to the data was granted;</li> <li>(b) the number of subject access requests submitted to the national supervisory authority and the number of cases where access to the data was granted;</li> <li>(c) the number of requests for the rectification of inaccurate data and the erasure of unlawfully stored data to the data controller and the number of cases where the data were rectified or erased;</li> <li>(d) the number of requests for the rectification of inaccurate data and the erasure of unlawfully stored data submitted to the national supervisory authority;</li> <li>(e)<sup>54</sup> the number of cases which are heard before the courts;</li> <li>(f) the number of cases where the court ruled in favour of the applicant in any aspect of the case; <b>and</b></li> </ul> |

<sup>54</sup> SI, SK, NL suggested the deletion of this point. COM opposed.

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| <p>(g)<sup>55</sup> any observations on cases of mutual recognition of final decisions handed down by the courts or authorities of other Member States on alerts created by the alert-issuing Member State.</p> <p>The reports from the national supervisory authorities shall be forwarded to the cooperation mechanism set out in Article 52.</p> | <p>(g)<sup>55</sup> any observations on cases of mutual recognition of final decisions handed down by the courts or authorities of other Member States on alerts created by the alert-issuing Member State.</p> <p>The reports from the national supervisory authorities shall be forwarded to the cooperation mechanism set out in Article 69.</p> |
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*Article 50 / Article 67  
Supervision of N.SIS*

| <i>Article 50 (Proposal on Border Checks)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <i>Article 67 (Proposal on Law Enforcement)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <p>1. Each Member State shall ensure that the (...) national supervisory authority designated in each Member State and endowed with the powers referred to in Chapter VI of Directive (EU)2016/680 or Chapter VI of Regulation (EU) 2016/679 monitor independently the lawfulness of the processing of SIS personal data on their territory and its transmission from their territory, and the exchange and further processing of supplementary information <b>on their territory</b>.</p> <p>2. The national supervisory authority shall ensure that an audit of the data processing operations in its N.SIS is carried out in accordance with international auditing standards at least every four years. The audit shall either be carried out by the national supervisory authority, or the national supervisory authority shall directly order the audit from an independent data protection auditor. The national supervisory authority shall at all times retain control over and undertake the responsibilities of the independent auditor.</p> <p>3. Member States shall ensure that their national supervisory authority has sufficient resources to fulfil the tasks entrusted to it under this Regulation.</p> | <p>1. Each Member State shall ensure that the national supervisory authority designated in each Member State and endowed with the powers referred to in Chapter VI of Directive (EU) 2016/680 or Chapter VI of Regulation (EU) 2016/679 monitor independently the lawfulness of the processing of SIS personal data on their territory and its transmission from their territory, and the exchange and further processing of supplementary information <b>on their territory</b>.</p> <p>2. The national supervisory authority shall ensure that an audit of the data processing operations in its N.SIS is carried out in accordance with international auditing standards at least every four years. The audit shall either be carried out by the national supervisory authority, or the national supervisory authority shall directly order the audit from an independent data protection auditor. The national supervisory authority shall at all times retain control over and undertake the responsibilities of the independent auditor.</p> <p>3. Member States shall ensure that their national supervisory authority has sufficient resources to fulfil the tasks entrusted to it under this Regulation.</p> |

<sup>55</sup> NL suggested the deletion of this point.

***Article 51 (Proposal on Border Checks) / Article 68 (Proposal on Law Enforcement)***  
***Supervision of the Agency***

1. The European Data Protection Supervisor shall ensure that the personal data processing activities of the Agency are carried out in accordance with this Regulation. The duties and powers referred to in Articles 46 and 47 of Regulation (EC) No 45/2001 shall apply accordingly.
2. The European Data Protection Supervisor shall **carry out** an audit of the Agency's personal data processing activities (...) in accordance with international auditing standards at least every four years. A report on that audit shall be sent to the European Parliament, the Council, the Agency, the Commission and the National Supervisory Authorities. The Agency shall be given an opportunity to make comments before the report is adopted.

***Article 52 (Proposal on Border Checks) / Article 69 (Proposal on Law Enforcement)***  
***Cooperation between national supervisory authorities***  
***and the European Data Protection Supervisor***

1. The national supervisory authorities and the European Data Protection Supervisor, each acting within the scope of its respective competences, shall actively cooperate within the framework of their responsibilities and shall ensure coordinated supervision of SIS.
2. They shall, each acting within the scope of its respective competences, exchange relevant information, assist each other in carrying out audits and inspections, examine difficulties in the interpretation or application of this Regulation and other applicable legal acts of the Union, study problems that are revealed through the exercise of independent supervision or through the exercise of the rights of data subjects, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary.
3. For the purposes laid down in paragraph 2, the national supervisory authorities and the European Data Protection Supervisor shall meet at least twice a year as part of the European Data Protection Board established by Regulation (EU) 2016/679. (...) Rules of procedure shall be adopted at the first meeting. Further working methods shall be developed jointly as necessary.
4. A joint report of activities as regards coordinated supervision shall be sent by the Board established by Regulation (EU) 2016/679 to the European Parliament, the Council, and the Commission **annually**.



## CHAPTER X / XVI

### LIABILITY AND PENALTIES<sup>5657</sup>

#### *Article 53 (Proposal on Border checks) / Article 70 (Proposal on Law Enforcement) Liability*

1. Each Member State shall be liable, **in accordance with the national law**, for any damage caused to a person through the use of N.SIS. This shall also apply to damage caused by the **alert-issuing** Member State, where the latter entered factually inaccurate data or stored data unlawfully.
2. Where the Member State against which an action is brought is not the Member State issuing the alert, the latter shall be required to reimburse, on request, the sums paid out as compensation unless the use of data by the Member State requesting reimbursement infringes this Regulation.
3. Where any failure by a Member State to comply with its obligations under this Regulation causes damage to SIS, that Member State shall be held liable for the damage, unless and in so far as the Agency or other Member States participating in SIS failed to take reasonable steps to prevent the damage from occurring or to minimise its impact.

#### *Article 53A (Proposal on Border checks) / Article 70A (Proposal on Law Enforcement) Penalties<sup>58</sup>*

**Member States shall ensure that any misuse of data entered in SIS or any exchange of supplementary information contrary to this Regulation is subject to effective, proportionate and dissuasive penalties in accordance with national law.**

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<sup>56</sup> Article 53 (Proposal on Border Checks) is also applicable to the Returns Proposal by virtue of Article 13 of the Returns Proposal.

<sup>57</sup> "And Penalties" has been added, due to the inclusion of new Article 53A / 70A.

<sup>58</sup> New Article, similar to Article 65 of Decision 2007/533/JHA.

**CHAPTER XI / XVII**  
**FINAL PROVISIONS<sup>59</sup>**

*Article 54 / Article 71*  
*Monitoring and statistics*

| <i>Article 54 (Proposal on Border Checks)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <i>Article 71 (Proposal on Law Enforcement)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <p>1. The Agency shall ensure that procedures are in place to monitor the functioning of SIS against objectives, relating to output, cost-effectiveness, security and quality of service.</p> <p>2. For the purposes of technical maintenance, reporting and statistics, the Agency shall have access to the necessary information relating to the processing operations performed in Central SIS.</p> <p>3. The Agency shall produce, daily, monthly and annual statistics showing the number of records per category of alert, <b>in total, and for each Member State. The Agency shall also provide reports on</b> the annual number of hits per category of alert, how many times SIS was searched and how many times SIS was accessed for the purpose of entering, updating or deleting an alert, in total and for each Member State, including statistics on the consultation procedure referred to in Article 26. The statistics produced shall not contain any personal data. The annual statistical report shall be published.</p> | <p>1. The Agency shall ensure that procedures are in place to monitor the functioning of SIS against objectives, relating to output, cost-effectiveness, security and quality of service.</p> <p>2. For the purposes of technical maintenance, reporting and statistics, the Agency shall have access to the necessary information relating to the processing operations performed in Central SIS.</p> <p>3. The Agency shall produce, daily, monthly and annual statistics showing the number of records per category of alert, <b>in total, and for each Member State. The Agency shall also provide reports on</b> the annual number of hits per category of alert, how many times SIS was searched and how many times SIS was accessed for the purpose of entering, updating or deleting an alert, in total and for each Member State. The statistics produced shall not contain any personal data. The annual statistical report shall be published. The Agency shall also provide annual statistics on the use of the functionality on making an alert issued (...) pursuant to Article 26 of this Regulation temporarily non-searchable, in total and for each Member State, including any extensions to the <b>initial non-searchable</b> period of 48 hours.</p> |

<sup>59</sup> Article 54 (Proposal on Border Checks) is also applicable to the Returns Proposal by virtue of Article 13 of the Returns Proposal.

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| <p>4. Member States as well as Europol and the European Border and Coast Guard Agency shall provide the Agency and the Commission with the information necessary to draft the reports referred to in paragraphs <b>3, 5, 7</b> and 8.</p> <p>5. The Agency shall provide the Member States, the Commission, Europol and the European Border and Coast Guard Agency with any statistical reports that it produces. In order to monitor the implementation of legal acts of the Union, <b>in particular the Council Regulation (EU) No 1053/2013<sup>62</sup></b>, the Commission shall be able to request the Agency to provide additional specific statistical reports, either regular or ad-hoc, on the performance or use of SIS and <b>on the exchange of supplementary information.</b></p> <p>6. For the purpose of paragraphs 3, <b>4 or 5</b> of this Article and Article 15(5), the Agency shall establish, implement and host a central repository in its technical sites containing the <b>reports</b> referred to in paragraph 3 of this Article and in Article 15(5) which shall not allow for the identification of individuals and shall allow the Commission and the agencies referred to in paragraph 5 to obtain bespoke reports and statistics. The Agency shall grant access to Member States, the Commission, Europol and the European Border and Coast</p> | <p>4. Member States as well as Europol, Eurojust and the European Border and Coast Guard Agency shall provide the Agency and the Commission with the information necessary to draft the reports referred to in paragraphs 3, <b>5, 7</b> and 8 (...)<sup>60</sup>.</p> <p><b>4a.</b><sup>61</sup> This information shall include separate statistics on the number of searches carried out by, or on behalf of, by the services in the Member States responsible for issuing vehicle registration certificates and the services in the Member States responsible for issuing registration certificates or ensuring traffic management for boats, including boat engines; aircraft and containers. The statistics shall also show the number of hits per category of alert.</p> <p>5. The Agency shall provide the Member States, the Commission, Europol, Eurojust and the European Border and Coast Guard Agency with any statistical reports that it produces. In order to monitor the implementation of legal acts of the Union, <b>in particular the Council Regulation (EU) No 1053/2013<sup>62</sup></b>, the Commission shall be able to request the Agency to provide additional specific statistical reports, either regular or ad-hoc, on the performance or use of SIS and <b>on the exchange of supplementary information.</b></p> <p>6. For the purpose of paragraphs 3, 4 <b>or 5</b> of this Article and of Article 15(5), the Agency shall establish, implement and host a central repository in its technical sites containing the <b>reports</b> referred to in paragraph 3 of this Article and in Article 15(5) which shall not allow for the identification of individuals and shall allow the Commission and the agencies referred to in paragraph 5 to obtain bespoke reports and statistics. The Agency shall grant access to Member States, the Commission, Europol, Eurojust and the European Border and</p> |
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<sup>60</sup> Text moved to paragraph 4a.

<sup>61</sup> Moved from paragraph 4.

<sup>62</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).

Guard Agency to the central repository by means of secured access through the Communication Infrastructure with control of access and specific user profiles solely for the purpose of reporting and statistics. (...) <sup>63</sup>

7. Every two years (...) the Agency shall submit to the European Parliament and the Council a report on the technical functioning of Central SIS and the Communication Infrastructure, including the security thereof, and the bilateral and multilateral exchange of supplementary information between Member States.

8. Every four years (...) the Commission shall produce an overall evaluation of Central SIS and the bilateral and multilateral exchange of supplementary information between Member States. That overall evaluation shall include an examination of results achieved against objectives, and an assessment of the continuing validity of the underlying rationale, the application of this Regulation in respect of Central SIS, the security of Central SIS and any implications for future operations. The Commission shall transmit the evaluation to the European Parliament and the Council.

**9. <sup>64</sup> The Commission shall adopt implementing acts to lay down and develop detailed rules on the operation (...) of the central repository referred to in paragraph 6 and security rules applicable to that repository. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 55(2).**

Coast Guard Agency to the central repository by means of secured access through the Communication Infrastructure with control of access and specific user profiles solely for the purpose of reporting and statistics. (...) <sup>63</sup>

7. Every two years (...) the Agency shall submit to the European Parliament and the Council a report on the technical functioning of Central SIS and the Communication Infrastructure, including the security thereof, and the bilateral and multilateral exchange of supplementary information between Member States.

8. Every four years (...) the Commission shall produce an overall evaluation of Central SIS and the bilateral and multilateral exchange of supplementary information between Member States. That overall evaluation shall include an examination of results achieved against objectives, and an assessment of the continuing validity of the underlying rationale, the application of this Regulation in respect of Central SIS, the security of Central SIS and any implications for future operations. The Commission shall transmit the evaluation to the European Parliament and the Council.

**9. <sup>64</sup> The Commission shall adopt implementing acts to lay down and develop detailed rules on the operation (...) of the central repository referred to in paragraph 6 and security rules applicable to that repository. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 72(2).**

<sup>63</sup> Text moved to paragraph 9.

<sup>64</sup> Text moved from paragraph 6, *in fine*.

*Article 55 / Article 72  
Committee procedure*

| <i>Article 55 (Proposal on border checks)</i>                                                                                                                                                                                | <i>Article 72 (Proposal on Law Enforcement)</i>                                                                                                                                                                         |
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| <p>1. The Commission shall be assisted by a committee (...) within the meaning of Regulation (EU) No 182/2011</p> <p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p> | <p>1. The Commission shall be assisted by a committee within the meaning of Regulation (EU) No 182/2011.</p> <p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p> |

*Article 56 / Article 73  
Amendments to Regulation (EU) 515/2014<sup>65</sup>*

| <i>Article 56 (Proposal on border checks)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <i>Article 73 (Proposal on Law Enforcement)</i> |
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| <p>Regulation (EU) 515/2014<sup>66</sup> is amended as follows:</p> <p>In Article 6, the following paragraph 6 is <b>added</b>:</p> <p><b>“6. For the implementation of the Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1987/2006; and of the Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1986/2006, Council Decision 2007/533/JHA and Commission Decision 2010/261/EU, Member States shall receive an additional allocation of 36,8 million EUR to be distributed via a lump sum to their basic allocation and shall entirely devote this funding to SIS national systems to ensure their quick and effective upgrading in line with that (...) Regulation (...).</b></p> | <p>(...)<sup>67</sup></p>                       |

<sup>65</sup> UK is not participating in this Regulation.

<sup>66</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa (OJ L 150, 20.5.2014, p. 143).

<sup>67</sup> Article removed, as this instrument does not amend Regulation (EU) 515/2014.

*Article 57 / Article 74  
Repeal*

| <i>Article 57 (Proposal on border checks)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                | <i>Article 74 (Proposal on Law Enforcement)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <p><b>Upon the date of application of this Regulation the following legal acts are repealed:</b></p> <p>Regulation (EC) No 1987/2006 on the establishment, operation and use of the second generation Schengen Information System (<b>SIS II</b>);</p> <p>Commission Decision 2010/261/EU of 4 May 2010 on the Security Plan for Central SIS II and the Communication Infrastructure.<sup>68</sup></p> <p>Article 25 of the Convention implementing the Schengen Agreement.<sup>69</sup></p> | <p>Upon the date of application of this Regulation the following legal acts are repealed:</p> <p>Regulation (EC) No 1986/2006 of 20 December 2006 of the European Parliament and of the Council regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates;</p> <p>Council Decision 2007/<b>533</b>/JHA of 12 July 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II);</p> <p>Commission Decision 2010/261/EU of 4 May 2010 on the Security Plan for Central SIS II and the Communication Infrastructure<sup>68</sup>.</p> |

*Article 58 (Proposal on Border Checks) / Article 75 (Proposal on Law Enforcement)  
Entry into force and applicability*

1. This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union.
2. It shall apply from the date fixed by the Commission after:
  - (a) the necessary implementing measures have been adopted;
  - (b) Member States have notified the Commission (...) that they have made the necessary technical and legal arrangements to process SIS data and exchange supplementary information pursuant to this Regulation;
  - (c) The Agency has notified the Commission **of the successful** completion of all testing activities with regard **to** CS-SIS and the interaction between CS-SIS and N.SIS.
3. This Regulation shall be binding in its entirety and directly applicable to Member States in accordance with the Treaty on the Functioning of the European Union.

<sup>68</sup> Commission Decision 2010/261/EU of 4 May 2010 on the Security Plan for Central SIS II and the Communication Infrastructure (OJ L 112, 5.5.2010, p.31).

<sup>69</sup> OJ L 239, 22.9.2000, p. 19.