

Tuesday 18 May 2010

Migration from the Schengen Information System (SIS 1+) to the second Schengen Information System (SIS II) (amendment of Decision 2008/839/JHA) *

P7_TA(2010)0162

European Parliament legislative resolution of 18 May 2010 on the proposal for a Council regulation amending Decision 2008/839/JHA on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (COM(2010)0015 – C7-0040/2010 – 2010/0006(NLE))

(2011/C 161 E/28)

(Consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2010)0015),
- having regard to Article 74 of the Treaty on the Functioning of the European Union (TFEU), pursuant to which the Council consulted Parliament (C7-0040/2010),
- having regard to Rules 55 of its Rules of Procedure,
- having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Budgets (A7-0127/2010),

1. Approves the Commission proposal as amended;
2. Notwithstanding the fact that Council is treating SIS 1+ RE as a contingency plan in the event of a failure of SIS II, Parliament, as co-legislator for the establishment of the second generation Schengen Information System (SIS II) (Regulation (EC) No 1987/2006 ⁽¹⁾ and budgetary authority, reserves its right to hold in reserve the funds to be allocated for the development of the SIS II in the 2011 annual budget, in order to ensure full parliamentary scrutiny and oversight of the process;
3. Calls on the Commission to alter its proposal accordingly, pursuant to Article 293(2) TFEU;
4. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
5. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
6. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381, 28.12.2006, p. 4).

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 1**Proposal for a regulation – amending act
Recital 3**

(3) The preconditions for migration will not be met by 30 June 2010. In order for SIS II to become operational as required by Regulation (EC) 1987/2006 and Decision 2007/533/JHA, Regulation (EC) No 1104/2008 and Decision 2008/839/JHA should therefore continue to apply until migration has been completed.

(3) The preconditions for migration will not be met by 30 June 2010. In order for SIS II to become operational as required by Regulation (EC) 1987/2006 and Decision 2007/533/JHA, Regulation (EC) No 1104/2008 and Decision 2008/839/JHA should therefore continue to apply until migration has been completed. ***In the event of a failure of the current SIS II project, after testing, an alternative technical solution should be devised and its full financial implications should be disclosed to all parties concerned.***

Amendment 2**Proposal for a regulation – amending act
Recital 4**

(4) The Commission and the Member States should continue to cooperate closely during all steps of the migration in order to complete the process. A group of experts should be established to complement the current organisational structure.

(4) The Commission and the Member States should continue to cooperate closely during all steps of the migration in order to complete the process. ***In the Council conclusions on SIS II of 26 to 27 February 2009 and 4 to 5 June 2009, an informal body consisting of experts of the Member States and designated as the 'Global Programme Management Board' was established to enhance cooperation and provide direct support from the Member States to Central SIS II. A group of experts, called the Global Programme Management Board (GPMB), should therefore be formally established under this Regulation to complement the current organisational structure. In order to ensure efficiency and cost-effectiveness, members of the GPMB should be appointed on a permanent basis and their number should be limited.***

Amendment 3**Proposal for a regulation – amending act
Recital 6**

(6) ***A technical contingency plan for attaining SIS II functionalities should be foreseen.*** The description of the technical components of the migration architecture ***therefore*** should be adapted to allow for another technical solution regarding the development of Central SIS II.

(6) ***It is necessary to adapt the legal framework to allow for migration to a possible alternative technical solution if tests show that SIS II cannot be implemented successfully.*** The description of the technical components of the migration architecture should be adapted to allow for another technical solution regarding the development of Central SIS II. ***Any alternative technical solution should be based on the best available technology and should be cost-effective and implemented in accordance with a precise and reasonable timetable. The Commission should present a thorough budgetary assessment of the costs associated with such an alternative technical solution in a timely fashion. It should be explicitly stated that the legal framework established by Decision 2007/533/JHA applies to every solution, regardless of its technical nature.***

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 4**Proposal for a regulation – amending act
Recital 16 a (new)**

(16a) As the European Parliament is responsible, as a co-legislator, for the establishment, operation and use of SIS II as laid down in Regulation (EC) No 1987/2006, and as the migration is financed from the Union budget, for which the European Parliament is also co-responsible, the European Parliament should be integrated in the decision-making process concerning migration. A favourable opinion from the European Parliament, on the basis of information provided by the Commission on the test results, should be required before the switchover to a new Schengen Information System.

Amendment 5**Proposal for a regulation – amending act
Article 1 - point -1 (new)
Council Decision 2008/839/JHA
Article 1 – paragraph 1**

(-1) Article 1(1) is replaced by the following:

‘1. The Schengen Information System (SIS 1+), set up pursuant to the provisions of Title IV of the 1990 Schengen Convention, shall be replaced by a new system, the Schengen Information System II (SIS II) or any alternative technical solution which is based on the best available technology and is reasonable in terms of a clear timetable for its implementation and cost-effectiveness. The establishment, operation and use of the new system is regulated by Decision 2007/533/JHA.’

Amendment 6**Proposal for a regulation – amending act
Article 1 – point -1 a (new)
Council Decision 2008/839/JHA
Article 1 – paragraph 1 a (new)**

(-1a) In Article 1, the following paragraph is inserted:

‘1a. If the current SIS II project is discontinued and an alternative technical solution is implemented, references to SIS II in this Decision shall be read as references to that alternative technical solution.’

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 7**Proposal for a regulation – amending act****Article 1 – point 3**

Council Decision 2008/839/JHA

Article 11 – paragraph 2

2. The Member States participating in SIS 1+ shall migrate from N.SIS to N.SIS II using the interim migration architecture, with the support of France and of the Commission.

2. The Member States participating in SIS 1+ shall migrate from N.SIS to N.SIS II using the interim migration architecture, with the support of France and of the Commission **by 31 December 2011 at the latest. If an alternative technical solution, as referred to in Article 11(5a), is implemented, that date may be changed in accordance with the procedure specified in Article 17(2).**

Amendment 8**Proposal for a regulation – amending act****Article 1 – point 3 a (new)**

Council Decision 2008/839/JHA

Article 11 - paragraph 5

(3a) Article 11(5) is replaced by the following:

‘5. The switchover foreseen in the migration process shall be carried out after the validation mentioned in Article 8(7) and after the European Parliament has delivered a favourable opinion on the basis of the information on the test results provided by the Commission in accordance with Article 71(4) of Decision 2007/533/JHA.’

Amendment 9**Proposal for a regulation – amending act****Article 1 - point 3 b (new)**

Council Decision 2008/839/JHA

Article 11 – paragraph 5 a (new)

(3b) In Article 11, the following paragraph is added:

‘5a. The development of SIS II may be achieved by implementing an alternative technical solution.’

Amendment 10**Proposal for a regulation – amending act****Article 1 – point 3c (new)**

Council Decision 2008/839/JHA

Article 14 – paragraph 5 a (new)

(3c) In Article 14, the following paragraph is added:

‘5a. The Commission shall develop and implement a package with additional measures in order to prevent the leakage of personal data information from the database and to ensure the protection of personal data for the entire duration of testing and migration from SIS I to the second generation Schengen Information System (SIS II).’

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 11**Proposal for a regulation – amending act****Article 1 – point 4**

Council Decision 2008/839/JHA

Article 17a – paragraph 1

1. Without prejudice to the respective responsibilities and activities of the Commission, France and the Member States participating in SIS 1+, a group of technical experts, called the Global Programme Management Board (hereinafter the 'GPMB'), is hereby set up. The GPMB shall provide a forum for coordination of the central and national SIS II projects.

1. Without prejudice to the respective responsibilities and activities of the Commission, France and the Member States participating in SIS 1+, a group of technical experts, called the Global Programme Management Board (hereinafter the 'GPMB'), is hereby set up. The GPMB shall provide a forum for **assistance to the development of Central SIS II. It shall facilitate consistency and provide for** coordination of the central and national SIS II projects.

Amendment 12**Proposal for a regulation – amending act****Article 1 – point 4**

Council Decision 2008/839/JHA

Article 17a – paragraph 2

2. The GPMB shall be composed of a maximum of 10 **experts**. A maximum of eight **experts** and an equal number of alternates shall be designated by the Member States acting within the Council. Two **experts** and two alternates shall be designated by the Director General of the responsible Directorate-General of the Commission from among Commission officials. **Other** Commission officials **with an interest in the proceedings may attend meetings of the GPMB**.

2. The GPMB shall be composed of a maximum of 10 **members who shall be qualified to contribute actively to the development of the SIS II and who shall meet on a regular basis**. A maximum of eight **members** and an equal number of alternates shall be designated by the Member States acting within the Council. **A maximum of two members** and two alternates shall be designated by the Director General of the responsible Directorate-General of the Commission from among Commission officials. **Interested Members or relevant staff of the European Parliament, experts from Member States and Commission officials directly involved in the development of the SIS II projects may attend GPMB meetings at the expense of their respective administration or institution. The GPMB may invite other experts to participate in GPMB meetings as defined in the terms of reference at the expense of their respective administration, institution or company.**

Amendment 13**Proposal for a regulation – amending act****Article 1 – point 4**

Council Decision 2008/839/JHA

Article 17 a – paragraph 5

5. The GPMB shall draw up its own terms of reference. They shall take effect after a favourable opinion has been given by the Director General of the responsible Directorate-General of the Commission.

5. The GPMB shall draw up its own terms of reference. They shall take effect after a favourable opinion has been given by the Director General of the responsible Directorate-General of the Commission. **The terms of reference of the GPMB shall include a requirement to publish regular reports and to make those reports available to the European Parliament in order to ensure full parliamentary scrutiny and oversight.**

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 14**Proposal for a regulation – amending act****Article 1 – point 4**

Council Decision 2008/839/JHA

Article 17 a – paragraph 6

6. Without prejudice to Article 15(2), the administrative costs and travel expenses arising from the activities of the GPMB shall be borne by the general budget of the European Union, to the extent that they are not reimbursed from other sources. As regards travel expenses of the experts in the GPMB designated by the Member States acting within the Council and experts invited pursuant to paragraph 3 of this Article which arise in connection with the work of the GPMB, the Commission's 'Rules on the reimbursement of expenses incurred by people from outside the Commission invited to attend meetings in an expert capacity' shall apply.

6. Without prejudice to Article 15(2), the administrative costs and travel expenses arising from the activities of the GPMB shall be borne by the general budget of the European Union, to the extent that they are not reimbursed from other sources. As regards travel expenses of the experts in the GPMB designated by the Member States acting within the Council and experts invited pursuant to paragraph 3 of this Article which arise in connection with the work of the GPMB, the Commission's 'Rules on the reimbursement of expenses incurred by people from outside the Commission invited to attend meetings in an expert capacity' shall apply. ***The necessary appropriations to cover the cost arising from the meetings of the GPMB shall come from the appropriations currently provided for in the Financial Programming 2010-2013 for the second generation Schengen Information System (SIS II).***

Amendment 15**Proposal for a regulation – amending act****Article 1 – point 5**

Council Decision 2008/839/JHA

Article 19

It shall expire on a date to be fixed by the Council, acting in accordance with Article 71(2) of Decision 2007/533/JHA.

This Decision shall enter into force on the third day following its publication in the Official Journal of the European Union. It shall expire on a date to be fixed by the Council, acting in accordance with Article 71(2) of Decision 2007/533/JHA, and in any event no later than on 31 December 2013.

Equal treatment between men and women engaged in an activity in a self-employed capacity *II**

P7_TA(2010)0167

European Parliament legislative resolution of 18 May 2010 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Directive 86/613/EEC (17279/3/2009 – C7-0075/2010 – 2008/0192(COD))

(2011/C 161 E/29)

(Ordinary legislative procedure: second reading)

The European Parliament,

— having regard to the Council position at first reading (17279/3/2009 – C7-0075/2010),

— having regard to the Commission proposal to Parliament and the Council (COM(2008)0636),