

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)

CHAPTER VIII

FINAL PROVISIONS

Article 50

Monitoring and statistics

1 The Management Authority shall ensure that procedures are in place to monitor the functioning of SIS II against objectives relating to output, cost-effectiveness, security and quality of service.

2 For the purposes of technical maintenance, reporting and statistics, the Management Authority shall have access to the necessary information relating to the processing operations performed in Central SIS II.

3 Each year the Management Authority shall publish statistics showing the number of records per category of alert, the number of hits per category of alert and how many times SIS II was accessed, in total and for each Member State.

4 Two years after SIS II is brought into operation and every two years thereafter, the Management Authority shall submit to the European Parliament and the Council a report on the technical functioning of Central SIS II and the Communication Infrastructure, including the security thereof and the bilateral and multilateral exchange of supplementary information between Member States.

5 Three years after SIS II is brought into operation and every four years thereafter, the Commission shall produce an overall evaluation of Central SIS II and the bilateral and multilateral exchange of supplementary information between Member States. This 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 II, the security of Central SIS II and any implications for future operations. The Commission shall transmit the evaluation to the European Parliament and the Council.

6 Member States shall provide the Management Authority and the Commission with the information necessary to draft the reports referred to in paragraphs 3, 4 and 5.

7 The Management Authority shall provide the Commission with the information necessary to produce the overall evaluations referred to in paragraph 5.

8 During a transitional period before the Management Authority takes up its responsibilities, the Commission shall be responsible for producing and submitting the reports referred to in paragraphs 3 and 4.

Article 51

Committee

1 The Commission shall be assisted by a Committee.

2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period provided for in Article 5(6) of Decision 1999/468/EC shall be three months.

3 The Committee shall exercise its function from the date of entry into force of this Regulation.

Article 52

Amendment of the provisions of the Schengen Acquis

1 For the purposes of matters falling within the scope of the Treaty, this Regulation shall replace, on the date referred to in Article 55(2), the provisions of Articles 92 to 119 of the Schengen Convention, with the exception of Article 102 A thereof.

2 It shall also replace, on the date referred to in Article 55(2), the following provisions of the Schengen acquis implementing those articles⁽¹⁾:

- a Decision of the Executive Committee of 14 December 1993 on the Financial Regulation on the costs of installing and operating the Schengen Information System (C.SIS) (SCH/Com-ex (93) 16);
- b Decision of the Executive Committee of 7 October 1997 on the development of the SIS (SCH/Com-ex (97) 24);
- c Decision of the Executive Committee of 15 December 1997 amending the Financial Regulation on C.SIS (SCH/Com-ex (97) 35);
- d Decision of the Executive Committee of 21 April 1998 on C.SIS with 15/18 connections (SCH/Com-ex (98) 11);
- e Decision of the Executive Committee of 28 April 1999 on C.SIS installation expenditure (SCH/Com-ex (99) 4);
- f Decision of the Executive Committee of 28 April 1999 on updating the SIRENE Manual (SCH/Com-ex (99) 5);
- g Declaration of the Executive Committee of 18 April 1996 defining the concept of alien (SCH/Com-ex (96) decl. 5);
- h Declaration of the Executive Committee of 28 April 1999 on the structure of SIS (SCH/Com-ex (99) decl. 2 rev.);
- i Decision of the Executive Committee of 7 October 1997 on contributions from Norway and Iceland to the costs of installing and operating of the C.SIS (SCH/Com-ex (97) 18).

3 For the purposes of matters falling within the scope of the Treaty, references to the replaced Articles of the Schengen Convention and relevant provisions of the Schengen acquis implementing those Articles shall be construed as references to this Regulation.

Article 53

Repeal

Regulation (EC) No 378/2004, Regulation (EC) No 871/2004, Decision 2005/451/JHA, Decision 2005/728/JHA and Decision 2006/628/EC are repealed on the date referred to in Article 55(2).

Article 54

Transitional period and budget

1 Alerts shall be transferred from SIS 1+ to SIS II. The Member States shall ensure, giving priority to alerts on persons, that the contents of the alerts that are transferred from SIS 1+ to SIS II satisfy the provisions of this Regulation as soon as possible and within three years after the date referred to in Article 55(2) at the latest. During this transitional period, the Member States may continue to apply the provisions of Articles 94 and 96 of the Schengen Convention to the contents of the alerts that are transferred from SIS 1+ to SIS II, subject to the following rules:

- a in the event of a modification of, an addition to, or a correction or update of the content of an alert transferred from SIS 1+ to SIS II, the Member States shall ensure that the alert satisfies the provisions of this Regulation as from the time of that modification, addition, correction or update;
- b in the event of a hit on an alert transferred from SIS 1+ to SIS II, the Member States shall examine the compatibility of that alert with the provisions of this Regulation immediately, but without delaying the action to be taken on the basis of that alert.

2 The remainder of the budget at the date set in accordance with Article 55(2), which has been approved in accordance with the provisions of Article 119 of the Schengen Convention, shall be paid back to the Member States. The amounts to be repaid shall be calculated on the basis of the contributions from the Member States as laid down in the Decision of the Executive Committee of 14 December 1993 on the financial regulation on the costs of installing and operating the Schengen Information System.

3 During the transitional period referred to in Article 15(4), references in this Regulation to the Management Authority shall be construed as a reference to the Commission.

Article 55

Entry into force, applicability and migration

1 This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

2 It shall apply to the Member States participating in SIS 1+ from dates to be fixed by the Council, acting by the unanimity of its Members representing the governments of the Member States participating in SIS 1+.

- 3 The dates referred to in paragraph 2 shall be fixed after:
- a the necessary implementing measures have been adopted;

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- b all Member States fully participating in SIS 1+ have notified the Commission that they have made the necessary technical and legal arrangements to process SIS II data and exchange supplementary information;
- c the Commission has declared the successful completion of a comprehensive test of SIS II, which shall be conducted by the Commission together with the Member States, and the preparatory bodies of the Council have validated the proposed test result and confirmed that the level of performance of SIS II is at least equivalent to that achieved with SIS 1+;
- d the Commission has made the necessary technical arrangements for allowing Central SIS II to be connected to the N.SIS II of the Member States concerned.

4 The Commission shall inform the European Parliament of the results of the tests carried out in accordance with paragraph 3(c).

5 Any Decision of the Council taken in accordance with paragraph 2 shall be published in *the Official Journal of the European Union*.

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(1) [OJ L 239, 22.9.2000, p. 439.](#)