



EUROPEAN COMMISSION

*Brussels, 25.9.2017
C(2017) 6088 final*

Dear President,

The Commission would like to thank the Assembleia da República for its Opinion on the following proposals:

- *Proposal for a Regulation on the use of the Schengen Information System for the return of illegally staying third-country nationals {COM(2016) 881 final}.*
- *Proposal for a Regulation 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 {COM(2016) 882 final};*
- *Proposal for a Regulation 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 {COM(2016) 883 final};*

These proposals work together and form part of a broader package of ambitious measures designed to improve European security, by strengthening European borders and tackling the growing challenges of both terrorism and migration.

The proposals make technical and operational improvements to the Schengen Information System, the largest information sharing tool in Europe. In 2016, the system was evaluated and deemed to be a significant operational success, supporting the exchange of information on criminal matters and border check issues between the law enforcement authorities and the border guards in 29 countries. Notwithstanding this success, the evaluation found a number of areas where improvements could be made, including improving operational effectiveness and efficiency in cooperation on criminal matters and enhancing the effective implementation of entry bans and return decisions. These proposals seek to address those issues by improving harmonisation and cooperation between the countries that use the system.

*Ms Regina BASTOS
Chair of the European Affairs Committee of
the Assembleia da República
Palácio de S. Bento
P - 1249-068 LISBOA*

*cc. Mr Eduardo FERRO RODRIGUES
President of the
Assembleia da República
Palácio de S. Bento
P - 1249-068 LISBOA*

The Commission is pleased that the Assembleia da República shares the view that action at European Union level as envisaged in the proposals is required to ensure effective information exchange through the Schengen Information System, especially in light of the transnational nature of the challenges it seeks to tackle.

The Commission fully shares the Assembleia da República's view that the proposals must comply with data protection rules. The proposals include specific measures to protect individuals' rights regarding their data. These measures include additional safeguards limiting the collection and further processing of data to what is strictly necessary and operationally required, and restricting access to that data to those who have an operational need to process it. The proposals also set out clear data retention timeframes including reduced retention periods for object alerts. Finally, the proposals explicitly recognise and provide for the rights of individuals to access and rectify data relating to them and to request its deletion in line with their fundamental rights.

The points made above are based on the initial proposal presented by the Commission which is currently in the legislative process involving both the European Parliament and the Council.

The Assembleia da República's Opinion has been made available to the Commission's representatives in the ongoing negotiations with the co-legislators and will inform these discussions.

The Commission looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Dimitris Avramopoulos
Member of the Commission*