



Parlamentul României Senat

Bucharest, April 14, 2021

Courtesy translation

OPINION of the SENATE of ROMANIA

on the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1862 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters as regards the entry of alerts by Europol COM (2020) 791 final

The Romanian Senate examined the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1862 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters as regards the entry of alerts by Europol – COM (2020) 791 final – according to the provisions of the Treaty of Lisbon (Protocol no. 2).

Taking into account the report of the Committee for European Affairs, **the Plenum of the Senate**, during its session of April 6, 2021,

1. Notes that the proposal for a regulation respects the principles of subsidiarity and proportionality.
2. Considers that:
 - a. allowing Europol to issue "information alerts" on suspects and offenders as a new alert category in the Schengen Information System (SIS) is an important paradigm shift for the SIS, as until now only Member States could introduce, update and delete data in the SIS, and Europol had "read-only" access to all alert categories.
 - b. the proposal will also have an impact on Member States regarding the updating of national systems connected to the Central SIS, in order to be able to display the Europol alert to end-users. Expenditure related to the development of national systems connected to the Central SIS will be covered by the resources available to the Member States under the new multiannual financial framework 2021-2027 for the development and maintenance of the SIS.

- c. the proposal will also require Europol to create a technical interface for entering, updating and deleting data in the Central SIS.
3. Makes the following remarks:
- a. the proposal for a Regulation raises concerns that the introduction of this type of alert by Europol could lead to many lawsuits, simply because a person is introduced into the system on the basis of a Europol request, which does not occur as a request expressed by a police or judicial authority. The alleged suspicion by Europol is neither a sufficient reason nor proportionate to the measure of introduction into a system such as the SIS, which is designed to take concrete action and not to be just informative;
 - b. it is appropriate to maintain the current state of affairs, i.e. alerts to be introduced only by the Member States in the Schengen Information System, which is a dedicated tool for them;
 - c. a possible capacity of Europol to introduce alerts in the SIS is not such as to provide added operational value to the efforts of the Member States, given that it would only serve to identify the presence of third-country nationals on European territory at a certain point in time, and the information of the Member States concerned would be subsequent to the notification to the European Agency;
 - d. in the event of the adoption of the proposal, it is necessary to determine the EU budget and the budgetary impact on the Member States, as the European Commission's assessment at European level will require the amount of EUR 1,820,000 for the period 2021-2022.

President of the Senate
Anca Dana DRAGU

