

SCHENGEN

Joint Supervisory Authority



**FIFTH ANNUAL REPORT ON THE ACTIVITIES
OF THE JOINT SUPERVISORY AUTHORITY**

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CONTENTS:

PREFACE

SECTION 1: BACKGROUND	4
SECTION 2: A YEAR OF JSA ACTIVITIES	7
CHAPTER I: OPINIONS AND RECOMMENDATIONS	7
<i>I.1. Security of the SIRENE Bureaux</i>	7
<i>I.2. Opinion on archiving documents after an alert has been deleted</i>	8
<i>I.3. Opinion on entering an alert in the Schengen Information System on persons whose identity has been usurped</i>	9
<i>I.4. Access to the SIS for vehicle registration authorities</i>	10
<i>I.5. Granting observer status to the United Kingdom</i>	11
<i>I.6. Putting the Schengen acquis into effect in the Nordic countries</i>	11
<i>I.7. Draft Council Resolution on the personal data protection rules in instruments under the third pillar of the European Union</i>	13
<i>I.8. Implementation of the Schengen Information System in the United Kingdom</i>	14
CHAPTER II: INSPECTION WORK	15
<i>II.1. C.SIS inspection</i>	15
<i>II.2. Technical and expert groups</i>	15
<i>II.3. Encryption of SIS links</i>	17
<i>II.4. List of authorities authorised to consult the SIS directly</i>	17
CHAPTER III: INFORMATION CAMPAIGN	18
<i>III.1. Campaign informing citizens of their rights vis-à-vis the SIS</i>	18
<i>III.2. JSA Internet page</i>	19
<i>III.3. Presentation of the fourth JSA Annual Report at the press conference in Brussels</i>	19
CHAPTER IV: INTEGRATION INTO THE EUROPEAN UNION AND THE JSA ACQUIS	20
CHAPTER V: JSA OPERATIONS	22
<i>V.1. Meetings</i>	22
<i>V.2. Election of Chairman and Vice-Chairman</i>	22
<i>V.3. JSA's budget and the Secretariat's assistance to the JSA</i>	22
<i>V.4. Rules of Procedure</i>	23
SECTION 3: THE JSA's RELATIONS WITH SCHENGEN AND NON-SCHENGEN BODIES AND WITH THE COUNCIL	24
<i>I.1. Relations with the European Parliament's Committee on Civil Liberties</i>	24
<i>I.2. Relations with the Article 36 Committee, the Permanent</i>	

<i>Representatives Committee and the Council</i>	25
<i>I.3. Evaluation Committee – Nordic countries</i>	25
<i>I.4. Position of the United Kingdom and Ireland</i>	25

SECTION 4: REACTIONS OF THE SCHENGEN AUTHORITIES TO THE JSA's

ANNUAL REPORT	27
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**SECTION 5: THE FUTURE OF THE JSA IN ITS NEW INSTITUTIONAL
FRAMEWORK**.....

27

ANNEXES

1. List of members of the Joint Supervisory Authority.....	28
2. Overview of JSA opinions and reactions of the decision-making and technical bodies.....	32
3. List of decisions, recommendations, opinions and reports of the Schengen's Joint Supervisory Authority with a view to the integration of the Schengen acquis, in accordance with the protocol integrating the Schengen acquis into the framework of the European Union, annexed to the Amsterdam Treaty	37
4. Data entered in the SIS.....	40

PREFACE

True to its tradition of transparency and democratic openness, the Schengen Joint Supervisory Authority (JSA) has sought to present, for the fifth time, a report on its activities. Between March 2000 and December 2001 the upholding of the interests of individuals in the protection of their privacy was once again at the centre of the JSA's activities, thus confirming the special nature of its place in the Schengen edifice.

Both in terms of the Schengen Information System (SIS)- security measures and the defence of the interests of individuals as mentioned above, or indeed the fulfilment of public information requirements, as well as the verification of compliance with the preconditions for putting the Schengen *acquis* into effect in the new countries, the JSA has made several proposals and suggestions on the basis of reports, recommendations or opinions.

In the past period, the discussions on the development of a new SIS show that there is a strong wish to extend the content and the use of the SIS.

In order to be able to contribute constructively in these developments, it is imperative that those involved with the developments of the SIS recognise the importance of involving the JSA at an early stage. This is an essential condition for the development of a new SIS with a well-positioned balance between the contents and use of the SIS and data protection.

The JSA notices with satisfaction that an attitude of involving the JSA is developing in a positive way.

During the past year the JSA has raised its profile considerably through its contacts with the European Parliament's Committee on Civil Liberties. Another opportunity to emphasise the importance of its role was afforded by the numerous press contacts generated by the entry of the Nordic countries as full members of the JSA on 25 March 2001.

The Council's decision to establish a joint secretariat for all supervisory authorities in the European police sector (Schengen, Europol, the Customs Information System, etc.) is clearly a step in the right direction and can only be welcomed by the JSA. It will enable the supervisory authorities concerned, including the JSA, to receive greater backup from the Secretariat, which the JSA has been calling for since 1995. Although the decision is not coupled with separate budget resources, the JSA is confident that it will derive greater autonomy from it, to the benefit of the protection of the citizen's rights to privacy.

Brussels, January 2002

Giovanni Buttarelli
Chairman

SECTION 1: BACKGROUND

Fifteen years have gone by since the Schengen Agreement was signed in the village on the Moselle in Luxembourg after which the agreement was named.

As a forerunner to the area of freedom, security and justice that was to be established later by the Treaty of Amsterdam, the Schengen Agreement has been a real success, judging by the growing number of countries that have adhered to it and to the Schengen Convention signed in 1990. The five signatory States to the Agreement in 1985 were joined by ten more, the last on 25 March 2001¹.

It will be recalled that the Schengen Agreement and the Schengen Convention set out to abolish checks at the Schengen States' internal borders, thus creating a vast area of free movement of persons. In order to attain this objective, while maintaining at least the same level of security that existed previously in this area, the Schengen Convention lays down countervailing measures. These measures include: harmonising policy on the issue of visas; establishing common policy on determining the State responsible for processing an asylum application; improving police and judicial cooperation; stepping up the fight against drug trafficking; harmonising the level of control at Schengen's external borders; and setting up a Schengen Information System (SIS).

The SIS is a joint system that links up all the States applying the Schengen Convention and gives end-users (services with police duties; embassies and consulates; immigration offices, etc.) real-time access to the information they need to perform their duties, which has been entered in the system by one of the States applying the Convention.

This information relates both to persons (wanted for arrest for the purpose of extradition; on whom there is an alert for the purpose of refusing admission; who are missing; wanted for the purpose of discreet surveillance, etc.) and to objects (vehicles, arms, documents, bank notes, which have been stolen, misappropriated or lost).

¹ The countries applying the Schengen *acquis* are: Belgium, Netherlands, Luxembourg, France, Germany, Italy, Portugal, Spain, Austria, Greece, Sweden, Denmark, Finland, Iceland and Norway.

At the same time that the SIS was created, a Joint Supervisory Authority was set up to protect personal data and, in particular, to ensure that the provisions in the Schengen Convention relating to the technical-support function of the SIS (Article 115) were complied with. The JSA is made up of two representatives from each Contracting Party's national supervisory authority and has been assigned an advisory role and the task of harmonising national practice and interpretation.

In June 1992 a Provisional Joint Supervisory Authority was set up on the basis of a ministerial decision and this authority laid the groundwork for applying data-protection principles.

On 26 March 1995, when the Schengen Convention was brought into force in the seven member countries that met the preconditions, the Provisional Joint Supervisory Authority became a permanent supervisory authority, namely the Joint Supervisory Authority (JSA) of Schengen as provided for in Article 115 of the Schengen Convention.

Ever since the Convention was implemented on 26 March 1995, the JSA has had an uphill struggle in getting its competence and independence recognised by the decision-making bodies of Schengen. Its first annual report bore witness to this, in particular by stressing the hurdles encountered in obtaining its own budget, or the problems encountered by the experts entrusted with inspecting the central part of the SIS (C.SIS) located in Strasbourg. More than a year after this inspection of the C.SIS took place, the JSA had still not received a response from the decision-making bodies of Schengen to the recommendations made in the light of the inspection, only a response from France's Ministry of the Interior. The JSA did not begin to receive the information relating to the SIS that it required to perform its tasks until February 1998, as the authorities in charge of the SIS were studying each request for information separately.

Although there has been some progress, much remains to be done. While the JSA's inspection visits to the central system in Strasbourg in 1996 and 1999 revealed that the system as a whole was functioning well, they also brought other problems to the fore, some of which raise serious problems of integrity. Another weakness in the system is indicated by the difficulties encountered by the legitimate holders of usurped identities entered in the SIS.

These problems noted by the JSA take on particular significance given that the number of Schengen States applying the Convention rose from 7 to 10 at the end of 1997 and to 15 on 25 March 2001. The amount of data entered in the SIS is increasing as a result (see Annex 4).

Police intelligence systems are evolving, including Schengen's. Moreover, access to the SIS has been extended to new services, and discussions are under way on extending it to non-governmental services and adding new data categories to the existing data. The role of the independent supervisory authorities concerned must be enhanced in pace with these changes. The integration of Schengen into the European Union as ensuing from the Treaty of Amsterdam¹ must afford greater transparency and guarantees with regard to the fundamental rights of citizens. National parliaments and the European authorities are now in a position to play a more active part in attaining these objectives.

¹ See Article 7 of the Protocol annexed to the Treaty of Amsterdam, integrating the Schengen *acquis* into the European Union.

SECTION 2: A YEAR OF JSA ACTIVITIES

CHAPTER I: OPINIONS AND RECOMMENDATIONS

I.1. Security of the SIRENE Bureaux

The security of SIRENE Bureaux is the direct responsibility of the national data-protection supervisory authorities. The task of harmonisation assigned to the JSA by the Convention has led the JSA to become involved in this matter, especially after documents and information were leaked from one of the SIRENE Bureaux in 1997.

On the basis of inspection reports on the SIRENE Bureaux drawn up by the national authorities, the JSA issued 10 recommendations for improving the security of SIRENE Bureaux and sent them to the relevant Schengen bodies. In their response ¹, the national authorities said that "*the Member States feel that a large number of the JSA's recommendations are already put into practice in the SIRENE Bureaux*" and that they would not be implementing recommendations which they regarded as "*rather cumbersome from a technical and organisation point of view in proportion to the objective they are designed to achieve*".

The JSA noted this response and agreed to continue its efforts to ensure that the security of SIRENE Bureaux was improved and standardised. It drew up a standard questionnaire to enable national supervisory authorities to carry out their checks in a harmonised fashion. The questionnaire was approved by the JSA on 30 June 2000 ². It will be used as a basis for the national authorities' inspections of SIRENE Bureaux, having already been used by the Europol Supervisory Body in 2000.

¹ Response of 19 November 1999 (SCHAC 2512/99).

² SCHAC 2514/00.

I.2. Opinion on archiving documents after an alert has been deleted

In 1997 one of its members asked the JSA how to interpret Article 102(1) of the Schengen Convention, on the archiving of documents after the alert has been deleted. It emerged that the Schengen States were in fact interpreting this provision differently, as some were keeping documents relating to alerts after they had been deleted and were using these documents to supplement their police records.

Article 102(1) forbids the Contracting Parties from using the data provided for in Articles 95 to 100 for purposes other than those set for each type of alert referred to in these Articles.

In its Opinion 98/1 of 3 February 1998 the JSA requested that all Contracting Parties should destroy any related dossiers immediately an alert was deleted, pursuant to Article 112 of the Schengen Convention, and that the SIRENE Manual should be revised to remove any provisions that were in breach of the Schengen Convention. It followed up this recommendation with a letter of 22 October 1999 emphasising the requirement to observe the original-purpose principle, whereby a dossier could not be used for any purposes other than those for which the alert was entered in the system. It said that these principles (observance of original purpose and holding of information exclusively for the purpose for which the alert was entered) were also set out in Article 5 of Council of Europe Convention No 108 of 28 January 1981, which is binding on all the States (Article 126(1) of the Schengen Convention).

At its meeting on 15 December 1999 the Article 36 Committee noted that, according to the Council Legal Service, "*the JSA's Opinion referred to the practice in certain States and not to the Council's rules.*" The Article 36 Committee decided to consult the SIS Working Party to see whether the SIRENE Manual should be amended in the light of the JSA's comments.

Although the JSA has not received any information since then, it has come to appreciate the Council's difficulties in amending the Schengen *acquis* concerning the SIS, as in the case of the SIRENE Manual. When the legal basis of the Schengen *acquis* was being determined, no agreement was reached concerning the SIS, which thus has a dual legal basis (first and third pillars); this means that all development of the *acquis* in this area is on hold. The JSA therefore continues to hope that the Council will act on its Opinion, which is, moreover, observed by a majority of the Member States.

I.3. Opinion on entering an alert in the Schengen Information System on persons whose identity has been usurped

In the event of a usurped identity, some Schengen States enter the name of the legitimate holder of the usurped identity in the SIS, whereas it is the usurper who is actually wanted.

In other words, the system contains an alert on an identity that corresponds neither *de facto* nor *de jure* to the identity of the person actually sought but to the identity of the victim. However, the legitimate holder of the identity is not informed that data on his/her identity are contained in the SIS.

Some States would like personal data on a person whose identity has been usurped to be deleted immediately, whereas other States would like alerts on usurped identities to be kept even if the legitimate holder of the usurped identity entered in the SIS asks for the data to be deleted. The argument put forward by those in favour of keeping the alert is that the usurper must be found.

In its Opinion 98/1 of February 1998 the JSA reiterated the fundamental rights and principles of the Schengen Convention regarding data protection. It drew particular attention to the principle of proportionality, implying that a balance should be struck between respecting the rights of the person whose identity has been usurped and the need to detect the perpetrators.

The JSA suggested that until such time as SIS II came into operation a uniform solution should be sought and, if possible, that an indication should be given that the alert was on a usurped identity.

The Article 36 Committee responded to this Opinion by informing the JSA of the solutions that would be adopted to deal with this problem (in the near future: interim measures for SIS I+ at the end of the year 2000; and a permanent longer-term solution for SIS II).

On the basis of this information, JSA issued another opinion in March 2000. It reiterated the principle of proportionality whereby not all instances of usurped identity justify entering an alert on the names of the victims, and emphasised that personal data on people whose identity had been usurped could be processed only subject to the free and explicit consent or at the behest of the person concerned. Furthermore, provision had to be made for other measures, such as the possibility of issuing the legitimate holder of the usurped identity with a supplementary document (which could be attached to the passport, for example) stating that the holder was not the wanted person.

The JSA notes with regret that the interim measures promised for the end of 2000 are not very satisfactory, judging from the complaints that continue to be received by the national supervisory authorities.

I.4. Access to the SIS for vehicle registration authorities

The Chairman of the Article 36 Committee has responded to the opinion issued by the JSA in 1998 concerning access to the SIS for vehicle registration authorities ¹. In a letter sent to the JSA on 28 April 2000 ² he described the various approaches adopted or planned by the Member States to enable their vehicle registration authorities to consult the SIS to see if a vehicle for which registration had been requested was the subject of an alert in the SIS. The JSA noted that these approaches were in line with its opinion on the subject but regretted that they were not harmonised.

¹ Opinion 98/5.

² Letter SCHAC 2527/00.

I.5. Granting observer status to the United Kingdom

On 30 June 2000 the JSA took a vote on granting observer status to the United Kingdom. On 29 May 2000 the Council had adopted a Decision concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*¹. After noting the content of the Decision, the JSA noted that the United Kingdom could seek to take part in the proceedings of the JSA as an observer. The vote, held in accordance with Article 2(2) of the JSA's rules of procedure, showed that there was unanimous agreement on the United Kingdom's participation in the proceedings of the JSA as an observer.

The United Kingdom's request to take part in some of the provisions of the Schengen *acquis* will be followed by verification as to whether that country fulfils the preconditions for the implementing the *acquis*; the JSA should be associated with such verification (see below, Section 3, I.4).

I.6. Putting the Schengen acquis into effect in the Nordic countries

Putting the Schengen *acquis* into effect in the territory of a Member State requires that Member State to fulfil the preconditions set by the Schengen Convention. One of the preconditions concerns the existence of legislation on the protection of personal data in accordance with the requirements of the Convention (Article 117(2)). The Convention does not specify the procedures for verifying this requirement, or indeed for the other preconditions.

However, when it was set up in its provisional form, the JSA – which, under the Convention, has exclusive powers in the area of data protection – carried out verification in this area in seven countries in 1995, and subsequently in Italy, Austria and Greece. It then informed the Central Group that this precondition had been fulfilled².

¹ OJ L 131, 1.6.2000, p. 43.

² Letter SCH/Aut-cont (97) 35.

Since then, Evaluation Committees have been set up to check that the requirements of the Schengen *acquis* are properly fulfilled in the Member States applying it, especially as regards external border controls. Data protection, in connection with the inspection of SIRENE Bureaux and N.SIS, was added in 1998. The Schengen Executive Committee at that time did not specify the extent to which the JSA was to be associated with these controls. At the JSA's request, the Chairman of the Central Group at that time nevertheless confirmed that the Chairman of the JSA could attend the planned meeting between the Evaluation Committee and the Chairman of the German Data Protection Authority but without taking part in the other aspects of the evaluation (N.SIS and SIRENE Bureaux). The JSA declined the offer, pointing out that the Chairman of the German Authority was a member of the JSA and that the Chairman of the JSA did not need Central Group permission to attend the meeting.

The Central Group's attitude resulted in the task of enforcing the Convention's data-protection principles being assigned to departmental representatives involved in the operation or utilisation of the SIS in the Member States that applied the Schengen *acquis* or were preparing to do so. At the time the JSA denounced what it saw as a violation of the Convention, which gave the JSA primary powers in the enforcement of the principles of data protection.

The evaluation of the Nordic countries took place in accordance with the same rules, and the Article 36 Committee did not seek – any more than the Central Group did in 1998 – to make this exercise accessible to the JSA by having it participate directly.

The JSA did, however, receive permission from the Chairman of the Central Group to take cognisance of the report of the Schengen evaluation visit concerning data protection and data security in the Nordic countries ¹. At its meeting on 30 June 2000 it received this report and noted the JHA Council's conclusions of 29 May 2000. The Council took stock of the evaluations that had taken place to date in connection with the Nordic countries' preparations for putting Schengen fully into effect. It welcomed the considerable progress that had been made and noted that the Nordic countries' preparations were proceeding in an appropriate manner. It took the view that, if all the objectives described in the reports were achieved within the period specified and if no diverging assessments were made in the meantime, there would no longer be any need to return to the topics that had been the subject of visits or answers to the questionnaire. It stated that the operation of the SIS would be verified in the first quarter of 2001, and confirmed the political objective of

reaching a decision by the end of 2000 on putting the Schengen *acquis* fully into effect in the Nordic countries as from 25 March 2001.

At the same meeting the JSA looked at the replies that several of the Nordic countries had sent to the JSA Chairman's letter of 4 May 2000 ². The request mainly concerned the Nordic countries' follow-up to the JSA's Opinions (the JSA's *acquis*) on the legislative adjustments that had been made in order to meet the Schengen requirements and on the way in which the supervisory authority's independence was guaranteed.

At its meeting on 11 October 2000 the JSA noted that the preconditions for putting the Schengen *acquis* into effect in the sphere of personal data protection had been fulfilled by five Nordic countries. It communicated this positive Opinion ³ to the Article 36 Committee and to the Council. The Council noted the JSA's Opinion on 15 March 2001, at the same time as it confirmed the putting into effect of the Schengen *acquis* in the Nordic countries on 25 March 2001.

I.7. Draft Council Resolution on the personal data protection rules in instruments under the third pillar of the European Union

The JSA had asked for a progress report from the Working Party on Information Systems and Data Protection, which was examining a draft Council Resolution on the personal data protection rules in instruments under the third pillar of the European Union. On the basis of an oral report presented at its meeting on 2 February 2001, the JSA noted with satisfaction that the draft Resolution should be adopted by the Council in the near future. However, the JSA regretted that this instrument would serve merely as a guideline, inappropriate for harmonising data protection rules under the third pillar. The JSA Chairman expressed concern to the Chairman of the Article 36 Committee and the Chairman of the Working Party on Information Systems and Data Protection: their replies are awaited.

¹ 8110/1/00 REV 1 SCH-EVAL 26 COMIX 365.

² SCHAC 2528/00.

³ Opinion 2000/1 (SCHAC 2543/00), annexed hereto.

1.8 Implementation of the Schengen Information System in the United Kingdom

The JSA Schengen has reviewed a proposal of the UK concerning the technical implementation of the UK-participation with the SIS.

The UK solution involves sending all the SIS data to the UK. In view of the fact that the UK does not apply Article 96 of the Schengen Agreement, these data are filtered before the users have access to the data.

Basic principle in data protection is the principle of necessity. Application of this principle will lead to the opinion that, given the fact that the original intentions of the Schengen Agreement as stated in Article 92 do not exist in relation to some Contracting Parties, a Contracting Party may only process data as far as they are required to for the purposes laid down in Articles 95-100 and as far as that Contracting Party applies these articles.

The proposed UK solution leads to processing Article 96 data by the UK in breach of Article 94 of the Schengen Agreement.

In its opinion the JSA furthermore stressed that the principal that an individual can exercise his rights in every Schengen country must be uphold. A procedure must be developed that requests of access and verification relating to Article 96 data can be exercised via the Information Protection Commissioner in the UK.

CHAPTER II: INSPECTION WORK

II.1. C.SIS inspection

In 1999 a technical group comprising experts from the national supervisory authorities carried out an inspection of the C.SIS. The confidential inspection report was approved in February 2000 and was sent, with a summary, to the Article 36 Committee. It was examined by the Council's SIS Working Party, whose response was forwarded to the JSA by the Article 36 Committee.

The JSA is encouraged by the follow-up given to its latest C.SIS inspection report, and especially its recommendations. It welcomes the fact that 10 of its recommendations have already been incorporated in C.SIS+1. However, it regrets that five of its recommendations cannot be implemented at present, although it notes that there should be positive developments in this situation, probably by the time SIS II comes into operation.

The JSA is aware of the problems posed by the implementation of some of its recommendations. However, the Convention gave it the task of verifying compliance with C.SIS security measures, and so it has a duty to make appropriate recommendations to ensure that the C.SIS maintains the highest possible standards of security. The four JSA recommendations that will not be implemented concern physical security, the blocking of terminals outside certain periods, the absence of barriers between interior ministry staff and the C.SIS, and the management of encryption and other communications units. The JSA has urged that the technical groups should continue to pay close attention to the consequences of their being sidelined, and should examine the security risks inherent in any continuation of the situations noted by the JSA.

II.2. Technical and expert groups

To be able to establish whether proper account was taken of the security aspects in connection with SIS II, the JSA asked to see the specifications of the future SIS II network. It also asked to be informed of any legal problems raised by the lack of a single legal basis for the SIS.

Regarding the lack of a legal basis, the JSA was informed at its meeting on 13 December 2000 that the Council had not succeeded in dividing up the provisions of the Schengen *acquis* when it adopted its Decision of 20 May 1999 determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the Schengen *acquis*. During the discussions there had been fundamental disagreements between delegations, including the Commission, over the legal basis to be adopted for amending these provisions of the Schengen *acquis*. None of the delegations has since indicated any change in its position.

Since then, there have been a number of proposals for giving SIS II more functions than the current SIS. Several of them would involve amending the existing provisions of the Schengen *acquis* as integrated into the framework of the European Union, and there are still differences of opinion concerning them. These differences need to be resolved promptly and irreproachably if Member States want their proposals to succeed.

At its meeting on 2 February 2001, the JSA was given – again at its own request – an outline of the new functions envisaged for SIS II. It noted that the personal data protection issues which would be raised by some of the new functions would be discussed by the SIS Working Party at a later date. The JSA needs to be informed of these discussions in order to be able to ascertain that the Working Party's conclusions are in line with the JSA's Opinion and do not undermine the protection of data.

The operational requirements of the new network have not yet been determined.

II.3. Encryption of SIS links

In February 2000 the JSA asked for information on the encryption algorithm used for SIS links, which had been developed by the German federal office for information technology security ¹ and Bosch Telekom. It received this information in July 2000 ², and in December that year ³ it asked for a study to be carried out so that a proper assessment could be made of the economic consequences and the organisational repercussions of the implementation (in the SISNET framework, to start with) of the necessary measures for periodically modifying the encryption keys. These have not been modified since the SIS came into operation, and the JSA believes that keeping them indefinitely could pose a serious risk to the security to data exchanged via the SIS. The most basic security standards would suggest that the strength of an encoded system depends directly on the time limit set for changing its keys. The JSA has also asked for information on the progress of the SISNET project and for documentation on the technical requirements of this new system whereby the keys will be renewed in future.

The JSA welcomes the fact that, on 23 March 2001, the Article 36 Committee approved a draft reply submitted by the SIS Working Party proposing that the JSA's Opinion should be followed and the encryption keys modified periodically.

II.4. List of authorities authorised to consult the SIS directly

At its request, the JSA has obtained the updated list of authorities allowed to consult the SIS (5002/00 SIS 2 COMIX 2) which was submitted to the JHA Council on 27 March 2000.

The JSA has asked the Chairmen of the national supervisory authorities to investigate whether the conditions for access to the SIS are being observed, on the basis of Article 114 of the Convention. It has also reminded the Article 36 Committee of the role of the national authorities in updating the updated list of authorities allowed to consult the SIS.

¹ The *Bundesamt für die Sicherheit in der Informationstechnik*, or BSI.
² 9998/00 CATS 49 SIS 61 COMIX 522.
³ SCHAC 2544/1/00.

CHAPTER III: INFORMATION CAMPAIGN

III.1. Campaign informing citizens of their rights vis-à-vis the SIS

In 1997 the JSA decided to launch a Schengen-wide public information campaign entitled "The Schengen Information System concerns you". The JSA had found that the general public rarely exercised its rights, in particular its right to access and verify data. One of the reasons for this shortcoming was the fact that the general public was not sufficiently informed. The JSA therefore decided to inform citizens of their rights vis-à-vis the SIS by distributing leaflets.

At the JSA's request, the Schengen bodies supported the JSA's information campaign by making the necessary arrangements for the leaflets to be printed and distributed at the external borders of Schengen.

The JSA has appraised the impact of this campaign on several occasions. Four years after the campaign was launched, JSA leaflets have now been distributed in seven of the States applying the Schengen *acquis*. The number of applications lodged by citizens for access to data on them when they are refused entry into Schengen territory has increased considerably since the campaign started, thus demonstrating its effectiveness. The Schengen States have received numerous requests for access to the data contained in alerts relating to citizens.

However, the JSA deplores the fact that the French and Luxembourg authorities have still not provided the necessary means for launching this public information campaign. The Nordic countries have said that they attach the greatest importance to the campaign and are examining their prospects to execute it. In some of the Nordic countries certain information activities have already been carried out together with the competent authorities.

In order to improve the processing of requests that required the co-operation procedure as defined by the JSA on the basis of Article 114(2) of the Schengen Convention, the group of experts who originally designed the leaflet drew up – on the basis of Member States' replies – a draft handbook on citizens' right of access to information contained in the SIS and co-operation between supervisory authorities. This should be finalised in the near future and will be of interest not only to national supervisory authorities but also to legal practitioners, who will find in it all relevant information on the procedures that an individual must follow to exercise his right of access to the data concerning himself which are contained in the SIS and his right to have the data corrected

where necessary.

III.2. JSA Internet page

Out of the same concern to inform citizens of their rights, in 1998 the JSA decided to create an Internet page where the general public would be able to find information on the activities of the JSA and on their rights. Since the Schengen *acquis* has now been integrated into the framework of the European Union, the JSA page will be hosted on the Council website, once the project has undergone the necessary technical adjustments. The JSA page is being temporarily hosted and is accessible on the website of the Portuguese supervisory authority (<http://www.cnpd.pt/schengen>).

III.3. Presentation of the JSA Annual Report at the press conference in Brussels

The JSA presented its fourth annual report (March 1999 to February 2000) ¹ at the press conference held in Brussels on 11 October 2000. The international press, especially from the candidate States for accession to the European Union, was particularly interested in the role and powers of the JSA in the Schengen system, the functioning of the SIS, the type of data contained in the SIS and the means available for citizens to access it, and also the future of the JSA.

The work of the JSA was the subject of interviews on Danish and Swedish television and in newspapers and specialist journals in Denmark, Norway and Sweden.

Copies of the report were disseminated by the national supervisory authorities through the same channels as those used for their own national reports, as well as via the Internet in some instances. The Chairman of the JSA also forwarded copies to the President of the European Parliament and to the European Parliament's Committee on Civil Liberties. Some countries held press conferences to present the report and to heighten public awareness.

¹ SCHAC 2533/1/00 REV 1.

CHAPTER IV: INTEGRATION INTO THE EUROPEAN UNION AND THE JSA ACQUIS

According to the Protocol integrating the Schengen *acquis* into the European Union, annexed to the Treaty of Amsterdam, the Community *acquis* includes all decisions and declarations adopted by the Executive Committee and all acts adopted for the purpose of implementing the Schengen Convention by bodies which have been given decision-making powers by the Executive Committee. A number of these decisions relate to the JSA, in particular the recognition of its independent status, budget autonomy, annual budgets and the JSA's access to Schengen documents and information, etc.

At the request of the Central Group of Schengen, the JSA drafted a list containing its *acquis* with a view to the integration of the Schengen *acquis* into the European Union (Annex 7). This list included the Opinions delivered by the JSA and the Decisions adopted by the executive bodies of Schengen relating to the functioning of the JSA and confirming its independence. The list was sent to the Council of the EU and to the Chairman of the Central Group on 18 May 1998; an additional note containing a reminder of the JSA's institutional and operational *acquis* was sent in December 1998.

The Central Group did not discuss this matter at its meeting on 19 February 1999, or at any later date, despite a reminder sent by the JSA to the Central Group's Chairman.

None of the JSA Opinions or decisions relating to the JSA was included in the Schengen *acquis* integrated into the European Union. On 20 May 1999, the Council of Ministers adopted a "*Council Decision concerning the Joint Supervisory Authority set up under Article 115 of the Convention applying the Schengen Agreement of 14 June 1985, on the gradual abolition of checks at common borders, signed on 19 June 1990*"¹. With this Decision the Council undertakes to act as Secretariat for the JSA and to provide the necessary facilities for meetings to be held in Brussels, and also undertakes to reimburse travelling expenses for its members attending JSA meetings in Brussels, or for its experts conducting inspections in Strasbourg. The Decision also states that the JSA will have to adapt its rules of procedure to the new situation.

¹ Decision adopted by the Council on 20 May 1999 and published in OJ L 176, 10.07.99, p. 34.

The JSA continues to condemn this restrictive interpretation of the Protocol annexed to the Treaty of Amsterdam on the integration of the Schengen *acquis* into the European Union, whereby the JSA *acquis* is given the legal basis of the JSA itself.

The JSA therefore notes that its Opinions and recommendations constitute a whole whose legal basis is that of the JSA itself and which must be taken into consideration by the States currently applying the Schengen *acquis* as well as by any new State that might join them.

In its Opinion 2000/1 the JSA indicated that it would instruct the national supervisory authorities to verify that this *acquis* was complied with.

CHAPTER V: JSA OPERATIONS

V.1. Meetings

Since March 2000 the JSA has held eight plenary meetings, plus a meeting of the select working party on right of access and a meeting of experts on the inspection of the C.SIS and the SIRENE Bureaux.

V.2. Election of Chairman and Vice-Chairman

In December 2000 Mr B. De Schutter (Belgian delegation) and Mr G. Buttarelli (Italian delegation) were confirmed in their respective posts of Chairman and Vice-Chairman.

In December 2001 Mr.G. Buttarelli was elected as Chairman

V.3. JSA's budget and the Secretariat's assistance to the JSA

The JSA has still not recovered its autonomous budgetary heading. The budgets relating to the functioning of the SIS were, however, incorporated into the *acquis*, and the autonomous budgetary heading for the JSA complied with the definition of the Schengen *acquis* within the meaning of the Protocol annexed to the Treaty of Amsterdam.

The JSA deplors the fact that the Council's Decision did not take into account the tasks assigned to the JSA by the Convention. Admittedly, the Decision does make it possible for JSA members' travel expenses for plenary meetings in Brussels to be covered by the Council, but not subsistence expenses during C.SIS inspections, or the expenses incurred, for example, during a campaign informing citizens of their rights vis-à-vis the SIS. The JSA's effectiveness depends to a large extent on the goodwill of the Council, and in particular the Presidency-in-Office, which, in turn, is faced with a hard choice between its own priorities – among which the JSA does not necessarily occupy first place – and the Council's limited resources, especially in terms of the availability of meeting rooms and teams of interpreters.

Regarding the Secretariat's assistance, the JSA shares since 1 September 2001 a joint secretariat with the Europol authority and the customs authority. By a Decision of 17 October 2000, the Council approved the establishment of a joint secretariat for the joint supervisory bodies existing under the third pillar of the Treaty on European Union ¹. The staff of the secretariat (two persons from September 2001, to be joined by a third person a few months later) will divide their work between the three authorities – a considerable improvement on the present situation.

This Council Decision marks a first step towards a *rapprochement* between the joint supervisory authorities themselves. It will not be possible to proceed further without a far-reaching discussion on the role of the supervisory authorities established at European level and on the resources they are to be given to enable them to perform their essential role of guardian of citizens' rights *vis-à-vis* a data-processing system at the European police level.

V.4. Rules of Procedure

The JSA's Rules of Procedure are attached. They have not been amended as requested by the Council in its Decision of 20 May 1999, and they continue to be applied by the JSA insofar as this is compatible with situation created by the Council Decision. Any incompatibility between its Rules of Procedure and the Council Decision concerns only practical and organisational aspects, which are, moreover, questioned by the JSA.

1 Council Decision of 17 October 2000 establishing a secretariat for the joint supervisory data-protection bodies set up by the Convention on the Establishment of a European Police Office (Europol Convention), the Convention on the Use of Information Technology for Customs Purposes and the Convention implementing the Schengen Agreement on the gradual abolition of checks at the common borders (Schengen Convention) (OJ L 271, 24.10.2000, p. 1.)

SECTION 3:
THE JSA's RELATIONS WITH SCHENGEN AND NON-SCHENGEN BODIES
AND WITH THE COUNCIL

I.1. Relations with the European Parliament's Committee on Civil Liberties

In 1997 the JSA suggested to the Chair of the European Parliament's Committee on Civil Liberties that the JSA should present its annual report to the Parliament. Copies of the annual report have been sent to the Committee every year since then. The Parliament invited the Chairman of the JSA to a hearing on "The European Union and data protection" on 22 and 23 February 2000. This gave him an opportunity to explain the role of the JSA and its main achievements. Particular attention was paid to the question of usurped identities. The JSA welcomes this initiative by the European Parliament, seeing it as a reflection of its own concern for transparency and the provision of information.

On 27 June 2000, together with a representative of the Portuguese Presidency, the Portuguese Chairman of the Working Party on Information Systems and Data Protection and his French successor, the Chairman of the JSA took part in a meeting with the MEP Mr Hernández Mollar, rapporteur of the Committee on Civil Liberties, to discuss the draft Decision on the joint secretariat for the supervisory authorities. The European Parliament was concerned about the question of the supervisory authorities' independence, especially in budgetary matters. It was considering making a proposal to the effect that, like the Ombudsman, the supervisory authorities should be given their own budget heading.

The Chairman of the JSA was also invited to the sitting of the European Parliament's Committee on Civil Liberties when it examined the draft Decision on 12 July 2000.

I.2. Relations with the Article 36 Committee, the Permanent Representatives Committee and the Council

Before Schengen was integrated into the European Union, the Central Group had agreed to involve the JSA in the preliminary study for the SIRENE Phase II network and SIS I+. This was to enable the JSA to ensure that the technical specifications necessary for the JSA to carry out its checks pursuant to the Convention were duly taken into account for the future. Since then, the technical groups' proceedings have taken place without the involvement of the JSA: it has not been sent any information concerning the integration of the five Nordic countries into the SIS, and it has received information on the technical developments in preparation (SIS I+ and SIS II) only after repeated requests.

Since the integration of Schengen into the European Union, the Chairmen of the JSA have sought to establish informal contact with the Presidency-in-Office of the Council. The first meeting took place during the Finnish Presidency and focused on a plan for a joint secretariat for the joint supervisory authorities under the third pillar. The second meeting took place under the Portuguese Presidency and focused on evaluating personal-data protection in the Nordic States. No meeting took place during the French Presidency. The Swedish Presidency showed an encouraging openness, the Chairman of the Article 36 Committee having assured the Chairman of the JSA in February 2001 of his support for the JSA in its activities.

I.3. Evaluation Committee – Nordic countries

Further evaluation visits were made to the Nordic countries in January and February 2001. These concerned verification of the preconditions for putting the Schengen *acquis* into effect in the sphere of external border controls, and the operation of the SIS.

Although this exercise is of direct concern to the JSA, it has not been involved in any way. Nor has it even been informed officially of the findings.

I.4. Position of the United Kingdom and Ireland

These are the only two European Union countries not applying the Schengen *acquis* at the present time.

Article 4 of the Schengen Protocol allows the United Kingdom and Ireland, which have not signed up to the Schengen *acquis*, to ask to participate in all or some of the provisions of the *acquis*.

The United Kingdom invoked this provision in 1999 and, on that basis, will apply part of the Schengen *acquis*, in particular the SIS. The draft Decision provides for the data-protection arrangements under the Schengen Convention to apply to the United Kingdom in areas where that country applies the Schengen *acquis*. The current state of play is that only Article 96 of the Convention should be excluded from the scope of such application. The JSA gave the United Kingdom observer status on 30 June 2000 (see Section 2, I.5).

Ireland's request to participate in some of the provisions of the Schengen *acquis* is under consideration.

The JSA hopes to be able to carry out its task by being involved in the verification of the preconditions for putting the Schengen *acquis* into effect in these two countries.

SECTION 4: REACTIONS OF THE SCHENGEN AUTHORITIES TO THE JSA's ANNUAL REPORT

The JSA has not had any reaction from the Council's subordinate bodies to its Fourth Annual Report.

SECTION 5: THE FUTURE OF THE JSA IN THE NEW INSTITUTIONAL FRAMEWORK

Information systems in Europe are evolving constantly. The Schengen Information System is applied in 15 countries, the Europol Convention has been brought into force and its supervisory body is functioning, and the customs information system and the Eurodac system will also be operational soon.

Against this background of increasing development, the processing of personal data in the sphere of police cooperation, the role of the JSA and the role of the Europol Joint Supervisory Body and the body created by the Convention on the Use of Information Technology for Customs Purposes are all essential to ensuring a balance between the proper functioning of the machinery of law enforcement on the one hand and the optimum protection of human rights on the other. While the creation of a single secretariat is an important first step towards consolidating the system of supervision, serious consideration should be given to the possibility of harmonising or even merging the supervisory bodies. The European Parliament's new interest in this area and a greater awareness among ordinary citizens of the importance of guaranteeing that such bodies function properly are encouraging signs of a growing interest in the JSA's activities in a European Union that is an area of freedom, security and justice.

1. LIST OF MEMBERS OF THE JOINT SUPERVISORY AUTHORITY

Updated: 31 December 2001

Chairman: Mr Bart DE SCHUTTER

Vice-Chairman: Mr Giovanni BUTTARELLI

AUSTRIA

MEMBERS

Ms Waltraut KOTSCHY

Ms Eva SOUHRADA-KIRCHMAYER

ALTERNATE

Ms Birgit HROVAT-WESNER

BELGIUM

MEMBERS

Mr Bart DE SCHUTTER

Ms Bénédicte HAVELANGE

DENMARK

MEMBERS

Ms Lotte N. JØRGENSEN

Mr Peter AHLESON

FINLAND

MEMBERS

Ms Maija KLEEMOLA

Mr Reijo AARNIO

ALTERNATE

Mr. Heiki HUHTINIEMI

FRANCE

MEMBERS

Mr Alex TÜRK

Ms Florence FOURETS

ALTERNATE

Mr Olivier COUTOR

GERMANY

MEMBERS

Mr Joachim JACOB

represented by Mr Wolfgang von POMMER-ESCHE

Mr Friedrich von ZEZSCHWITZ

represented by Ms Angelika SCHRIEVER-STEINBERG

GREECE

MEMBERS

Mr Constantinos DAFERMOS

ALTERNATES

Mr Georgios DELYANNIS

Mr Dimitrios GRITZALIS

ICELAND

MEMBERS

Ms Sigrun JÖHANNESDOTTIR

Ms Margret STEINARSDOTTIR

ITALY

MEMBERS

Mr Sebastiano NERI

Mr Giovanni BUTTARELLI

LUXEMBOURG

MEMBERS

Mr René FABER

ALTERNATES

Mr Jean WAGNER

Mr Georges WIVENES

NETHERLANDS

MEMBERS

Mr Peter HUSTINX

Mr Ulco van de POL

NORWAY

MEMBERS

Mr Georg APENES

Ms Guro SLETTEMARK

PORTUGAL

MEMBERS

Mr Luis BARROSO

Ms Isabel CRUZ

SPAIN

MEMBERS

Mr Juan Manuel FERNANDEZ LOPEZ

Mr Miguel Angel LOPEZ HERRERO

ALTERNATES

Mr Emilio ACED FELEZ

Ms María Concepción ROMERO CIQUE

SWEDEN

MEMBERS

Mr Leif LINDGREN

Ms Britt-Marie WESTER

ALTERNATES

Ms. Birgitta ABJORNSSON

Ms Anna-Karin WALDTON

2: OVERVIEW OF JSA OPINIONS AND REACTIONS OF THE DECISION-MAKING AND TECHNICAL BODIES

	Subject	Measures in practice	Remarks
C.SIS inspection in March 1994 and opinion of 18 May 1994	<ul style="list-style-type: none"> – ensure security of the transport and storage of back-ups of data – improve the reliability of C.SIS – N.SIS links – physically separate the C.SIS installations from those belonging to France's Ministry of the Interior that are located on the same premises 	<ul style="list-style-type: none"> – the French Republic has taken the measures it deemed the most appropriate. – on 4 March 1998, during a Central Group visit to the C.SIS with the Chairman of the JSA, certain refurbishment work on the site was presented. 	As far as the JSA is aware, this work has not been done.
<u>Opinion of 22 February 1995 on the legal basis of the SIRENE Bureaux</u>	Since the Schengen Convention does not explicitly provide for the SIRENE Bureaux they ought to be given a legal basis, either by amending the Convention or by amending national legislation in a harmonised fashion.	On 27 June 1996, the Central Group concluded that there was an adequate legal basis, and that the working method, the structure and official status of these Bureaux was governed by the Schengen States, and that the national supervisory authorities ensured the smooth functioning of the SIS and the SIRENE Bureaux and kept the JSA informed.	Fifteen months after the matter was referred to the Central Group it refuted the arguments put forward by the JSA.
C.SIS inspection in October 1996. Recommendation No. 1:	Ensure that the Contracting Parties' files are identical	A new database comparison procedure that has been developed no longer has the differences detected by the JSA	Differences continue to exist but are no longer shown
Recommendation No. 2:	Seek ITSEM/ITSEC certification for the computer system and apply the security measures recommended, or at least guarantee the minimum level of security provided for.	<ul style="list-style-type: none"> – The current system cannot be certified a posteriori. The tracer functions cannot be activated. – The technical specifications defined in the tender for up-grading the C.SIS will state that each component of the new system must necessarily respect the ITSEC criteria and meet the 4-C2/E2 standard. The systems will be certified, and may be if so requested by the Schengen States. 	<p>The Central Group declares that the current system cannot be certified.</p> <p>The future system could be certified.</p>

	Subject	Measures in practice	Remarks
Recommendation No. 3:	Reduce the number of C.SIS "super-users" that have special access to the system enabling them to access and amend the content of files in the system and delete any traces of their actions.	<ul style="list-style-type: none"> – The staff working in the C.SIS undergo strict security screening prior to recruitment – A detailed distribution of management duties will be given in the specifications for new systems so that the functions can be attributed on the basis of these duties. – This measure should mean it will be possible to reduce the number of "super-users". 	The JSA noted in 1999 that the number of "super-users" had been reduced.
Recommendation No. 4:	Activate the tracer functions so as to be able to check the actions of the various users afterwards, regardless of their log-in status.	<p>The technical specifications defined in the tender for upgrading the C.SIS will state that the bids must indicate the additional resources required to ensure that the performance criteria are met if the tracer functions are activated, and it is stipulated in detail in the specifications that the tests should be run with the requisite tracer functions activated, so as to check that the operational system will function with them on.</p> <p>The technical specifications and the bid selected should be forwarded to the JSA so that it might form an opinion on them.</p>	
Recommendation No. 5:	Management and transport of the magnetic media. Routinely encrypt whenever data has to be stored on magnetic media for transport and storage. In fact, the JSA has found the Schengen States' security measures for managing and transporting magnetic media bearing SIS data to be inadequate.	In 1998 the Permanent Working Party studied a solution to this problem entailing on-line transmission of encrypted data. This solution would offer protection on a par with that of C.SIS - N.SIS links and would avoid problems of data loss, theft or other forms of data substitution.	

	Subject	Measures in practice	Remarks
Opinion of 7 March 1997 on the pilot project on the routes used for stolen vehicles, as requested by the Central Group on 10 February 1997	<p>Refuse access to the SIS for Member States or countries not applying the Convention.</p> <p>The JSA reiterated that the Convention only authorised States applying the Convention to have access to the SIS. However, it has concluded that these countries could be involved in the project under bilateral or multilateral cooperation arrangements pursuant to national data protection laws and under the aegis of the national supervisory authorities.</p> <p>At the time neither Austria, Italy, Greece nor the Nordic States were applying the Convention.</p>	<p>The pilot project was conducted and care was taken to avoid giving those States not authorised by the Conventions access to the SIS.</p> <p>The bilateral or multilateral cooperation arrangements recommended by the JSA enabled these countries to be involved in the pilot project.</p>	
Opinion of 7 March 1997 on the draft agreement on road traffic offences	This agreement should reiterate the personal data protection regulations.	The working group concerned amended its draft accordingly as requested by the JSA.	
Opinion 97/1 of 22 May 1997 on copying some of the alerts in the SIS (in order to forward the consular posts and diplomatic missions copies) (Article 118 (2) of the Convention).	<p>Ensure security when transporting these copies.</p> <p>Log at least 10 % of the times these supports are consulted so that the supervisory authorities can check that consultation was authorised.</p> <p>Since use of out-of-date copies may infringe citizens rights, until direct consultation systems are set up the Member States should carry out additional checks in real time to ensure that alerts in their copies are always up to date, and assume responsibility for any visas issued to persons on whom an SIS alert has been entered after the data was copied.</p>	The subject was still being studied in the SIS Steering Committee in 1998.	

	Subject	Measures in practice	Remarks
Opinion No. 98/1 on archiving data after the alert has been deleted.	<p>Destroy files relating to alerts immediately after they have been deleted.</p> <p>Revise the SIRENE Manual accordingly.</p>	On 13 January 1999, the Central Group sent the JSA the response from the relevant working group, which stated that storing such files came under national law.	
Opinion No. 98/2 on SIS alerts on persons whose identity has been usurped.	Find a solution to indicate that the person's identity has been usurped, so as to respect the rights of the victim.	To date no solution has been found. The SIS II should solve the problem. In March 1998, the Central Group announced that there was a decision on the matter.	The problem must be solved by the year 2000.
Opinion No. 98/3 on possible relations between the SIS and Interpol's forthcoming Automated Search Facility for stolen vehicles	Do not authorise personal SIS data to be transmitted to non-member countries.	The Central Group took up the JSA's opinion.	
Opinion No. 98/4 on logging consultations as provided for in Article 103 of the Convention	Apply common standards to ensure 10% of times the SIS is consulted are logged.	The Central Group did not heed this opinion and thought that this fell within the competence of the States.	
Opinion No. 98/5 on access to the SIS by vehicle registration authorities.	<p>Refuse vehicle registration authorities access to data in the Schengen Information System.</p> <p>However, the JSA is of the opinion that vehicle registration services may be authorised access if they satisfy the conditions on competence and objectives provided for by the Convention and are able to respect the security measures provided for in Article 118 of the Convention.</p>		

	Subject	Measures in practice	Remarks
Supplementary opinion of 11 October 1999 on archiving data after an alert has been deleted		The Article 36 Committee confirms the Central Group's analysis and asks the SIRENE Working Party to amend the SIRENE Manual if necessary.	
Supplementary opinion of 15 February 2000 on SIS alerts on persons whose identity has been usurped			
Nordic SCHACH 2543/00	Analysis of compliance with the preconditions for putting the Schengen <i>acquis</i> into effect in the Nordic countries – protection of personal data		
Implementation of SIS in the UK SCHAC 2520/01	Implementation of SIS in the United Kingdom		

3. LIST OF DECISIONS, RECOMMENDATIONS, OPINIONS AND REPORTS OF SCHENGEN'S JOINT SUPERVISORY AUTHORITY WITH A VIEW TO THE INTEGRATION OF THE SCHENGEN ACQUIS, IN ACCORDANCE WITH THE PROTOCOL INTEGRATING THE SCHENGEN ACQUIS INTO THE FRAMEWORK OF THE EUROPEAN UNION, ANNEXED TO THE AMSTERDAM TREATY

Document	Subject	Reference
Rules of Procedure	The Rules of Procedure prescribe the JSA's autonomy, its composition, the rules governing election of the Chair, and lay down the operational rules and the procedures for performance of its tasks.	SCH/Aut-cont (95) 25 rev 6
Separate budgetary heading	Guarantees the JSA separate budgetary heading in the Schengen general budget, by means of a proposal from the JSA	SCH/Com-ex (97) PV 1 rev.1 (meeting of the ministers on 25 April 1997); SCH/Com-ex (97) 1 (Executive Committee decision of 25 April 1997); SCH/Com-ex (98) 9 (draft decision of the ministers of 21 April 1998)
JSA budgets for 1997 and 1998	Sets amounts and the criteria for apportionment among the different tasks	SCH/Aut-cont (96) rev.4 + SCH/Aut-cont (98) budget 1
JSA decision on Greek data protection laws	JSA Declaration on the entry into force of the Greek data protection law	SCH/Aut-cont (97) PV 3 (JSA meeting of 27 March 1997) and SCH/Aut-cont (97) L 5
JSA decision on Italian data protection laws	JSA Declaration on the entry into force of the Italian data protection law	SCH/Aut-cont (97) PV 7 (JSA meeting of 4 July 1997) and SCH/Aut-cont (97) 35
List of authorities entitled to directly search the SIS	Article 101 (4) of the Convention (Decision of the PJSA (Provisional Joint Supervisory Authority))	SCH/Aut-cont (95) PV1 (meeting of the provisional JSA of 22 February 1995)
JSA's recommendations on the C.SIS	Recommendations on security at the C.SIS: reliability of transmissions between the national sections and the C.SIS	SCH/Aut-cont (94) dec.1 (18 May 1994)
Opinion on right of access and cooperation guidelines for the checking of data	Definition of principles for cooperation between the national supervisory authorities in respect of right of access and the checking of data	SCH/Aut-cont (96) 16 rev.2
JSA recommendations on the functioning of the Schengen Information System	Recommendations on the security of the SIS, in the confidential report of 27 March 1997, extracts of which are reproduced in the 1995/97 annual report	SCH/Aut-cont (96) 40 rev.2 (December 1996, final version of 27 March 1997) (confidential) SCH/Aut-cont (97) 27 rev.2 (Annual report 1995/1997, of 17 March 1997, pages 24 to 28)
Opinion on the Pilot Project concerning Stolen Vehicles	Principles to be observed when transmitting information from the SIS to States which do not yet implement the Convention during operations between Schengen States	Opinion of 7 March 1997 (SCH/Aut-cont (96) 22 rev.)

Opinion on the Cooperation Agreement proceedings for road traffic offences and the enforcement of financial penalties imposed in respect thereof	List of references to data protection to be included in this agreement, individual rights, the principle of cooperation between national authorities and the powers of the JSA	Opinion of 7 March 1997 (SCH/Aut-cont (96) 19 rev.)
JSA Annual Report, March 1995 - March 1997	JSA activities from March 1995 to March 1997 (approved and distributed pursuant to Article 115 (4) of the Schengen Convention)	SCH/Aut-cont (97) 27 rev 2 of 17 March 1997
JSA Annual Report, March 1997 - March 1998	JSA activities from March 1997 to March 1998 (approved and distributed pursuant to Article 115 (4) of the Schengen Convention)	SCH/Aut-cont (98) 5 rev 5, made public on 28 April 1998
Decision on the JSA's composition	Decision granting observer status to the representatives of Denmark, Finland, Norway, Iceland and Sweden	SCH/Aut-cont (97) PV 1 (minutes of the meeting held on 10 and 11 February 1997 in Strasbourg)
Decision on the JSA's composition	Decision on recognising the Austrian, Greek and Italian delegates as JSA members	SCH/Aut-cont (97) PV 11 (minutes of the JSA meeting of 12 December 1997)
Opinion on the duplication of certain SIS alerts	Use, by the diplomatic missions and consular posts outside the Schengen area, of technical duplication aids, to consult alerts pursuant to Article 96 of the Schengen Convention	Opinion 97/1 of 22 May 1997 (SCH/Aut-cont (97) 38 rev)
Opinion on keeping records after alerts have been removed.	Deletion of data pursuant to Article 112. Revision of the SIRENE Manual	Opinion 98/1 of 3 February 1998 (SCH/Aut/cont (97) 55 rev 2)
Opinion on SIS alerts for persons whose identity has been usurped.	Condemnation by the JSA of the current situation and proposal to cooperate with a view to finding a solution which does not infringe the rights of the lawful owner of the stolen identity	Opinion 98/2 of 3 February 1998 (SCH/Aut-cont (97) 42 rev 2)
Opinion on the possibility of linking the SIS and the "ASF – Stolen vehicles" project in the pipeline at Interpol	Type of data which may be transmitted from the SIS to Interpol's ASF data base	Opinion 98/3 of 3 February 1998 (SCH/Aut-cont (97) 50 rev 2)
Opinion on the recording of consultations pursuant to Article 103	List of requirements to be satisfied when recording pursuant to Article 103	Opinion 98/4 of 3 February 1998 (SCH/Aut-cont (97) 70 rev)

Supplying the JSA with documents produced by the Schengen Groups	Supplying the JSA with documents regarding work on the SIS so that it may verify whether its technical recommendations are being followed	Letter from the Chairman of the Central Group to the JSA of 12 January 1998 (SCH/Aut-cont (98) 11)
Opinion on the implementation of SIS in the UK	Categories of data to be transmitted to the UK	Opinion of 23 October 2001 SCHAC 2520/01
Secretarial and administrative back-up for the JSA	Reinforcing the secretarial support for the JSA so that it is able to perform its tasks	JSA Rules of Procedure, Article 10 (SCH/Aut-cont (95) 25 rev. 6) SCH/Aut-cont (97) PV 6 (meeting of 16 June 1997 between representatives of the JSA, the Central Group and the French Ministry of the Interior) SCH/Aut-cont (97) 2 (letter from the Chairman of the Central Group of 14 January 1997) SCH/Aut-cont (97) PV 1 (Central Group meeting of 23 February 1998)

Remark: the report of 27 March 1997 on the C.SIS inspection contains recommendations on SIS security, including the French Interior Ministry's reaction to some of these recommendations (SCH/Aut-cont (96) 40 rev 2).

Both the JSA and the Central Group decided that this document was confidential. Consequently, the JSA handed it over to the Chairman of the Executive Committee and to the members of the Central Group, who subsequently relayed it to their experts.

Excerpts from this report have been included on pages 24 to 28 of the Annual Report on 1995 to 1997 (SCH/Aut-cont (97) 27 rev 2).

4. DATA ENTERED IN THE SIS

SIS Data Base from C.SIS point of view the 31/12/2001 at 00:00 utc

	NAT	NBE	NDE	NDK	NES	NFI	NFR	NGR	NIS	NIT	NLU	NNL	NNO	NPT	NSE	Total
Valid records (not expired)																
BK	378	421	213 157	72	342	270	328 297	0	0	27 676	196	602	0	76	1	571 488
DB	111	19 954	137 449	2	10 564	0	27 429	165	2	9 344	21	6 090	3	96	443	211 673
FA	3 286	2 574	137 049	23	21 192	4 321	71 946	8 770	0	4 469	800	1 197	105	13 793	8 465	277 990
ID	172 519	40 089	1 437 150	48 910	47 505	9 343	2 291 354	2 160	0	1 718 978	4 829	1 148 365	8 772	937	258 252	7 189 163
VE	6 842	29 144	154 776	4 455	132 262	1 129	256 830	25 614	0	343 800	532	40 159	4 094	24 432	32 268	1 056 337
WP	40 784	4 706	636 639	494	19 799	3 350	146 865	57 065	11	299 586	970	12 880	421	6 483	4 567	1 234 620
Total	223 920	96 888	2 716 220	53 956	231 664	18 413	3 122 721	93 774	13	2 403 853	7 348	1 209 293	13 395	45 617	303 996	10 541 271
Logically deleted records existing at N.SIS																
BK	0	0	193	0	0	0	231	0	0	0	0	0	0	0	0	424
DB	0	1	0	0	0	0	0	0	0	6	0	0	0	0	0	7
FA	0	3	9	0	5	0	2	11	0	0	0	0	0	5	0	35
ID	369	97	1 782	63	2	16	3 695	27	0	6 390	9	498	3	0	343	13 294
VE	36	255	974	175	871	14	3 512	247	0	2 281	7	343	91	200	311	9 317
WP	192	19	2 146	1	170	46	724	16	0	210	4	80	2	7	6	3 623
Total	597	375	5 104	239	1 048	76	8 164	301	0	8 887	20	921	96	212	660	26 700
Requests from previous day																
DB	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FA	0	3	4	0	0	0	0	0	0	1	0	0	0	0	0	8
ID	72	6	185	17	2	7	2	0	0	72	0	44	14	0	9	430
VE	2	70	156	69	545	6	1 098	60	0	174	2	73	24	90	118	2 487
WP	9	2	152	2	58	2	213	0	0	14	2	5	0	0	0	457
Total	83	81	497	88	603	15	1 313	60	0	261	4	122	38	90	127	3 382

Broadcasts from previous day

	BK	DB	FA	ID	VE	WP	Total
Requests	0	0	8	430	2 487	457	3 382
Phy del at N.SIS	0	4	6	1 296	1 900	546	3 752
Total	0	4	14	1 726	4 387	1 003	7 134

Distribution of logically deleted records present at N.SIS (per day)

Expiration dates								
31/12/2001	30/12/2001	29/12/2001	28/12/2001	27/12/2001	26/12/2001	25/12/2001	Older	Total
4 344	3 014	4 196	3 912	5 644	5 590	0	0	26 700

Can be physically deleted at N.SIS from today

SIS Data Base from C.SIS point of view the 31/12/2001 at 00:00 utc

	NAT	NBE	NDE	NDK	NES	NFI	NFR	NGR	NIS	NIT	NLU	NNL	NNO	NPT	NSE	Total
Distribution of WP records per type																
Main	38 598	3 565	295 403	482	18 686	2 895	98 734	56 918	8	296 007	887	9 525	378	6 459	4 044	832 589
Alias	2 186	1 141	341 236	12	1 113	455	48 131	147	3	3 579	83	3 355	43	24	523	402 031
Total	40 784	4 706	636 639	494	19 799	3 350	146 865	57 065	11	299 586	970	12 880	421	6 483	4 567	1 234 620
Distribution of 'WP main records' by article																
(95)	847	1 113	3 951	73	777	83	2 335	256	5	2 193	112	400	53	331	126	12 655
(96)	33 400	456	286 266	56	8 862	2 666	53 823	56 288	3	277 480	336	7 913	233	1 302	3 820	732 904
(97) Adult	175	692	1 012	30	5 552	37	4 819	295	0	1 689	59	530	16	1 294	21	16 221
(97) Under age	83	686	1 112	20	2 436	9	8 270	79	0	1 754	35	621	6	732	26	15 869
(98)	3 693	594	2 461	99	802	85	19 741	0	0	2 199	345	27	54	2 800	6	32 906
(99,2) Observation	400	5	601	204	194	14	5 353	0	0	9 823	0	33	16	0	45	16 688
(99,2) Check	0	19	0	0	63	1	4 393	0	0	869	0	1	0	0	0	5 346
Total	38 598	3 565	295 403	482	18 686	2 895	98 734	56 918	8	296 007	887	9 525	378	6 459	4 044	832 589
Distribution of VE records per type																
Main	6 842	29 143	154 776	4 455	132 262	1 129	254 857	25 614	0	343 800	532	40 159	4 094	24 432	32 268	1 054 363
Alias	0	1	0	0	0	0	1 973	0	0	0	0	0	0	0	0	1 974
Total	6 842	29 144	154 776	4 455	132 262	1 129	256 830	25 614	0	343 800	532	40 159	4 094	24 432	32 268	1 056 337
Distribution of 'VE main records' by article																
(99) Observation	25	7	595	2	87	0	583	1	0	77	0	11	0	0	0	1 388
(99) Check	0	38	0	0	758	1	3 328	1	0	80	0	8	1	0	0	4 213
(100) Lost or stolen	6 814	29 100	32 458	4 429	131 359	1 126	250 946	25 612	0	339 476	523	40 055	3 762	23 934	32 268	921 862
(100) In search	3	0	121 723	24	58	2	0	0	0	4 167	9	85	331	498	0	126 900
Total	6 842	29 143	154 776	4 455	132 262	1 129	254 857	25 614	0	343 800	532	40 159	4 094	24 432	32 268	1 054 363