
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Law Enforcement and Security
(Amendment) (EU Exit) Regulations 2019**

PART 22

Schengen Information System (SIS II)

Introductory

118.—(1) In the provisions to which this regulation applies, the expressions which are referred to in Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) have the same meanings as they have in that decision (disregarding for this purpose the revocation of that decision by regulation 119 (revocation of retained EU law relating to SIS II)).

(2) This regulation applies to—

- (a) regulations 120 (saving provision – SIS II data and national files) and 121 (saving provision – supplementary information and national files);
- (b) any provision of Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) which is continued by this Part.

Revocation of retained EU law relating to the Schengen information system (SIS II)

119.—(1) The following Decisions are revoked but only so far as they relate to the Schengen information system—

- (a) Council [Decision 2000/365/EC](#) of 29 May 2000 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;
- (b) Council [Decision 2004/926/EC](#) of 22 December 2004 on the putting into effect of parts of the Schengen acquis by the United Kingdom of Great Britain and Northern Ireland;
- (c) Council [Decision 2014/857/EU](#) of 1 December 2014 concerning the notification of the United Kingdom of Great Britain and Northern Ireland of its wish to take part in some of the provisions of the Schengen acquis which are contained in acts of the Union in the field of police cooperation and judicial cooperation in criminal matters and amending Decisions [2000/365/EC](#) and [2004/926/EC](#).

(2) Subject to regulations 120 (saving provisions – SIS II data and national files) and 121 (saving provisions – supplementary information and national files), the following Decisions are revoked—

- (a) Commission [Decision 2007/171/EC](#) of 16 March 2007 laying down the network requirements for the Schengen Information System II (3rd pillar);
- (b) Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II);

- (c) Commission Implementing [Decision 2013/115/EU](#) of 26 February 2013 on the Sirene Manual and other implementing measures for the second generation Schengen Information System (SIS II);
- (d) Council [Decision 2013/157/EU](#) of 7 March 2013 fixing the date of application of Decision 2007/533/JHA on the establishment, operation and use of the second generation Schengen Information System (SIS II);
- (e) Council Implementing Decision (EU) 2015/215 of 10 February 2015 on the putting into effect of the provisions of the Schengen acquis on data protection and on the provisional putting into effect of parts of the provisions of the Schengen acquis on the Schengen Information System for the United Kingdom of Great Britain and Northern Ireland;
- (f) Commission Implementing Decision (EU) 2015/450 of 16 March 2015 laying down test requirements for Member States integrating into the second generation Schengen Information System (SIS II) or changing substantially their directly related national systems;
- (g) Commission Implementing Decision (EU) 2016/1345 of 4 August 2016 on minimum data quality standards for fingerprint records within the second generation Schengen Information System (SIS II).

(3) In this regulation, “Schengen information system” means any information system established under Title IV of the 1990 Schengen Convention, or any system established in its place in pursuance of any EU obligation.

Saving provisions – SIS II data and national files

120.—(1) This regulation applies in relation to—

- (a) SIS II data in connection with which action was taken on the territory of the United Kingdom before commencement day;
- (b) data contained in a particular alert issued in SIS II by the United Kingdom before commencement day.

(2) Subject to the modifications in paragraph (3), the following provisions of Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) continue to have effect in relation to the data referred to in paragraph (1)—

- (a) Article 46(1), (5), (6) and (7) (processing of SIS II data);
- (b) Article 47 (SIS II data and national files);
- (c) Article 54 (transfer of personal data to third parties).

(3) The modifications are that—

- (a) Article 46 is to be read as if—
 - (i) in paragraph 1—
 - (aa) for the words “The Member States” there were substituted “The United Kingdom”;
 - (bb) after the words “and 38” there were inserted “of Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) as it applied in the European Union immediately before commencement day”;
 - (ii) in paragraph 5, for the words “this Decision” there were substituted “Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use

of the second generation Schengen Information System (SIS II) as it applied in the European Union immediately before commencement day”;

(iii) in paragraph 7—

(aa) for the words “paragraphs 1 to 6” there were substituted “paragraphs 1, 4 and 5”;

(bb) for the words “each Member State” there were substituted “the United Kingdom”;

(b) Article 47 is to read as if—

(i) for the words “Article 46(2) shall not prejudice the right of a Member State to” (in each place) there were substituted “The United Kingdom may”;

(ii) in paragraph 2, for the words “that Member State” there were substituted “the United Kingdom”;

(c) Article 54 is to be read as if for the words “this Decision” there were substituted “Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) as it applied in the European Union before commencement day”.

Saving provisions – supplementary information and national files

121.—(1) This regulation applies in relation to data relating to—

(a) an alert which the United Kingdom issued before commencement day, or

(b) an alert in connection with which action was taken on the territory of the United Kingdom before commencement day.

(2) Subject to the modifications in paragraph (3), the following provisions of Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) continue to have effect in relation to the data referred to in paragraph (1)—

(a) Article 8(2) (exchange of supplementary information);

(b) Article 53(3) (purpose and retention period of supplementary information);

(c) Article 54 (transfer of personal data to third parties).

(3) The modifications are that—

(a) Article 53(3) is to be read as if—

(i) for the words “Paragraph 2 shall not prejudice the right of a Member State” there were substituted “The United Kingdom may”;

(ii) for the words “that Member State” there were substituted “the United Kingdom”;

(b) Article 54 is to be read as if for the words “this Decision” there were substituted “Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) as it applied in the European Union before commencement day”.