
DRAFT STATUTORY INSTRUMENTS

2019 No.

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

PART 22

Schengen Information System (SIS II)

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”.