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12246/15

SCH-EVAL 27
SIRIS 63
SCHENGEN 29
COMIX 426

"I/A" ITEM NOTE

From: Presidency

To: Permanent Representatives Committee (Part 2)/Council

No. prev. doc.: 11780/15 RESTREINT

Subject: 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

- State of play

1. On 10 February 2015 the Council adopted Council Implementing Decision (EU) 2015/215¹ 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.
2. In accordance with Article 1(4) of the Decision referred to in paragraph 1, the United Kingdom has been entering data into the SIS and using the SIS data referred to in Article 1(3) of the above-mentioned Decision, on a provisional basis, since 13 April 2015.

¹ OJ L 36, 12.2.2015, p. 8.

3. Article 2(3) of the Implementing Decision stipulates that upon the successful completion of the necessary evaluations, the Council should, by 31 October 2015, examine the situation with a view to adopting an implementing decision setting the date for the final putting into effect by the United Kingdom of the provisions referred to in Article 1(a)(ii) of Decision 2000/365/EC, in so far as they relate to the functioning of the SIS.
4. The SIS/SIRENE evaluation of the United Kingdom took place from 7 to 13 June 2015. The report of the evaluation, as set out in 11780/15, was presented and discussed at the meeting of the Working Party for Schengen Matters (Evaluation) on 18 September 2015.
5. The Working Party agreed *inter alia* on a set of recommendations addressed to the United Kingdom and considered that further proceedings were necessary in order to conclude the evaluation with a view to adopting an implementing decision setting the date for the final putting into effect by the United Kingdom of the provisions referred to in Article 1(a)(ii) of Decision 2000/365/EC, in so far as they relate to the functioning of the SIS.
6. In accordance with the second paragraph of Article 23 of Council Regulation (EU) No 1053/2013² establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen, the Council's competences for carrying out Schengen evaluations under the current legal framework will cease on 1 January 2016. In these circumstances, the continuation of the evaluation proceedings would take place in the framework of the new evaluation mechanism provided for in that Council Regulation.
7. In this context, **COREPER is requested to invite the Council to take note of the state of play as reported above.**

² OJ L 295, 6.11.2013, p. 27.