

# EUROPEAN PARLIAMENT

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*Session document*

9 September 2003

FINAL  
**A5-0288/2003**

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## **REPORT**

1. on the initiative by the Hellenic Republic on a Council Decision on procedures for amending the Sirene Manual  
(7180/2003 – C5-0149/2003 – 2003/0808(CNS))

2. on the initiative by the Hellenic Republic on a Council Regulation on procedures for amending the Sirene Manual  
(7179/2003 – C5-0148/2003 – 2003/0807(CNS))

Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

Rapporteur: Carlos Coelho

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position*  
*majority of Parliament's component Members, to reject or amend*  
*the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases*  
*covered by Articles 105, 107, 161 and 300 of the EC Treaty and*  
*Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position*  
*majority of Parliament's component Members, to reject or amend*  
*the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## PROCEDURAL PAGE

By letter of 1 April 2003 the Council consulted Parliament, pursuant to Article 39(1) of the EU Treaty, on the initiative by the Hellenic Republic on a Council Decision on procedures for amending the Sirene Manual (7180/2003 – 2003/0808(CNS)).

By letter of 1 April 2003 the Council consulted Parliament, pursuant to Article 67(1) of the Treaty establishing the European Community, on the initiative by the Hellenic Republic on a Council Regulation on procedures for amending the Sirene Manual (7179/2003 – 2003/0807(CNS)).

At the sitting of 10 April 2003 the President of Parliament announced that he had referred the two initiatives to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible (C5-0148/2003, C5-0149/2003).

The committee appointed Carlos Coelho rapporteur at its meeting of 23 April 2003.

It considered the two initiatives by the Hellenic Republic and draft report at its meetings of 23 April, 12 June, 9 July and 1 September 2003.

At the last meeting it adopted the draft legislative resolution unanimously.

The following were present for the vote: Giacomo Santini, acting chairman; Carlos Coelho, rapporteur; Christian Ulrik von Boetticher, Giuseppe Brienza, Marco Cappato (for Mario Borghezio), Giuseppe Di Lello Finuoli, Koenraad Dillen, Monica Frassoni (for Alima Boumediene-Thiery), Adeline Hazan, Pierre Jonckheer, Margot Keßler, Eva Klamt, Baroness Ludford, Elena Ornella Paciotti, Bernd Posselt, Martine Roure, Heide Rühle, Ole Sørensen (for Bill Newton Dunn), Anna Terrón i Cusí and Maurizio Turco.

The report was tabled on 9 September 2003.

## 1. DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the initiative by the Hellenic Republic on a Council Decision on procedures for amending the Sirene Manual  
(7180/2003 – C5-0149/2003 – 2003/0808(CNS))**

**(Consultation procedure)**

*The European Parliament,*

- having regard to the initiative by the Hellenic Republic (7180/2003)<sup>1</sup>,
  - having regard to the initiative by the Hellenic Republic (7179/2003)<sup>2</sup>,
  - having regard to Articles 30(1)(a) and (b), 31(a) and (b) and 34(2)(c) of the EU Treaty,
  - having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C5-0149/2003),
  - having regard to the Protocol integrating the Schengen acquis into the framework of the European Union, pursuant to which the Council consulted Parliament,
  - having regard to Rules 106 and 67 of its Rules of Procedure,
  - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0288/2003),
1. Approves the initiative by the Hellenic Republic as amended;
  2. Calls on the Council to amend the text accordingly;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Calls on the Council to consult Parliament again if it intends to amend the initiative by the Hellenic Republic substantially;
  5. Instructs the President to forward its position to the Council and Commission, and the government of the Hellenic Republic.

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<sup>1</sup> OJ C 82, 5.4.2003, p. 25.

<sup>2</sup> OJ C 82, 5.4.2003, p. 21.

Amendment 1  
Recital 4 a (new)

***There is no explicit provision in the Schengen Convention for establishing Sirene bureaux.***

*Justification*

*It should be made clear that if the Greek initiatives are adopted the Sirene bureaux will finally have a common legal basis. The two Spanish initiatives on introducing certain new functions in the Schengen Information System, including anti-terrorist measures, propose a legal basis under the Schengen Convention (via an amendment to Article 92), but neither the one nor the other has yet been adopted.*

Amendment 2  
Recital 4 b (new)

***With the Amsterdam Treaty it was decided to incorporate the Schengen Agreement and its acquis into the EU framework. The Schengen Protocol annexed provided for a decision of Council as to the legal base of each part of that acquis. When this decision was taken no agreement on a legal base for the Sirene manual could be reached and consequently the Sirene manual stayed in the third pillar without a specific legal base. Therefore the present decision constitutes also the decision on the legal base of the manual.***

*Justification*

*The adoption of the two initiatives would constitute de facto a decision on the legal base of the manual - that could not be reached in 1999 - and on the splitting up of the manual between the first and the third pillar. To improve transparency this should be explicitly stated.*

Amendment 3  
Article 2

1. The Introduction, **Part 1 and Part 2, the introduction of Part 3 and points 3.1.1, 3.1.2, 3.1.3, 3.1.4, 3.1.5, 3.1.7, 3.1.8, 3.1.9, 3.1.10 and 3.2 of Part 3**, the introduction of Part 4 and points **4.1.1, 4.1.2, 4.2, 4.3, 4.3.1, 4.3.2, 4.3.3, 4.4, 4.4.1, 4.4.2, 4.4.3, 4.5.1, 4.5.2, 4.7, 4.8, 4.9 and 4.10** of Part 4, the introduction of Part 5 and points 5.1.1, 5.1.2.1, 5.1.2.3, 5.1.2.4, 5.1.2.5, 5.1.2.6, 5.1.2.7, 5.2 and 5.3 of Part 5, Annexes 1, 2, 3 and 4, the introduction and forms A, B, C, D, E, F, G, H, I, J, K, L, M and P in Annex 5 and Annex 6 of the Sirene Manual shall be amended by the Commission in accordance with the regulatory procedure referred to in Article 3.
2. Additional instructions, including other Annexes, may also be introduced into the Sirene Manual in accordance with the regulatory procedure referred to in Article 3.
3. In the case of Annex 5, such changes may in particular include the creation of additional forms where these prove necessary.

1. The Introduction, Part 2 (**except 2.1.3**), the introduction of Part 4 and points 4.2, 4.3, 4.3.1, 4.3.2, 4.3.3, 4.4, 4.4.1, 4.4.2, 4.4.3, 4.5.1, 4.5.2, 4.7 **and** 4.8 of Part 4, the introduction of Part 5 and points 5.1.1, 5.1.2.1, 5.1.2.3, 5.1.2.4, 5.1.2.5, 5.1.2.6, 5.1.2.7, 5.2 and 5.3 of Part 5, Annexes 1, 2, 3 and 4, the introduction and forms A, B, C, D, E, F, G, H, I, J, K, L, M and P in Annex 5 and Annex 6 of the Sirene Manual shall be amended by the Commission in accordance with the regulatory procedure referred to in Article 3.
2. Additional instructions, including other Annexes, may also be introduced into the Sirene Manual in accordance with the regulatory procedure referred to in Article 3.
3. In the case of Annex 5, such changes may in particular include the creation of additional forms where these prove necessary.

*Justification*

*Certain parts of the manual should not be amended by comitology procedure. They should remain subject to change by a legislative procedure. This concerns articles that deal with rather sensitive issues of a political nature, such as data protection and state security.*

Amendment 4  
Article 3

1. **Where reference is made to this Article, the Commission shall be assisted by a Regulatory Committee composed of the representatives of the Member States and chaired by the representative of the Commission.**

1. **The Commission shall be assisted by a Regulatory Committee (*hereinafter referred to as the 'Committee'*).**

**2. The committee shall adopt its rules of procedure on a proposal by the chair on the basis of standard rules of procedure which have been published in the Official Journal of the European Union.**

**3. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time-limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 205(2) of the Treaty establishing the European Community, in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.**

**4. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.**

**5. If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken and shall inform the European Parliament.**

**6. The Council may act by qualified majority on the proposal, within two months from the date of referral to the Council.**

**If within that period the Council has indicated by qualified majority that it opposes the proposal, the Commission shall re-examine it. It may submit an amended proposal to the Council, re-submit its proposal or present a legislative proposal.**

**If on the expiry of that period the Council has neither adopted the proposed implementing act nor indicated its**

**2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC shall apply by analogy. The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.**

**3. The committee shall adopt its Rules of Procedure.**

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***opposition to the proposal for  
implementing measures, the proposed  
implementing act shall be adopted by the  
Commission.***

*Justification*

*By comparing the comitology provisions in the two initiatives it becomes evident that they are not in line with each other. The first pillar initiative refers to Articles 5 and 7 of Decision 1999/468/EC. The text of the third pillar initiative is, however, not identical to the text of the Articles 5 and 7 of Decision 1999/468/EC (Council Decision of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission, OJ L 184 , 17.7.1999, p. 23.). Article 7 of the comitology decision provides for example for the regular information of the European Parliament. No such provision is included in the initiative for the third pillar.*

## 2. DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the initiative by the Hellenic Republic on a Council Regulation on procedures for amending the Sirene Manual  
(7179/2003 – C5-0148/2003 – 2003/0807(CNS))**

**(Consultation procedure)**

*The European Parliament,*

- having regard to the initiative by the Hellenic Republic (7179/2003)<sup>1</sup>,
  - having regard to the initiative by the Hellenic Republic (7180/2003)<sup>2</sup>,
  - having regard to Article 66 of the Treaty establishing the European Community,
  - having regard to Article 67 of the Treaty establishing the European Community, pursuant to which the Council consulted Parliament (C5-0148/2003),
  - having regard to the Protocol integrating the Schengen acquis into the framework of the European Union, pursuant to which the Council consulted Parliament,
  - having regard to Rules 106 and 67 of its Rules of Procedure,
  - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0288/2003),
1. Approves the initiative by the Hellenic Republic as amended;
  2. Calls on the Council to amend the text accordingly;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Calls on the Council to consult Parliament again if it intends to amend the initiative by the Hellenic Republic substantially;
  5. Instructs the President to forward its position to the Council and Commission, and the government of the Hellenic Republic.

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<sup>1</sup> OJ C 82, 5.4.2003, p. 21.

<sup>2</sup> OJ C 82, 5.4.2003, p. 25.

Amendment 5  
Recital 4 a (new)

***There is no explicit provision in the Schengen Convention for establishing Sirene bureaux.***

*Justification*

*It should be made clear that if the Greek initiatives are adopted the Sirene bureaux will finally have a common legal basis. The two Spanish initiatives on introducing certain new functions in the Schengen Information System, including anti-terrorist measures, propose a legal basis under the Schengen Convention (via an amendment to Article 92), but neither the one nor the other has yet been adopted.*

Amendment 6  
Recital 4 b (new)

***With the Amsterdam Treaty it was decided to incorporate the Schengen Agreement and its acquis into the EU framework. The Schengen Protocol annexed provided for a decision of Council as to the legal base of each part of that acquis. When this decision was taken no agreement on a legal base for the Sirene manual could be reached and consequently the Sirene manual stayed in the third pillar without a specific legal base. Therefore the present decision constitutes also the decision on the legal base of the manual.***

*Justification*

*The adoption of the two initiatives would constitute de facto a decision on the legal base of the manual - that could not be reached in 1999 - and on the splitting up of the manual between the first and the third pillar. To improve transparency this should be explicitly stated.*

Amendment 7  
Article 2

1. The Introduction, **Part 1 and Part 2, the introduction of Part 3 and points 3.1.3, 3.1.5, 3.1.6, 3.1.8, 3.1.9 and 3.1.10 of Part 3**, the introduction of Part 4 and points 4.3, 4.3.1, 4.3.3, 4.5.1, 4.6, 4.8, **4.9 and 4.10** of Part 4, the introduction of Part 5 and points 5.1.1, 5.1.2.2, 5.2 and 5.3 of Part 5, and Annexes 1, 2 and 3, tables 3 and 4 in Annex 4, the introduction and forms C, E, G, I, J, K, L, M, N and O in Annex 5 and Annex 6 of the Sirene Manual shall be amended by the Commission in accordance with the regulatory procedure referred to in Article 3.

2. Additional instructions, including other Annexes, may also be introduced into the Sirene Manual in accordance with the regulatory procedure referred to in Article 3. In the case of Annex 5, such changes may in particular include the creation of additional forms where these prove necessary.

1. The Introduction, Part 2 (**except 2.1.3**), the introduction of Part 4 and points 4.3, 4.3.1, 4.3.3, 4.5.1, 4.6 **and** 4.8 of Part 4, the introduction of Part 5 and points 5.1.1, 5.1.2.2, 5.2 and 5.3 of Part 5, and Annexes 1, 2 and 3, tables 3 and 4 in Annex 4, the introduction and forms C, E, G, I, J, K, L, M, N and O in Annex 5 and Annex 6 of the Sirene Manual shall be amended by the Commission in accordance with the regulatory procedure referred to in Article 3.

2. Additional instructions, including other Annexes, may also be introduced into the Sirene Manual in accordance with the regulatory procedure referred to in Article 3. In the case of Annex 5, such changes may in particular include the creation of additional forms where these prove necessary.

*Justification*

*Certain parts of the manual should not be amended by comitology procedure. They should remain subject to change by a legislative procedure. This concerns articles that deal with rather sensitive issues of a political nature, such as data protection and state security.*

## EXPLANATORY STATEMENT

### The Sirene Manual

The Schengen Information System (SIS)<sup>1</sup> processes only the data necessary for the purpose. If a person is subject to a control, and a search procedure is started, the system only reveals if there is an alert and what immediate action to take. Any information for further action would then need to be made available via the Sirene (Supplementary Information Requ<sup>u</sup>est at the National Entry) Bureaux. The Sirene Bureaux were set up by the Contracting Parties to the Schengen Convention and are not expressly provided for in the Convention.

The national Sirene Bureaux are responsible for exchanging additional information based on the SIS. They also operate as intermediaries when the States hold consultations to determine what action to take when an alert is implemented. The main task of the Sirene Bureaux is to consult before an alert is entered, exchange information, check to ensure that multiple alerts have not been entered and set priorities. Each State has one single Sirene office which is operating around the clock each day.

Their tasks and activities are described in detail in a common manual known as the ‘Sirene Manual’.

With the Amsterdam Treaty it was decided to incorporate the Schengen Agreement and its acquis which had developed into the EU framework. The Schengen Protocol annexed provided<sup>2</sup> for a decision of Council as to the legal base of each part of that acquis. When this decision was taken<sup>3</sup> no agreement on a legal base for the Sirene manual could be reached. It was only marked ‘for the record’, e.g. to be decided later. Consequently<sup>4</sup> the Sirene manual stayed in the third pillar without a specific legal base.

### The two Greek initiatives

The result of this status quo is that the manual can only be changed by the procedures foreseen for the third pillar (e.g. following either a Commission proposal or an initiative of a Member State, consultation of the European Parliament and a *unanimous* Council decision). This proved to be too cumbersome to work.

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<sup>1</sup> For recent information on SIS see: Working Document on the Schengen Information System II (SIS II): current developments (timetable, new functionalities and users currently under discussion) Rapporteur: Carlos Coelho (PE 329.884); Working Document on Schengen Information System II: future developments Rapporteur: Carlos Coelho (PE 329.884)

<sup>2</sup> Article 2(1), second subparagraph, second sentence of the Protocol integrating the Schengen acquis into the framework of the European Union

<sup>3</sup> Council Decision (1999/436/EC) 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, OJ L 176, 10.7.1999, p. 17-29

<sup>4</sup> by applying subparagraph 4 of Article 2 (1) of the Schengen Protocol

The two Greek initiatives – one for the first pillar<sup>1</sup> and one for the third pillar<sup>2</sup> – now propose to establish a comitology procedure for amending the Sirene manual.

Their content is structured in the same way and almost identical - except for the pillar specific aspects: Article 1 describes the Sirene manual. Article 2 mentions the parts of the manual that are proposed to be subject to change by comitology. Article 3 describes the committee procedure (regulatory committee). Article 4 is the standard article on the entry into force.

## Evaluation of the two Greek initiatives – procedural questions

First of all, there are a series of procedural questions concerning the initiatives.

### *The question of the confidentiality of parts of the Sirene manual*

When originally conceived, the Sirene Manual was classified as a ‘confidential’ document. At the time of the integration of the Schengen acquis into the EU this classification was retained. However, with the adoption of the new security rules a proposal for a Council Decision on declassifying (parts of) the Sirene Manual was taken.<sup>3</sup> The declassified parts were published in the Official Journal.<sup>4</sup> The other parts (section 2.3 and the annexes 1, 2, 3, 4, 5 and 6) will remain ‘Restreint EU’.<sup>5</sup>

The two Greek initiatives concern the declassified as well as the classified parts.

For this reason, unless it is informed of the content of the classified parts it is not possible for the European Parliament to express an opinion as to the usefulness of the introduction of comitology procedures for amending the manual as it is asked to do. Following a series of contacts the Council decided not to transmit the classified parts. However, as it was present at the Committee on Citizens’ Freedoms and Rights, Justice and Home Affairs meeting of 12 June 2003, the Council made a formal statement, guaranteeing that those confidential parts contain only telephone lists and other contact information.

Considering the concept of loyal cooperation between the institutions, your rapporteur believes in the good faith of the Council and its statement that the content of the classified parts only refers to that contact information.

The question remains unsolved for future cases that will surely arise. To find always ad hoc solutions cannot be the objective. Your rapporteur argues that it is absolutely necessary to find an arrangement that allows the European Parliament to express its views even if parts of the subject matter are confidential and should remain so. It would, however, not be adequate to aim for an agreement only on the third pillar matching the interinstitutional agreement of the second pillar. There are very important differences between the second pillar and the area of freedom, security and justice. Firstly, it is an area split between the first and the third pillar, as

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<sup>1</sup> doc. 7179/03 SIRIS 29 COMIX 142

<sup>2</sup> doc. 7180/03 SIRIS 30 COMIX 143

<sup>3</sup> doc. 12152/02 SIS 63 SIRENE 53 COMIX 520

<sup>4</sup> OJ C 38, 12.2.2003

<sup>5</sup> A classification not provided for in Regulation 1049/2001 on public access to documents, OJ L 145, 31.5.2001, p. 43-48

can be seen with the two Greek initiatives under discussion. Secondly, it is dominated by legislative activity which is also the case here. And thirdly, for the same reason the Commission would need to be included. How else could it manage under its responsibility a comitology committee that deals also with the classified parts of the manual? Since the Commission as well as the Council stated their willingness to solve this problem, your rapporteur calls for the immediate start of negotiations between the three institutions. He expects a first formal step to this end to be taken before this report is voted by the Parliament in plenary.

### *The form of the initiatives*

Regrettably the two initiatives do not reach the same quality standard as proposals from the Commission normally do.

Firstly, they do not contain a financial statement including a financial impact analysis as the Commission is obliged to present with every proposal.<sup>1</sup> The setting-up of a regulatory committee meeting several times a year clearly requires financial resources since the Commission has to finance interpretation, translation and travel expenses of the representatives of the Member States. Depending on the number of meetings per year the total cost can easily reach several million Euros.

Before giving its opinion Parliament should be provided with accurate information on the financial impact of the two initiatives.

Secondly, the two initiatives do not contain an explanatory memorandum. This violates the established principle of law to give reasons. The subject matter is rather complicated even for experts and an explanation would obviously be helpful.

### Evaluation of the two Greek initiatives - content

Overall, your rapporteur welcomes the two initiatives. To use legislative procedures to change telephone numbers and other contact information is absurd, cumbersome and unnecessary. He therefore agrees with the basic idea to move these issues from the legislative realm to the executive one.

Nevertheless, certain aspects are problematic and should be amended:

The first aspect is the fact that the adoption of the two initiatives would constitute *de facto* a decision on the legal base of the manual - that could not be reached in 1999 - and on the splitting up of the manual between the first and the third pillar. As such nothing speaks against this approach to do two steps in one. It should, however, be explicitly stated that is being done and it should be explained and justified.

Secondly, by comparing the comitology provisions in the two initiatives it becomes evident that they are not in line with each other. The first pillar initiative refers to Articles 5 and 7 of Decision 1999/468/EC.<sup>2</sup> The text of the third pillar initiative is, however, not identical to the

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<sup>1</sup> Art. 270 TEC requires an analysis of the availability of appropriations for the action proposed.

<sup>2</sup> OJ L 184, 17.7.1999, p. 23-26

text of the Articles 5 and 7 of Decision 1999/468/EC. Article 7 of the comitology decision provides for example for the regular information of the European Parliament. No such provision is included in the initiative for the third pillar.

Thirdly, while your rapporteur supports the basic idea to amend in the future the manual by comitology procedures he considers that certain parts of the manual should be exempted from the procedure and should remain subject to change by a legislative procedure. This concerns articles that deal with rather sensitive issues of a political nature such as data protection, extradition (What impact will the entry into force of the European Arrest Warrant have on the manual? etc.) and state security.

Not subject to change by comitology should be the following parts:

- the entire part 3 including the introduction: in part 3 the ‘areas of intervention’ are listed. 3.1. lists the ‘main areas of intervention’ and 3.2. lists the ‘areas for supplementary intervention’. Since no other legal base exists that defines the role of the Sirene bureaux one can argue that part 3 constitutes in fact the mandate of the Sirene system. To change the mandate has to be a political decision and not an administrative one.

- all the parts which contain the words ‘highly sensitive area’:

4.1.1. Checking whether the national law of the Contracting Parties authorises provisional arrest with a view to extradition. – Article 95(2)

4.1.2. Consulting the Contracting Parties for alerts on grounds of State security - Article 99(3)

- all the parts which contain the words ‘data protection’:

2.1.3. Archiving the information.

(3.2.3. Overlapping roles of Sirene and Interpol)

- all the parts which contain ‘title VI’ e.g. data protection:

(3.2.1. The exchange of information on police cooperation. Articles 39 and 46.)

## 1. THE LEGAL FOUNDATIONS

- other relevant data protection provisions:

4.9. The exchange of information in the case of inaccurate or inadmissible data

4.10. The exchange of information regarding the right to access or rectify data