

GREECE

Following the debate during the last VTC on Feb. 22nd, and with view to the next upcoming one, please find below our comments/contribution regarding Block 4: enabling Europol to enter data into the Schengen Information System:

"Greece proposes the deletion of section r, para 1 of Article 4, following concerns, reservations and remarks from most of the Member States during the 22nd Feb. 2021 LEWP VTC.

Following your questions referred to your Flash Note, definitely we agree there is an operational need front-line officers to have all information available; that stands as an imperative from our experiences as a front-line Member State. However, in this regard we highlight the fact that there is a significant difference between availability and accessibility to information.

Further, the discussions within LEWP and the debate concerned are about reviewing Europol's Regulation, the Agency's new mandate. To this end, efforts should focus on what, how and why Europol will support Member States. This exercise focuses on what authority we shall give the Agency to fulfill its mission; and again, allow us to stress that every form of authority equals to specific extend of responsibility.

Consequently, the given concerns and queries from Member States during the last VTC are fundamentally valid. Allow us to recall, some:

- What is meant with consultation at the referred provision of the Article?*
- Are the information received by Article 17(1)(b) alone enough, as a criterion for the Agency to enter data ti SIS II? Following, are this data valid, cross-checked and verified and who is competent to confirm so?*
- In a positive case, who is responsible for handling the case? Europol or the Member State? We should not neglect that for every measure on SIS II, there is a national legally binding decision, which is not the case for Europol.*
- In case of an appeal and respective legal consequences, who is responsible for the judicial proceedings and jurisdiction for the case concerned?*
- And many other important ones raised throughout the 22.02.21 LEWP VTC.*

The outcome of this debate was, and remains, more or less evident; Member States are hesitant to permit this authority to Europol. This applies to the next and second question of your Flash Note, if SIS II is the right tool to avail information to front-line officers. The answer leans to be positive; nevertheless, if Europol will be able to add data onto it is another case.

Concerning national position on the subject matter, SIS II is one of the main tools for such tasks and to this end we add the added value of Interpol databases, that long pre-exist and remain rich and updated. We do consider that Member States do efficiently cooperate in this matter and exchange information and the respective "Interpol Notices" in a satisfying manner that cover needs. It is kindly noted that these notifications can easily be employed also for the provisions of Articles 36 para 2 and para 3 of SIS II, while direct communication and exchange (with no third party involvement) proves faster, while not resource-effort-time consuming.

Additionally, significant work and progress has been achieved at the interoperability project; which, actually serves the same purpose, the interconnectivity of databases (including entry/exit, VIS, SIS II, etc) for the viability of information. Worth mentioning though, the funds and efforts (also at the legal and technical) level invested for this project.

Concluding, in the future debate, we expect the Presidency to acknowledge the volume and extent of Member States concerns and hesitance, and to assist in the the consultations with the Commission to clarify between the "benefit" and the "necessity" of the questioned authority to Europol.

The more, is not always the better. SIS II derives from the fundamental Conventions of the EU and built to be used and serve Member States, as political entities within the international and European community, governed democratically and embodying legislative, executive and judicial authorities. We shall ensure Europol supports Member States, without allow it to behave like one."