



EUROPEAN COMMISSION

Strasbourg, le 12 décembre 2017
SEC(2017) 554 final

REGULATORY SCRUTINY BOARD OPINION

**Proposal for a Regulation of the European Parliament and the Council on
establishing a framework for interoperability between European Union
information systems
(borders and visa)**

**Proposal for a Regulation of the European Parliament and the Council
establishing a framework for interoperability between European Union
information systems
(police and judicial cooperation, asylum and migration)**

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{COM(2017) 794}
{SWD(2017) 473}
{SWD(2017) 474}



Brussels,
Ares(2017)

Opinion

Title: Impact Assessment / Interoperability of information systems for borders and security

Overall opinion: POSITIVE WITH RESERVATIONS

(A) Context

The EU has put in place several information systems that store data on non-EU nationals that cross external borders. These systems are currently not able to exchange data and share information with each other. This reportedly complicates the work of border guards, immigration and law enforcement officials. The Council and the Parliament have both urged action in this area.

This initiative aims to give authorised persons better access to information. It would increase interoperability between six EU information systems for security, border and migration management. Three of these systems are now in place (Schengen Information System, Eurodac system, Visa Information System). Another three are in preparation or development (Entry/Exit System, ETIAS, ECRIS-TCN system). The systems would contain information on about 218 million people. Key challenges include guaranteeing fundamental rights and data protection.

(B) Main considerations

The Board delivers the present opinion based on a draft version of the impact assessment report submitted on 24 November 2017. The Board notes planned adjustments that address the Board's concerns about data protection and the respect of fundamental rights. These need to be fully integrated in the report.

The Board acknowledges that the impact assessment relies on considerable and detailed technical work. However, the report still contains significant shortcomings that need to be addressed. As a result, the Board expresses reservations and gives a positive opinion only on the understanding that the report shall be further adjusted in order to integrate the Board's recommendations on the following key aspects.

(1) The report does not sufficiently explain how far the additional measures under its preferred option extend end-users' existing data access rights in EU information systems. It does not sufficiently explain and illustrate safeguards for data protection and fundamental rights.

(2) The less ambitious option 2 is not clear enough about how it integrates the Schengen Information System. How this takes place may matter for the effectiveness and cost of this option. It might also affect its relative merit compared with the preferred option.

(C) Further considerations and adjustment requirements

(1) Context

The report should explain how it has taken into account the High Level Expert Group's recommendations on interoperability. It should also explain where it went beyond these recommendations, and why, in particular for integration of Interpol in the search portal which was not recommended as a first priority.

(2) Access rights and safeguards for fundamental rights

The report should clearly establish how far the proposed measures would extend existing access rights for the end-users to EU information systems. This is particularly relevant for the checks within the territory, hitflagging and the Multiple Identify Detector, which are elements of the preferred option.

Where options extend access rights, the report should better explain the safeguards it proposes to manage risks related to data protection and respect for fundamental rights, including the right to good administration, the presumption of innocence and the right to defence. The report should explicitly assess risks of more false positive errors, and discuss any related negative consequences, in particular in terms of freedom and justice. The report should present these risks when it presents expected enhanced security and practical benefits of more efficient IT-systems.

While this initiative most directly affects non-EU citizens, the analysis should also describe any potential (unintended) impacts on EU citizens. This might include practical examples or a worst-case scenario.

(3) Options and impacts

The description of the options should clarify how the European Search Portal would integrate data from the Europol and Interpol systems. For the Interpol databases which are also fed by third countries, it should explain how it would ensure respect of fundamental rights.

The report should clarify how and to what extent the less ambitious option 2 would cover the Schengen Information System (SIS). If the SIS data can be integrated into the Common Identity Repository, it should estimate what it would cost to do so. If SIS integration is not possible, the report should explain any implied reduced functionality. Such analysis of the costs and effectiveness of option 2 would allow a clearer comparison between this and the preferred option.

The report could do more to make the option comparison more transparent. It should include an overview table comparing costs and benefits. It should also analyse the extent to which the two options contribute to realising the four specific objectives.

The Board takes note of the quantification of the various costs and benefits associated to the preferred option of this initiative, as assessed in the report considered by the Board and summarised in the attached quantification tables.

[Some more technical comments have been transmitted directly to the author DG.]

(D) RSB scrutiny process

The lead DG shall ensure that the report is adjusted in accordance with the recommendations of the Board prior to launching the interservice consultation.

The attached quantification tables may need to be adjusted to reflect any changes in the choice or the design of the preferred option in the final version of the report.

Full title	Proposal for a regulation of the European Parliament and the Council establishing interoperability between the European Union information systems for security, border and migration management
Reference number	PLAN/2017/1570
Date of RSB meeting	06/12/2017

Annex

Summary of costs and benefits

I. Overview of Benefits (total for all provisions) – Preferred Option		
Description	Amount	Beneficiary
Direct benefits		
1. Reduced training costs	€20m p.a.	Member State administrations for border management, migration and law enforcement authorities.
2. Reduced cost of changes to national applications when the central system is operational	€6m p.a.	Member State IT departments
3. Cost saving of having one central shared BMS rather than one BMS per central system containing biometrics	€1,5m p.a. and reduction of €8m in one-off investment	EU central administration
4. Saved cost of identification of multiple identities.	€50m p.a.	Member State administrations for border management, migration and law enforcement authorities.
Indirect benefits		
None identified	-	-
Total	€77,5m p.a. and €8m one-off	

II. Overview of costs – Preferred option						
	Third-Country Nationals		Member State Administrations		Central Administration	
	One-off	Recurrent	One-off	Recurrent	One-off	Recurrent
Direct costs						
ESP	0	0	€18m	€3.6m p.a.	€14.3m	€2.9m p.a.
Shared BMS	0	0	€0m	€0m p.a.	€23.6m	€2.5m p.a.
CIR	0	0	€18m	€3.6m p.a.	€8m	€1.4m p.a.
MID	0	0	€45m	€9m p.a.	€28.2m	€1.6m p.a.
Total	0	0	€81m	€16.2m p.a.	€74.1m	€8.4m p.a.