



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 29 November 2013**

**17112/13**

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PESC 1448  
SIRIS 101  
RELEX 1090  
COMIX 658**

**"I/A" ITEM NOTE**

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from: General Secretariat of the Council  
to: COREPER/the Council

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No prev. doc. 15754/1/13 + REV 1  
10293/13  
DS 1993/13  
5800/13 RESTREINT UE  
11205/12 + COR 1 + COR 2  
9352/12 RESTREINT UE + ADD 1 REV 2 RESTREINT

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Subject: Council Conclusions on alerts pursuant to Article 26 of Regulation (EC) No 1987/2006 on the establishment, operation and use of the SIS II

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1. At the meeting of the Working Party for Schengen Matters (SIS/SIRENE) on 18 July 2012, the Lithuanian delegation presented 9352/12 SIRIS 28 PESC 534 RELEX 386 JAI 296 COMIX 279 RESTREINT UE on the improvement of data on third-country nationals subject to EU-level restrictions on admission or entry refusal to the territory of the Member States. Member States were also invited to reply to a questionnaire, contained in the annex to that document, aiming to identify whether the system of applying international sanctions by means of the SIS and national lists of alerts was satisfactory.

2. At the meeting of the Working Party for Schengen Matters (SIS/SIRENE) on 15 November 2012, the Lithuanian delegation commented on the replies received to the questionnaire concerning the improvement of data on third-country nationals subject to EU-level restrictions on admission or entry refusal to the territory of the Member States<sup>1</sup>.
3. At the meeting of the Working Party for Schengen Matters (SIS/SIRENE) on 15 February 2013, the Lithuanian delegation presented 5800/13 SIRIS 10 PESC 103 RELEX 80 JAI 57 COMIX 45 RESTREINT UE, with the conclusions and recommendations arising from the analysis of Member States' replies to the questionnaire. At its meeting of 17 April 2013, the Working Party for Schengen Matters (SIS/SIRENE) reached a consensus on that document and agreed to forward it to the Working Party of Foreign Relations Counsellors (RELEX).
4. At its meeting of 17 June 2013, the Working Party of Foreign Relations Counsellors (Sanctions formation) took note of the conclusions set out in 5800/13 and gave further consideration to the issue.
5. Following the discussions at the meetings of JHA Counsellors on 19 November 2013, RELEX Counsellors on 21 November 2013, and JHA/RELEX Counsellors on 25 November 2013, an agreement was reached on the Council Conclusions as set out in the annex.
6. A general scrutiny reservation is pending from the UK.
7. **The Permanent Representatives Committee is therefore invited to confirm the agreement to the Council Conclusions on alerts pursuant to Article 26 of Regulation (EC) No 1987/2006 on the establishment, operation and use of the SIS II, as set out in the annex, and suggest the Council (Justice and Home Affairs) to adopt them as an "A" item at its meeting on 5 and 6 December 2013.**

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<sup>1</sup> See 9352/12 ADD 1 REV 2 SIRIS 28 PESC 534 RELEX 386 JAI 296 COMIX 279 RESTREINT UE.

**Council Conclusions on alerts pursuant to Article 26 of Regulation (EC) No 1987/2006 on the establishment, operation and use of the SIS II**

1. The Council *underlines* the particular importance of ensuring the implementation of EU restrictive measures against third-country nationals intended to prevent their entry into or transit through the territory of Member States, adopted on the basis of Articles 29 and 31(2) of the Treaty on European Union.
2. The Council *considers* that the principles laid down in the Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy <sup>2</sup> offer an adequate basis to that end.
3. The Council, taking into account inter alia the increasing number of restrictive measures adopted by the EU, *considers* appropriate to review and update the arrangements for entering, amending, maintaining and deleting the alerts in SIS II, which is the responsibility of the Member States as provided for in Article 26 of Regulation (EC) No 1987/2006 <sup>3</sup>, within the framework of the implementation and follow-up of the Council decisions on restrictive measures.
4. The Council *concludes* that it is appropriate to establish a mechanism of coordination at European Union level for the implementation and follow-up of the Council decisions on restrictive measures as regards the alerts entered under Article 26 of Regulation (EC) No 1987/2006 in SIS II. <sup>3</sup>

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<sup>2</sup> 11205/12 + COR 1 + COR 2.

<sup>3</sup> Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II), (OJ L 381, 28.12.2006, p. 4).

5. The Council therefore *invites*:

- the High Representative of the Union for Foreign Affairs and Security Policy and the Commission, in close cooperation with Member States, to examine the possibility of setting up a mechanism of coordination at EU level, with appropriate modalities for the proper handling of data of third-country nationals subject to EU restrictive measures;
- the Commission to examine the existing legal framework and, within the framework of its reporting obligation as provided for in the respective legal base, to submit to the Council its findings or, where necessary, proposals regarding the effective application of Article 26 of SIS II Regulation <sup>4</sup>, implementation and follow-up of the Council decisions on restrictive measures, in line with the fundamental rights of the persons concerned.

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<sup>4</sup> Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II), (OJ L 381, 28.12.2006, p. 4).