

## Schengen area

**05.08.2014 - 09:40**

Schengen area

- a set of norms aimed at creating an area of freedom, security and justice (chapter five part three of the [Treaty on the Functioning of the European Union](#) [1])
- on 14th of June 1985 in Schengen, the so-called [The Schengen Agreement](#) [2] was signed (founding agreement members: Belgium, Netherland, Luxemburg, Germany and France), the main objective and idea was to remove controls at internal borders and thereby facilitate the free movement of persons, goods and services
- the most important areas covered by the Agreement

(a) the abolition of checks at the common internal borders and the strengthening of externa borders,

(b) the unification of legislation in the field of visa, asylum and asylum policy,

(c) strengthening cross-border cooperation and the fight against crime,

(d) building up the Schengen Information System and the SIRENE,

(e) adaptation of the provisions on the protection of personal data

- as a consequence of the accession of additional states to the Schengen Agreement, the Schengen system was finally integrated into the EU legal framework by [the Treaty of Amsterdam](#) [3]
- states that are not EU Member States may also be members of the Schengen area
- some Member States also participate in the application of some of the provisions of the Schengen acquis
- due to the continuous development of the Schengen acquis, it is essential to continuously examine and evaluate compliance with the provisions of the Schengen acquis in individual countries (so-called re-evaluations)

### SCHENGEN INFORMATION SYSTEM II (SIS II)

The newest version of the Schengen Information System, the so-called SIS II, came into operation on 9 April 2013. It now serves most EU Member States (Croatia, Cyprus and Ireland are carrying out preparatory activities to integrate into the SIS II, but are not yet part thereof.), plus Iceland, Liechtenstein, Norway and Switzerland. European Union Agency for Law Enforcement Cooperation - Europol and Eurojust also have access to SIS II. The purpose of SIS II is:

- ensure a high level of security within the area of freedom, security and justice of the European Union including
- the maintenance of public security and public policy and
- the safeguarding of security in the territories of the Member States and
- to apply the provisions relating to the movement of persons in their territories, using information communicated via this system.

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The SIS II is based on two acts that complement each other: [the SIS II Decision](#) [4] and [the SIS II Regulation](#) [5]. The regulation applies to alert procedures falling under visas, asylum, immigration and other policies related to the free movement of persons (formerly the first pillar). The decision governs the use of SIS II for purposes covered by police and judicial cooperation in criminal matters (the former third pillar of the EU). Both legal acts contain rules on data protection. The SIS II Decision prohibits the processing of sensitive data. The processing of personal data shall be covered by the scope of Convention 108.

The competent national supervisory authority in each Member State supervises the domestic N-SIS. The national supervisory authority must ensure that an audit of the data-processing operations within the domestic N-SIS takes place at least every four years. The national supervisory authorities and the EDPS cooperate and ensure coordinated supervision of the N-SIS, while the EDPS is responsible for the supervision of the C-SIS.

The rights of natural person were carried out in each member state because each database of N-SIS is recently copy of database of C-SIS.

#### VISA INFORMATION SYSTEM (VIS)

The Visa Information System (VIS), was developed to support the implementation of a common EU visa policy. The VIS allows Schengen states to exchange data concerning visa applicants through a fully centralised system which connects the consulates and embassies of the Schengen states situated in non-EU countries with the external border-crossing points of all Schengen states. The VIS processes data regarding applications for short-stay visas to visit or to transit through the Schengen area. The VIS enables border authorities to verify, with the help of biometric attributes, notably fingerprints, whether or not the person presenting a visa is its rightful holder and to identify persons with no or fraudulent documents.

[Regulation \(EC\) No. 767/2008 of the European Parliament and of the Council concerning the Visa Information System \(VIS\) and the exchange of data between Member States on short-stay visas \(VIS Regulation\)](#) [6] regulates the conditions and procedures for transferring personal data regarding applications for short-stay visas. It also oversees the decisions taken on applications, including decisions to annul, revoke or extend the visa.

To ensure supervision of VIS, the VIS SCG was set up. It consists of representatives of the EDPS and the national supervisory authorities of EU/EEC member states, which meet up twice a year. This group consists of the representatives of the 28 EU Member States and from Iceland, Liechtenstein, Norway and Switzerland.

#### CUSTOM INFORMATION SYSTEM (CIS)

The purpose of CIS is to assist the Member States in preventing, investigating and prosecuting serious violations of national and EU customs and agricultural laws. The CIS is established by two legal acts, adopted on different legal bases: [Council Regulation \(EC\) No 515/97 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters](#) [7] (concerns the cooperation between the different national administrative authorities for combating fraud in the context of the customs union and the common agricultural policy) and [Council Decision 2009/917/JHA on the use of information technology for customs purposes](#) [8].

The information contained in CIS comprises personal data related to commodities, means of transport, businesses, persons, goods and cash retained, seized or confiscated. This information may be used solely for the purposes of sighting, reporting or carrying out particular inspections or for strategic or operational analyses concerning persons suspected of breaching customs provisions.

The processing of personal data must comply with the specific rules established by Regulation No. 515/97 and Council Decision 2009/917/JHA, as well as the provisions of the General Data Protection Regulation, the EU Institutions Data Protection Regulation, Modernised Convention 108 and the Police Recommendation. The EDPS is responsible for supervising CIS's compliance with Regulation (EC) No. 2018/1725. It convenes a meeting at least once a year with all national data protection supervisory authorities with competence regarding CIS-related supervisory issues.

## EURODAC

Eurodac stands for European Dactyloscopy. This system is regulated by [Regulation No 603/2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation \(EU\) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation \(EU\) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice](#). [9] It is a centralised system that contains the fingerprint data of third-country nationals and stateless persons who apply for asylum in one of the EU Member States. Its purpose is primarily to assist in determining which Member State should be responsible for examining a particular asylum application under [Regulation \(EU\) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person](#) [10] (Regulation Dublin III). This regulation establishes the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (Dublin III Regulation). Personal data in Eurodac mainly serve the purpose of facilitating the application of the Dublin III Regulation.

Eurodac consists of a central unit, operated by eu-LISA, for storing and comparing fingerprints, and a system for electronic data transmission between Member States and the central database. Member States take and transmit the fingerprints of every person of at least 14 years of age who asks for asylum in their territory, and of every non-EU national or stateless person of at least 14 years of age who is apprehended for the unauthorised crossing of their external border. Member States may also take and transmit the fingerprints of non-EU nationals or stateless persons who are found staying within their territory without permission.

In addition to all EU Member States, Iceland, Norway, Liechtenstein and Switzerland also apply Eurodac on the basis of international agreements.

The Eurodac SCG has been set up to ensure supervision of Eurodac. It consists of representatives of the EDPS and the national supervisory authorities, which meet up twice a year. This group consists of the representatives of the 28 EU Member States and Iceland, Liechtenstein, Norway and Switzerland.

## EUROPOL

Europol, the EU's law enforcement agency, is headquartered in The Hague, with Europol National Units (ENUs) in each Member State. The present legal status of Europol is based on [the Regulation on the European Union Agency for Law Enforcement Cooperation \(Europol Regulation\)](#) [11].

The object of Europol is to assist with the prevention and investigation of organised crime, terrorism and other forms of serious crime, as listed in Annex I of the Europol Regulation, which affect two or more Member States.

The EDPS is responsible for monitoring and ensuring the protection of fundamental rights and freedoms of natural persons with regard to the processing of personal data by Europol, and for advising Europol and data subjects on all matters concerning the processing of personal data. To that end, the EDPS acts as an investigating and complaints body and acts in close cooperation with the national supervisory authorities. EDPS and the national supervisory authorities will meet at least twice a year in the Cooperation Board, which has an advisory function.

Address:

Europol  
P.O. Box 908 50  
2509 LW The Hague  
The Netherlands

Website: <https://www.europol.europa.eu/> [12]

Information on this website are from:

[Handbook on European data protection law, 2018](#) [13]

**Category:** [Foreign](#) [14]

**Source URL:** <https://dataprotection.gov.sk/uouu/en/content/schengen-area>

### **Links**

[1] <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>

[2] [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2000.239.01.0001.01.ENG&toc=OJ:L:2000:239:TOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2000.239.01.0001.01.ENG&toc=OJ:L:2000:239:TOC)

[3] [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C\\_.1997.340.01.0001.01.ENG&toc=OJ:C:1997:340:TOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.1997.340.01.0001.01.ENG&toc=OJ:C:1997:340:TOC)

[4] <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32007D0533>

[5] <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32006R1987>

[6] <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008R0767>



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Published on Office for Personal Data Protection  
of the Slovak Republic

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- [7] <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A31997R0515>
- [8] <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009D0917>
- [9] <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013R0603>
- [10] <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013R0604>
- [11] <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0794>
- [12] <https://www.europol.europa.eu/>
- [13] <https://fra.europa.eu/en/publication/2018/handbook-european-data-protection-law>
- [14] <https://dataprotection.gov.sk/uouu/en/main-content/foreign>