

French Council Presidency Wants Better Use of SIS against Terrorists

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News

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At the beginning of its Council Presidency, France initiated discussion of whether the post-hit procedure in the Schengen Information System (SIS) for alerts related to terrorism should be improved. Under the current law, only two EU Member States and Europol exchange information on terrorists. If an individual was registered in the SIS by the “issuing” Member State and was located or detected by the “checking” Member State” only these two states exchange further information. In addition, the issuing State is required to send this “hit” to Europol.

The French Council Presidency now proposed that all Member States having previously volunteered receive alerts on certain terrorists and are mandatorily and automatically informed of the hits. According to the proposal, this will concern alerts on Islamist terrorists released from prison and linked to Syrian-Iraqi networks, Europeans who have left for the Syrian-Iraqi conflict zone and try to come back to Europe, and foreign terrorist fighters.

The proposal aims to better detect threatening individuals who particularly entered the European territory in migratory flows and then freely move within the Schengen area benefitting from the absence of internal border checks. The French Council Presidency expects a more precise monitoring if all volunteering EU Member States are informed of these individuals once detected. In addition, the improved information flow should enable Member States to issue restrictive or surveillance measures more rapidly and to use the date for future investigations. In a [document circulated on 21 February 2022](#), the French Council Presidency further explained its proposal including ideas on how the new procedure could be technically implemented in the SIS. The document also sets out that legislation on the SIS must be revised and starts discussion on the operational need for a reform. The outcome of the discussions in the Council working groups might lead to respective Council conclusions at the end of the French Presidency.

[Civil society organisations criticised](#) the initiative for significantly increasing the amount of personal data that will be exchanged between national authorities. The proposal did also not contain an impact assessment thus it is feared that “it will lead to magnifying and expanding the preventive surveillance powers of the volunteering member states that will receive notifications of hits and it will provide the justification for extensive data collection, for example mass retention of telecommunication metadata under the banner of national security”. Ultimately, critics point out that changes to the category of terrorist alerts may put other individuals, e.g. “political activists”, into consideration of national security authorities.

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