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NOTE

from :	French delegation
Subject :	Legislative package establishing an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice − Location of the seat of the Agency

France supports the principle of establishing the Agency in Strasbourg, to ensure continuity of the existing situation.

As it has already had occasion to point out in various fora, France is in favour of establishing the Agency for the operational management of large-scale IT systems in the area of freedom, security and justice ("networks agency"), which is the subject of two Commission proposals [1] submitted in June. It considers that this Agency will make it possible to:

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[1]	11709/09 JAI 448 CATS 78 SIS-TECH 69 SIRIS 96 VISA 224 EURODAC 21 COMIX 553, 11722/09 JAI 451 CATS 79 SIS-TECH 70 SIRIS 97 VISA 225 EURODAC 22 COMIX 554 CODEC 948, 11726/09 JAI 453 CATS 80 SIS-TECH 71 SIRIS 98 VISA 226 EUROPOL 66 EUROJUST 53 COMIX 555 + COR 1.

- consolidate the operation, which is already very satisfactory, of the existing IT systems, in particular the SIS, while improving their technical synergies;

- foster their long-term management, while facilitating future developments in the JHA field.

France considers, however, that the success and feasibility of this future agency depend upon the choice of a single location for its seat in Strasbourg, the current site of operation of C.SIS and of development of the VIS, alongside the back-up site in Sankt Johann im Pongau in Austria.

France is fully aware of the conclusions of the European Council on 12 and 13 December 2003 on the location of the seats of new agencies [2], according to which priority should be given to States that have become members subsequent to those conclusions.

In this case, however, it considers that the Council would not be departing from those conclusions by following reasoning similar to that regarding the Monitoring Centre for Racism and Xenophobia, which was kept in Vienna when it was turned into the Agency for Fundamental Rights (FRA) [3]. Nor was the establishment of Europol in The Hague called into question when it was turned into an agency [4]. In the case of the networks agency, it would clearly be a question of ensuring the uninterrupted continuity of the activities of C.SIS in Strasbourg and developing and improving the existing situation in another legal form.

– Firstly, alongside the C.SIS, the Strasbourg centre already houses the future VIS as well as the SIS II equipment.

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[2]   5381/04 POLGEN 2.
[3]   COUNCIL REGULATION (EC) No 168/2007 of 15 February 2007 establishing a European Agency for Fundamental Rights (OJ 53, 22.2.2007).
[4]   Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol).

–   Secondly, the SIS is on an infinitely larger scale than the Eurodac system. The SIS is built around a central database (C.SIS) which is networked, via national systems, to **over half a million terminals** located within the security services of the Member States. It currently contains **over 30 million alerts** (for wanted persons, stolen vehicles and stolen or lost identity papers and documents, etc.) On average, 35 000 entries are made, modified or deleted every day. The central system thus manages more than one million messages a day. By comparison in 2008 EURODAC received a total of 357 477 transactions (all types of transaction taken together: asylum applicants, persons having crossed a border illegally or persons arrested who were residing illegally on the territory of a Member State) and it had received 238 632 transactions as at 1 September 2009. In addition, on that date it held 1 474 372 files.

The new Agency should therefore be regarded as a development and extension of the tasks of the Strasbourg centre.

Establishment in Strasbourg guarantees savings, continuity and security

A guarantee of savings

Over and above the benefits of consolidating the future agency at a single site (see below), its establishment in Strasbourg is a very significant factor for savings.

The total cost of the installations in Strasbourg amounts to at least EUR 15 million (over EUR 9,5 million from the Community budget and EUR 5,34 million from the French budget). This sum would represent a net loss if the agency were transferred to another site, quite apart from the possible transfer of the back-up site, as the latter has to meet criteria of availability and proximity in relation to the main site.

It should be borne in mind that the operational site and the back-up site cannot be too distant from one another. In the event of a problem at the main site, it is essential that the teams at the main centre should be able to transfer rapidly to the back-up site.

Over and above this loss, there would be the cost of making a new site operational from scratch (including possibly the back-up site), which the impact study has evaluated at EUR 16 million (EUR 8 million for the main site and EUR 8 million for the back-up). Lastly, a sum of about EUR 4 million (air conditioning, security features) would have to be added for adapting the premises.

Property costs are therefore a vital factor.

The Strasbourg site, which has been made available by France free of charge to the European Union in the framework of C.SIS 1, also houses, under service contracts signed between France and the Commission, a technical platform common to the SIS and the VIS, which can easily be extended to EURODAC.

A long-term view here again argues in favour of Strasbourg. In December 2007, at the request of the French State, the Urban Community of Strasbourg created a land reserve of about 5 000 m2 adjacent to the centre. The impact study advocates an area of 1 800 m2 for the Agency's site. The current land occupied by the centre would thus merely have to be extended by about 900 m2 to attain that objective. An additional investment of EUR 6 million might be enough. The reserve would, however, make it possible in the more distant future to develop this site even further, if need be.

To conclude, the creation from scratch of an Agency would cost the European Union EUR 27 million (EUR 15 million + EUR 8 million + EUR 4 million) as against a figure of about EUR 6 million for extending the Strasbourg site to house the Agency.

At a time when discussions are starting on the European Union's financial perspectives, in a context constrained by the crisis, it is difficult to imagine that the European Union would not turn to the solution that ensures minimal expenditure of public funds. Rational financial choices on the Council's part would undoubtedly weigh heavily in convincing the European Parliament, as co-decision-maker, of the need to establish this Agency.

A guarantee of continuity in the exploitation and preservation of know-how

There is no need to give a reminder of the strategic importance of the SIS (in whatever version) for the internal and external security of the European Union. The Strasbourg site has amply demonstrated its ability, for almost 15 years now, to ensure a continuity and quality of service which is unquestionable. This has made it possible, in particular, to carry out several major technical migrations and to conduct five phases of integration into the SIS, specifically that of the new Member States, without any difficulty since 1995.

With a view to the future exploitation of SIS II and of the VIS, France has carried out a policy of targeted recruitment, at the request of the Commission. The current teams, even if they will have to be revamped because of the transition to agency status, have a proven body of know-how, and represent experience and essential expertise which should be preserved to the utmost. The teams have been able to create relationships of transparency and trust with all the Member States and will be able to maintain them via the Management Board. A whole collective capital has thus been built up with the national teams of the Member States, and it is very important to preserve this and reincorporate it into the new operational methods of the Agency. And this will also make it easier to get the Agency up and running.

A guarantee of security

Quite apart from the considerable risk that would be involved in relocating the Agency to another site, which would occasion considerable irrecoverable costs for ensuring the security of the transfer, establishment of the Agency in Strasbourg would also represent a guarantee of security.

For almost 15 years now, operation of the SIS has given rise to no serious incidents involving an interruption of service, just as it has been protected against any intrusion. This is a fundamental factor because of the particularly sensitive nature of the information contained in the three IT systems that the Agency will be responsible for managing, and of the equally sensitive nature of other systems that the European Union might decide to develop in the future via the Agency. Data protection, which is a matter of legitimate attention for the European Parliament, does not consist merely of legal rules. It starts with the physical security of the data. The Strasbourg site has shown ample proof of its know-how in this area.

The design/development function and the operational function need to be carried out in the same place

France considers that one of the main added values of setting up an Agency will lie in grouping together at a single site the various functionalities connected with the IT systems. This should make it possible to overcome certain current difficulties in developing the IT systems, due at least in part to the separation between steering and development functions, on the one hand, and management functions, on the other.

France therefore considers that it would be very counter-productive to follow the course of breaking up the Agency and dispersing it among three sites: one housing the management/design unit, and the two others being responsible respectively for operating the equipment and the back-up site. Such dispersal would be likely to compromise the benefits of the shift to an agency formula.

Such a solution was adopted in the early stages of development of SIS in the late 90s. This gave rise to considerable misunderstandings which were the cause of development and execution difficulties and soon saw the designers having to make frequent visits to the operational site. Grouping all the teams together at the same site resolved these problems and incidentally made for considerable savings in terms of time and money.

It is also likely that the difficulties encountered in developing SIS II largely lie in the same geographical separation between the design teams and those responsible for operations.

Bringing all the players together on the same site allows fundamental synergies to be achieved between the project team and the operational team. The latter provides its technical expertise (final user feedback after experience) in all the phases of the project (drafting of calls for tenders, opening and analysis of tenders, validation of technical specifications) and of deployment of the applications in the final phase of connexion of the Member States. It also provides a simplified, more fluid, decision-making circuit, which guarantees operational efficiency. In addition, concentrating the managerial, development and technical functions at an integrated site provides considerable savings (travel expenses, costs occasioned by remote management, etc.) as well as synergies. A single location also makes for savings at other levels (training, productivity, security installations, recruitment, calls for tenders, etc.).

It should also be borne in mind that the VIS/BMS [5] systems and SIS II were designed to ensure operational synergy (similar hardware and software platforms), which enhances the need for a single agency. The drive towards end-user-oriented operational management is a further argument in favour of bringing developers and operators together.

These arguments are not a case of France pleading its own cause. The impact study carried out by the Commission also stresses that the choice of a single site for the Agency (aside from the back-up site) would be the best solution.

In its conclusions of April 2009, the Council reaffirmed the essential importance of the SIS for internal security in Europe, and emphasised that the number of entries had tripled over the last 8 years. An Agency including the existing and future systems in the JHA field should naturally be implemented on the solid foundation formed by the Strasbourg site.

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[5]   Biometric Matching System.

To conclude, the establishment of a networks agency appears to be the best solution for the internal security of the Member States. It would offer a genuine improvement in the management of the existing IT systems and the possibility of incorporating new tools in the future. The technical and IT complexity of the site must be viewed in the light of the budgetary constraints and investments already made for the existing one. It is because of these concerns of unity, efficiency and economy that the Strasbourg site should house the Agency.

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