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# SEMDOC

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## NOTE

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from : Presidency

to : Council Working Party on the Schengen Acquis (Integration of the SIS)

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Subject: Working-party structure in the SIS sphere – draft mandate

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### 1. Preliminary remark

Responsibilities in the SIS sphere are at the moment shared among three bodies: the SIS Steering Committee, which is the main body, and the subordinate Permanent Working Party (PWP) and SIRENE Working Group.

In addition, individual ad hoc working groups are constantly being set up, such as the Financial and Legal Experts Group, the Sinfone Working Group, the SIS Management Subgroup, the Data-exchange Subgroup, etc. These groups provide expert advice and generally help to prepare for decision-making in specialist areas.

The existing working-party structure, with its division of duties and responsibilities, has never been laid down in a binding fashion in all respects. It has emerged largely as a result of the structure of the SIS and the need to ensure its smooth technical and organisational operation. Indications as to structure and to the duties and responsibilities of the various working parties can be found in financial and administrative regulations and in some of the decisions of the Executive Committee.

There is no structure corresponding to the SIS Working Parties within the EU framework.

Since no definitive decision was ever taken on the SIS working-party structure, even within Schengen, not all aspects are covered by the Schengen acquis. As soon as the SIS sphere is transferred to the EU's legal framework, the working-party structure will cease to exist in the form in which it has evolved within Schengen.

## **2. The work of the SIS Working Parties**

In addition to the general technical, legal, organisational and financial management of the SIS, the SIS Working Parties oversee the following projects:

### SIS 1 + : Modernisation and extension of the SIS

In the run-up to the year 2000 and the millennium computer problem, a tendering procedure is under way for modernisation of the SIS (C.SIS hardware and software) in order to ensure that the system is able to continue to function properly. At the same time, preparatory work is going on for extension of the SIS to cope with the entry of the Nordic countries.

### SIRENE Phase II Network

This Global One communications network is intended to be used for SIRENE and VISION traffic and, initially, N.SIS/C.SIS test traffic. Later on there are plans for operational SIS traffic to run through this network.

### SIS II: System architecture for a second-generation SIS

A tendering procedure is currently going on to examine potential architectures for a second-generation SIS.

At the same time, the end-user requirements for a second-generation SIS are being compiled, in preparation.

## SIS security measures

Efforts are being made to improve the quality of security and data-protection measures in the light of the opinions and reports of the Schengen joint supervisory authority on SIS security. The technical upgrading of the SIS (SIS 1 + project) offers an excellent opportunity for carrying out these measures.

The remits of the SIS Working Parties may be summarised as follows:

### 2.1. SIS Steering Committee

The SIS Steering Committee usually meets once a month.

Its subordinate bodies are the SIRENE Working Group and the PWP.

It has general responsibility for legal, organisational, financial and technical questions relating to operation of the SIS.

In organisational terms, it comes under the Central Group. As such, it deals with SIS budgets and prepares all SIS topics for the CG from the legal point of view. Its remit currently covers the on-going tendering procedures for SIS 1 + and the SIS II preparatory study, end-user requirements for use of the SIS, security standards, relations with the Schengen joint supervisory authority and the further conduct of relations with Global One under the SIRENE Phase II network contract.

In brief, the duties of the SIS Steering Committee are as follows:

- overseeing the smooth technical, organisational, legal and financial operation of the SIS;
- coordination of the management of the SIS and of SIRENE communications;
- use and further development of the SIS and SIRENE communications;
- coordination of discussions in the SIRENE Working Group and the PWP;
- scrutiny of problems and coordination of solutions and their implementation by the SIRENE Working Group and the PWP;
- management and maintenance of the communications network (SIRENE Phase II network);
- evaluation of the SIS database;
- monitoring and coordinating preparation for the incorporation of new countries into the SIS and following up the launch of the SIS in new countries.

## 2.2. SIRENE Working Group

The SIRENE Working Group consists of the heads of the SIRENE bureaux and/or their representatives. It usually meets once a month. In addition, informal meetings of SIRENE bureau chiefs are held to solve problems relating to investigative matters. These informal meetings are held in English and French.

As regards the coordination of discussions on SIS matters, in particular coordination of cooperation with the PWP and areas for which the Steering Committee is responsible, it comes under the Steering Committee.

In general, it has to deal with all organisational, operational and investigative questions which arise in connection with the SIRENEs and related SIS problems.

The remit of the SIRENE Working Group includes:

- identifying end-user requirements and problems and working out solutions;
- proposals for updating and amending the SIRENE Handbook;
- ensuring that cooperation between SIRENE bureaus is smooth, pragmatic and effective;
- proposing and implementing measures needed to secure and simplify cooperation between SIRENE bureaus;
- exchange of information between SIRENE bureaus and evaluation thereof;
- organisation of cooperation between SIRENE bureaus and NCBs (Interpol);
- cooperation between SIRENE bureaus under Article 39/46 and Article 40/41 of the SIA;
- data-protection questions, insofar as they affect the operational sphere of SIRENE.

### 2.3. Permanent Working Party (PWP)

The PWP consists of technical experts (N.SIS and C.SIS project leaders) and the Management Unit. For the sake of simplicity, and to avoid misunderstandings, the working language is English. It meets roughly every three weeks (usually over several days). Organisationally, it comes under the SIS Steering Committee.

The PWP remit covers all technical aspects of the SIS function. In carrying out its duties, it has to pay particular attention to end-user requirements. The PWP Chairman establishes, by agreement with the Working Party, the specific tasks of the Management Unit, which is responsible for management of the SIS, under the PWP's supervision (SCH/Com-ex (95) 6).

Specifically, the PWP carries out the following SIS-related tasks:

- overseeing the technical design and development of the SIS;
- analysis and definition of problems in connection with the operation of the SIS and working out suggestions for solving them;
- monitoring and coordinating the extension of the SIS, in particular the requisite tests;
- guaranteeing the implementation of technical requirements in the SIS and supervising compliance with deadlines;
- quality control of work and maintenance on the system;
- monitoring and evaluation of the SIS database;

- progress reports to the SIS Steering Committee;
- exchange of experience with the operation of the N.SIS and joint proposals for solutions.

### **3. Establishment of SIS Working Party remits in the EU framework**

It has been agreed by the Council Working Party on the Schengen Acquis that the existing SIS working-party structure should be retained in an EU framework (as Council Working Parties or as working parties within an agency) so that the SIS can continue to run smoothly at the technical, organisational, legal and financial level.

As stated in section 1, the terms of reference of the various SIS Working Parties were never laid down by decision under Schengen. For the sake of clarity, and to avoid problems, the Working Parties' terms of reference should be set out in specific mandates.

Most delegations in the Council Working Party on the Schengen Acquis thought the issue of working-party structure in the Schengen sphere should be referred to the Council for approval.

The Austrian Presidency suggests the draft text annexed hereto.

This would retain the existing Schengen working-party structure, as agreed in the Council Working Party on the Schengen Acquis.

**DRAFT TERMS OF REFERENCE  
(Council/Coreper)**

**1. Establishment of an SIS working-party structure**

The Permanent Representatives Committee will be instructed to establish a working-party structure for dealing with SIS matters for an indefinite period, in keeping with the Council's rules of procedure.

**2. Working-party structure**

The working-party structure for SIS matters will be as follows:

- Council Working Party on the Information System  
The Council Working Party on the Information System will continue the work of the SIS Steering Committee set up in the framework of Schengen SIS cooperation.
  
- Council Working Party on SIRENE  
The Council Working Party on SIRENE will continue the work of the SIRENE Working Group set up in the framework of Schengen SIS cooperation.
  
- Council Permanent Working Party  
The Council's Permanent Working Party will continue the work of the Permanent Working Party set up in the framework of Schengen SIS cooperation.

If necessary, the Council Working Parties on the Information System, on SIRENE and the Permanent Working Party may hold ad hoc meetings, with fewer members, drawing on the services of national experts.

## 2.1. Council Working Party on the Information System

The Council Working Party on the Information System will be the steering body.

In the performance of its duties, the Council Permanent Working Party and the Council Working Party on SIRENE will be operationally subordinate to it on budget, data-protection, technology and communications matters. In its capacity as steering group, it will coordinate the work of the Council Working Party on SIRENE and the Council Permanent Working Party. It can refer questions to these Working Parties and instruct them to consider a problem and work out proposals for a solution.

The Council Working Party on the Information System will supervise the proper operation of the SIS and will be responsible for the management of SIS affairs. This will not affect the French Republic's special responsibility for the technical support unit in Strasbourg (C.SIS).

The Council Working Party on the Information System must deal with all legal, organisational, financial or technical questions arising in this connection, consider any problems that may arise and work out how to solve them, and make proposals for the development of the SIS.

The remit of the Council Working Party on the Information System will include:

- overseeing the smooth technical, organisational, legal and financial operation of the SIS;
- coordination of the management of the SIS and of SIRENE communications;
- use and further development of the SIS and SIRENE communications;
- coordination of discussions in the SIRENE Working Group and the PWP;
- scrutiny of problems and coordination of solutions and their implementation by the SIRENE Working Group and the PWP;
- management and maintenance of the communications network (SIRENE Phase II network);
- constant supervision of the SIS database.

The responsibilities of the Council Working Party on the Information System as regards budget matters will be governed by the relevant provisions of the Financial Regulation on the Installation and Operating Costs for the Schengen C.SIS and the Financial Regulation on the Installation and Operating Costs of the SIRENE Phase II network.

Following the incorporation of new countries, the Council Working Party on the Information System will monitor and coordinate the preparatory work necessary for linking these countries to the SIS and launching the SIS there, plus follow-up, without prejudice to the decisions to be taken by the Council.

## 2.2. Council Working Party on SIRENE

Within its terms of reference, the Council Working Party on SIRENE will mainly work independently, but will report to the Council Working Party on the Information System.

The Council Working Party on SIRENE will come under the Council Working Party on the Information System as regards the coordination of work on SIS matters, in particular the coordination of cooperation with the Council's Permanent Working Party and budget, data-protection, technical and communications matters, which are covered by the Council Working Party on the Information System's steering role.

The Council Working Party on SIRENE will be instructed to deal with all organisational and operational questions relating to cooperation between the SIRENE bureaus, and with related practical problems involving the SIS.

It will focus on the following tasks:

- identifying end-user requirements and problems and working out solutions;
- proposals for updating and amending the SIRENE Handbook;
- ensuring that cooperation between SIRENE bureaus is smooth, pragmatic and effective;
- proposing and implementing measures needed to secure and simplify cooperation between SIRENE bureaus;
- evaluating the exchange of information between SIRENE bureaus;
- analysing the experience of the SIRENE bureaus in exchanging information with their national units and working out joint proposals for solutions;
- organisation of cooperation between SIRENE bureaus and NCBs (Interpol);
- data-protection questions, insofar as they affect operational sphere of SIRENE.

*[In the field of police cooperation, the remit of the Council Working party on SIRENE will cover questions in connection with requests from one police force to another for help in preventing or solving crimes, with the exchange of information in connection with cross-border observation and hot pursuit, and with the exchange of information in support of efforts to combat future crimes, to prevent a crime or to guard against risks to law and order. The Council Working Party on SIRENE will exchange information on the practical conduct of the exchange of information in the said areas and can formulate proposals for organisational and procedural coordination, where SIRENE bureaus have been declared responsible for the said areas under national law. The Council Working Party on SIRENE will take particular account of national responsibilities.]*

### 2.3. Council Permanent Working Party

The Council Permanent Working Party will be the technical Working Party in the SIS field.

Operationally, it will come under the Council Working Party on the Information System. The Council Permanent Working Party will report to the Council Working Party on the Information System.

The Council Permanent Working Party will deal with all the technical aspects of the SIS function.

The Council Permanent Working Party's remit will include the following:

- overseeing the technical design and development of the SIS;
- analysis and definition of problems in connection with the operation of the SIS and working out suggestions for solving them;
- monitoring and coordinating the extension of the SIS, in particular the requisite tests;
- guaranteeing the implementation of technical requirements in the SIS and supervising compliance with deadlines;
- quality control of work and maintenance on the system;
- monitoring and evaluation of the SIS database;
- progress reports to the SIS Steering Committee;
- exchange of experience with the operation of the N.SIS and joint proposals for solutions.

*[The Council Permanent Working Party will specify the tasks of the Management Unit, which is responsible for special management tasks in the SIS field. Where a matter is urgent, the Chairman of the Council Permanent Working Party may refer a problem to the Management Unit. Afterwards he must report immediately to the Council Permanent Working Party at its next meeting].*