

SEMDOC

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NOTE

from : Chairman of the Permanent Representatives Committee

Subject: Working-party structure in the SIS sphere – terms of reference

The attached text of the terms of reference was studied and "frozen" at the Permanent Representatives Committee meeting on 17 December 1998. The Permanent Representatives Committee will issue them at the appropriate juncture.

The Belgian delegation explained that comments (section 2.2, fourth paragraph, 9th indent) on cooperation between SIRENE bureaux under Articles 39, 40, 41 and 46 of the Convention implementing the Schengen Agreement would have to be revised when third pillar working structures were adjusted following the entry into force of the Treaty of Amsterdam.

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

1. Establishment of an SIS working-party structure

A working-party structure for dealing with SIS matters will be established 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 Schengen Information System (SIS)
The Council Working Party on SIS 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 Working Party on the Schengen Information System-Technology (SIS-Technology)
The Council's Working Party on SIS-Technology 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 SIS, SIRENE and SIS-Technology may hold ad hoc meetings, drawing on the services of national experts. The purpose of these meetings is to exchange experience and prepare topics without prejudice to agreements to be reached in these Working Parties.

2.1. Council Working Party on SIS

The Council Working Party on SIS will be the steering body.

In the performance of its duties, the Council Working Party on SIRENE and the Council Working Party on SIS-Technology will be operationally subordinate to it. In its capacity as steering group, it will coordinate the work of the Council Working Party on SIRENE and the Council Working Party on SIS-Technology. 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 SIS will supervise the smooth 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 SIS 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 SIS 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 Council Working Party on SIRENE and the Council Working Party on SIS-Technology;
- scrutiny of problems and coordination of solutions and their implementation by the Council Working Party on SIRENE and the Council Working Party on SIS-Technology;

- management of the communications network (SIRENE Phase II network);
- constant supervision of the SIS database;
- SIS-related data protection questions.

The responsibilities of the Council Working Party on SIS 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.

Following the incorporation of new countries, the Council Working Party on SIS 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 SIS.

The Council Working Party on SIRENE will come under the Council Working Party on SIS as regards SIS affairs.

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 the operational sphere of SIRENE.
- cooperation of the SIRENE bureaus in the context of Articles 39 and 46 and Articles 40 and 41 of the Convention implementing the Schengen Agreement where SIRENE bureaus have been declared nationally responsible for the said areas.

2.3. Council Working Party on SIS-Technology

The Council Working Party on SIS-Technology will be the technical Working Party in the SIS field.

Operationally, it will come under the Council Working Party on SIS. The Council Working Party on SIS-Technology will report to the Council Working Party on SIS.

The Council Working Party on SIS-Technology will deal with all the technical aspects of the SIS function.

The remit of the Council Working Party on SIS-Technology 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;
- technical aspects of the monitoring and evaluation of the SIS database;
- progress reports to the Council Working Party on SIS;
- exchange of experience with the operation of the N.SIS and joint proposals for solutions;
- supervision and further development of the communications network (SIRENE Phase II network);
- specification of the tasks of the Management Unit, which is responsible for special management tasks in the SIS field and supervision of their implementation;
- where a matter is urgent, the Chairman of the Council Working Party on SIS-Technology may refer a problem to the Management Unit. Afterwards he must report immediately to the Council Working Party on SIS-Technology at its next meeting.

