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**COUNCIL OF THE EUROPEAN UNION**

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**LIMITE**

**SIRENE 44**
**COMIX 367**

**NOTE**

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| from : | Portuguese delegation |
| to : | SIRENE Working Party (Mixed Committee with Iceland and Norway) |
| No. prev. doc.: | 11191/91 SIRENE 24 COMIX 259 |
| Subject : | Proposals for preparing the Nordic Countries for operation in the SIS |

The Portuguese delegation has closely examined the Presidency Note and its proposals and has come to the following conclusions:

1. It is essential that each of the Nordic Countries carries out prior formal legal validation of the requests for provisional arrest (alerts under Article 95) which will be in the SIS when those countries are declared operational; there will be around 10 000 requests (covering the present 10 operational States).

2. Each of the Nordic Countries will also have to carry out prior validation of the same type of requests in relation to the other Nordic Countries and which will constitute the respective minimum security data when the SIS is initially loaded.

3. We agree that the expression "supplementary papers" used in the Note could be replaced by the usual word "file" in order to avoid any misunderstanding regarding the volume of forms to be sent to the Nordic Countries by SIRENE operational bureaux. In fact, a request for provisional arrest will always involve one or more forms, which means that the approximately 10 000 files will always be made up of very many more forms.

4. The dispatch of files to the Nordic Countries, whatever the method used, will have to wait for the relevant declaration to the effect that the legal requirements concerning the protection of personal data have been satisfied as well as for approval of that declaration by the higher authorities, for example as happened in the case of Italy, Greece and Austria.

5. Furthermore, the fact that the schedule for tests has not yet been approved will make it risky to consider now the date given in the Note under discussion for the start of the exchange of files and for the loading of data even if it is only a provisional date.

6. As for the method proposed for sending files to the Nordic Countries, the Portuguese delegation considers that it is too cumbersome, in terms of work, for the SIRENE operational bureaux.

In fact, sticking to the example in the Presidency's proposal, Portugal and Spain would have to send their files in the first week to Denmark, in the second week to Norway and so on, in turn, for five weeks. This procedure has four disadvantages:

(a) It increases work five-fold. The dispatch, which could be effected to all the Nordic Countries simultaneously, would have to be repeated five times.
(b) When Sweden (the last country in the example) receives the Portuguese files, there will already be differences compared with those received by the first country, Denmark, because some will have been deleted and other new files will have been added.
(c) The volume of files received by the Nordic Countries each week is not regular (e.g. in the first week Denmark receives around 750 files from Portugal and Spain and in the third week it receives around 4 000 from Germany and Austria).
(d) The Nordic Countries are not allowed to follow the examination of the same files amongst themselves. If Finland, which is in the process of considering a German request, asks for clarification in the first week, Iceland alone will be in a position to follow the case in the fifth week, which will make it very complicated for the checking which the Presidency proposes, an example of which is given on page 5 of its Note.

The Portuguese delegation therefore proposes the following:

7. Each of the SIRENE bureaux already operational **sends its files to all the Nordic Countries at the same time.**

8. In order to prevent the lines becoming congested and the new States being overloaded with work, this dispatch would be staggered as follows:

(a) 1st week - dispatch of the files by the SIRENE bureau in Germany;
(b) 2nd week - idem by the SIRENE bureau in France;
(c) 3rd week - idem by the SIRENE bureau in Italy;
(d) 4th week - idem by the SIRENE bureaux in Austria and Belgium;
(e) 5th week - idem by the SIRENE bureaux in Spain, the Netherlands, Portugal, Greece and Luxembourg.

9. The order and combinations put forward are obviously only examples, with account being taken only of the number of files from each State so that the dispatch can be made more regular.

10. From the precise time that the exchange of files begins, each of the SIRENE operational bureaux will have to send to all the Nordic Countries any new files opened and will have to indicate any deletions; these operations will have to be done even if its period of dispatch has been completed. This means that, once dispatch is completed, updating will also become an ongoing process for the Nordic Countries, as if they were already operational.

As for the Presidency's proposal to the effect that the Nordic Countries can appoint SIRENE operational bureaux as their "guardians", we believe this could be considered at a later date if it is actually found to be necessary, since an informal group of SIRENE experts is already in operation, preparing the Nordic Countries for operation in the SIS. The latter could benefit from the know-how gained from five years' experience of the running of the SIS and from the possibility of sending officials on work-experience schemes to the SIRENE bureaux already operational (this proposal also comes from the Presidency and can be accepted immediately).

Finally, as soon as all the conditions for the dispatch of files under Article 95 to the Nordic Countries have been fulfilled, Portugal's SIRENE bureau may in principle send its files on CD-ROM until such time as X400 e-mail becomes available.