



Council of the  
European Union

134379/EU XXV. GP  
Eingelangt am 27/02/17

Brussels, 24 February 2017  
(OR. en)

6157/17

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**Interinstitutional Files:**

2016/0407 (COD)

2016/0408 (COD)

2016/0409 (COD)

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SCHENGEN 5  
SIRIS 22  
COMIX 104

## OUTCOME OF PROCEEDINGS

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From: Working Party for Schengen Matters (Acquis) - Mixed Committee (EU-Iceland, Norway and Switzerland, Liechtenstein)

On: 8 February 2017

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Subject: Summary of discussions

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### 1. Adoption of the agenda

The agenda as set out in CM 1335/1/17 REV 1 was adopted with the inclusion of three items under AOB (see item 3 below).

### 2. Proposal for a Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1987/2006

15813/16 SIRIS 177 FRONT 502 SCHENGEN 21 COMIX 862 CODEC 1944

and

**Proposal for a Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1986/2006, Council Decision 2007/533/JHA and Commission Decision 2010/261/EU**  
**15814/16 SIRIS 178 ENFOPOL 501 COPEN 404 SCHENGEN 22 COMIX 863**  
**CODEC 1945**

- Analysis of the provisions common to both instruments

The Presidency invited the Commission (COM) to explain whether the second set of proposals to be submitted in June 2017 would affect or discard the work currently being carried on in the Working Party (WP).

COM said that the second new package, to be submitted in June 2017, would concern in particular the interoperability between the SIS, ETIAS and EES, as well as the future single search portal. COM was not yet in a position to clarify which 'legal technique' would be used, as it would depend on the substance. However, it stated that the modifications to the text of the current package would be kept to a minimum, and encouraged the WP to continue with the proceedings as planned ('full speed'). In this context, the current negotiations would not be in vain, as only a limited number of provisions of the text of the proposals now under discussion would be modified.

NL asked COM for more clarity on this and wondered about the status of the texts currently under discussion, noting that Member States would not be in position to agree on an approach by June 2017, as the second package is expected at the end of June 2017.

The Presidency said, in view of the explanations given by the Commission, that the pace of the proceedings in the Working Party would not be altered.

DK, FI, IS and NO reiterated that they are against an obligation, in the Regulations, for the Member States to have a national copy. Instead, they felt that the Regulations should lay down an obligation to attain a result rather than the means to achieve it.

COM underlined the reasons that justify the existence of national copies, and recalled that an allowance of EUR 1.2 million would be offered to each Member State, which could be used to face the costs of a national copy. At the next meeting, COM would provide Member States with more information about those funds.

SI entered a scrutiny reservation on the whole package (15812/16, 15813/16 and 15814/16). UK entered a scrutiny reservation and a parliamentary reservation on the proposals in the field of return and law enforcement (15812/16 and 15814/16).

The WP concluded the first round of discussions on all the provisions common both to the proposal for a Regulation on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks (15813/16) and in the field of police cooperation and judicial cooperation in criminal matters (15814/16). The outcome of the discussions will be reflected in document 6158/17 (to be issued). This document will also mention the reservations on specific provisions.

The Presidency asked the delegations to submit their comments in writing, by 17 February 2017, to [schengenacquis@consilium.europa.eu](mailto:schengenacquis@consilium.europa.eu) and [schengenacquis.mhas@gov.mt](mailto:schengenacquis.mhas@gov.mt).

### **3. AOB**

(a) Answering a question from AT, the Presidency clarified that the comments concerning provisions already discussed in previous meetings would be reflected in a consolidated footnoted version, to be updated following each meeting, taking into account the outcome of the debates and the written comments sent by the delegations. Delegations were therefore encouraged to send in their comments in writing, to be taken into consideration during the second round of discussions.

The Presidency also informed that the discussions on the specific provisions of each of the three proposals would start during the next WP meeting, which would last two days, in March 2017.

(b) Following a question from the UK, COM said that the final translation of the proposals would be provided by the end of March 2017. The date on which the final translation would be provided marks the starting point of the three-month period for the UK to opt in.

(c) Besides the general scrutiny reservation on the three proposals PL had entered during the last meeting, PL also entered a parliamentary reservation on the three proposals.

#### **4. Confirmation by the Working Party for Schengen Matters (Acquis) of the decisions prepared in the Mixed Committee**

The Working Party confirmed the outcome of the discussions in the Mixed Committee.

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