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SCHENGEN 20
SIRIS 83
COMIX 342

OUTCOME OF PROCEEDINGS

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

On: 3 May 2017

Subject: Summary of discussions

1. Adoption of the agenda

The agenda as set out in **CM 2433/1/17 REV 1** was adopted, with the understanding that under item 2:

- the points would be taken in the following order: (b), (c) and (a);
- point (b) would include Articles 40 to 45, 47, and 50 to 63;
- point (c) would include Articles 1 to 35, 38 to 39, 46, 48 to 49B and 64 to 75.

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 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

(b) **First examination of Articles 40 to 45, 47 and 50 to 63**

**15814/16 SIRIS 178 ENFOPOL 501 COPEN 404 SCHENGEN 22 COMIX 863
CODEC 1945**

The Working Party (WP) examined Articles 40 to 45, 47 and 50 to 63, and this concluded the first round of discussions on the proposal as set out in 15814/16. Articles 46 and 48 to 49B had already been the subject of a first examination by the WP during its meeting on 8 February 2017, since these concern provisions that are common to both this proposal and the proposal on border control (see 6158/17).

The discussion of Article 40 had already been launched during the WP meeting on 6 and 7 March 2017. Some delegations at the time asked COM to provide more information on the relationship between Prüm and SIS. In this respect, COM gave a presentation on the use of dactyloscopic data in the framework of the new SIS legal proposals and its complementary with Prüm, as set out in WK 5432/17. COM also reported that a study on quality requirements regarding dactyloscopic data had already been launched in cooperation with the European JRC (Joint Research Centre).

For each of the other Articles, the discussion started with a short presentation by COM which was followed by a first exchange of views.

The outcome of the discussions will be reflected in a Presidency draft compromise text in document 9146/17 (to be issued). The Presidency asked the delegations to submit their comments in writing, by 12 May 2017, to schengenacquis@consilium.europa.eu and schengenacquis.mhas@gov.mt; the comments would also be taken into consideration when drafting the compromise text.

General scrutiny reservations on this instrument are pending from AT, BG, CZ, DE, FI, HU, IT, LT, NL, PL, PT, SE, SI and UK. Parliamentary reservations are pending from DE, PL and UK. Specific reservations have been entered on Article 51, by FI on paragraph 2(b), and by HU on paragraph 5.

(a) Examination of the compromise text for Articles 36 and 37

On the basis of the discussions held during the WP meeting on 6 and 7 March 2017 and of the written comments received afterwards from the delegations, the Presidency submitted a compromise text for Article 36 and 37 (alerts on persons and objects for discreet checks, inquiry checks or specific checks), as set out in 8411/17 SIRIS 65 ENFOPOL 195 COPEN 114 SCHENGEN 17 COMIX 290 CODEC 627.

On the basis of the discussions held, and taking into consideration the comments the delegations were invited to send in by 12 May 2017 to schengenacquis@consilium.europa.eu and schengenacquis.mhas@gov.mt, the Presidency would submit a revised draft compromise for Articles 36 and 37, which would be incorporated into document 9146/17 (to be issued).

(c) Examination of the compromise text for Articles 1 to 35, 38 to 39, 46 to 49B and 64 to 75

This item was not taken due to lack of time.

The Presidency announced that the discussions on this instrument would be continued at the WP meeting on 19 June 2017. The WP meeting on 15 and 16 May 2017 would be dedicated to (i) the proposal for a Regulation of the European Parliament and of the Council on the use of the Schengen Information System for the return of illegally staying third-country nationals and (ii) the 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.

3. AOB

None.

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

The WP confirmed the outcome of the discussions in the Mixed Committee.
