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NOTE

From: Presidency

To: Working Party for Schengen Matters (SIS/SIRENE) / Mixed Committee
(EU/Iceland, Norway and Switzerland, Liechtenstein)

Subject: Future of the Working Party for Schengen Matters (SIS/SIRENE)

1. Introduction

After the integration of Schengen into the framework of the EU with the entry into force of the Treaty of Amsterdam in 1999, there were three Council preparatory bodies dealing with the Schengen Information System (SIS). The SIS-TECH Working Party was responsible for the technical aspects of the SIS, while the SIRENE Working Party dealt with the various subjects from a police and operational point of view. Both reported to the SIS Working Party, which had a leading role, analysing the dossiers from the SIS-TECH and SIRENE working parties before handing them to the Article 36 Committee. In 2002, in order to ensure more efficient governance of the SIS and in view of the new generation of the system, it was decided to merge the SIRENE and SIS working parties, thus establishing the SIS/SIRENE Working Party, which was in charge of the dossiers from a police, legal, financial/budgetary and organisational point of view.

Following the entry into force of the Lisbon Treaty in 2010 and the entry into operation of SIS II on 9 April 2013, SIS governance has undergone profound changes with new stakeholders being involved in the different processes. In 2010 the SIS/SIRENE Working Party, the Working Party on Schengen Evaluation and the Working Party on the Schengen Acquis, each became one of the configurations of the Working Party for Schengen Matters. While the SIS/SIRENE configuration is asked to deliver the necessary political guidance for the future of SIS II, the SISVIS Committee of the Commission has implementing powers for the system, with eu-LISA providing the technical and operational expertise. Schengen governance thus involves interaction between different stakeholders, in which it seems the SIS/SIRENE configuration of the Working Party for Schengen Matters has still to find its place.

2. Identifying the future tasks of the SIS/SIRENE configuration through a participatory and inclusive process

One of the aims of the Presidency is to ensure efficient and well-functioning Schengen governance involving all the stakeholders, avoiding possible redundancies. The Presidency thinks that the best way to achieve this aim would be to launch a participatory process to consider the future and the tasks of the SIS/SIRENE configuration at Council level, involving all the delegations in order to ensure full ownership of the outcome, since the Working Party for Schengen Matters is a forum of peers in an area where unanimity or consensus is the rule.

As mentioned above, the purpose of the SIS/SIRENE configuration in the new governance system is to provide the necessary political guidance for questions pertaining to the SIS and SIRENE. However, up until now, the SIS/SIRENE configuration seems to have struggled to identify topics which it should tackle, resulting for instance in rather short meetings. This raises the question of what it is that the Member States expect from this working party configuration. What do they understand by 'political guidance'? Should it mean that the SIS/SIRENE configuration proposes the direction in which the SIS and SIRENE should be developed further? Could the working party configuration serve as a forum for discussion and exchange of views on problems the Member States encounter? Or should the configuration meet only rarely and in the event of specific questions or if the political level wishes to give it a specific mandate? Is the SIS/SIRENE configuration an important actor at the political level, given that it has a great deal of expertise?

Furthermore, new roles or business models could be imagined, for example ensuring a high degree of visibility of both the SIS and SIRENE Bureaux at national and EU level.

These reflections are simply food for thought and the delegations are welcome to comment on them.

3. The way forward

The Presidency would therefore like to propose a participatory and inclusive process to decide on the future of the SIS/SIRENE configuration at Council level, involving all the delegations. The first step would be the distribution of a questionnaire to the delegations regarding their views and expectations of the SIS/SIRENE configuration. In order to be able to produce a coherent and comprehensive questionnaire, the Presidency invites all the delegations to send in their suggestions regarding questions that need to be raised, in case they have some ideas they would like to share. The deadline for those comments will be 20 July 2015.

The Presidency will then send the final questionnaire to the delegations and give them sufficient time to respond to the questions. The delegations will be informed of the exact deadline when the questionnaire is distributed.

The Presidency will present a consolidated document with the delegations' answers to the questionnaire at the meeting of Heads of SIRENE in Luxembourg (15-16 October 2015). In order to continue to have a participatory process, the Presidency will capitalise on the presence of the Heads of SIRENE Bureaux by holding a workshop to collect further ideas. The aim is to present a structured output at the second and last SIS/SIRENE meeting under Luxembourg Presidency in November 2015 and hopefully conclude the process with clear proposals for the future tasks of the SIS/SIRENE configuration.