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11255/15

SIRIS 51
COMIX 351

OUTCOME OF PROCEEDINGS

From: Working Party for Schengen Matters (SIS/SIRENE) / Mixed Committee
(EU-Iceland/Liechtenstein/Norway/Switzerland)

On: 8 July 2015

Subject: Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in CM 3139/1/15 REV 1, with the inclusion of two items under item 9 – Any other business – (see below) as requested by CZ (practical issues for SIRENE Bureaux in relation to surrender procedures) and LT (follow-up to Council Conclusions as set out in 17112/13).

One minute of silence was observed in memory of Mr Carl Cracco, former delegate of the WP and Chairman of the SIS II Advisory Group of eu-LISA.

The Presidency introduced its team, announced the dates of forthcoming meetings and presented its priorities: measures against foreign terrorist fighters, the setting up of an escalation procedure and the future tasks for the SIS/SIRENE configuration.

2. Report by the Presidency

The Presidency informed the Working Party of the relevant matters which had been addressed at the following meetings:

- VISA/VISION WP on 12 May 2015, where a discontinuation calendar for SISNET (9074/15) had been agreed.
- COREPER on 27 May 2015, where Amending Budget No. 1 for SISNET for the year 2015 (8665/15) had been agreed;
- Council (JHA) on 15 and 16 June 2015, where the Amending Budget No. 1 for SISNET for the year 2015 (8665/15) was adopted;

The Presidency also informed the meeting that, following the debates at the last WP meeting and taking into account the written contributions received from the delegations, the Latvian Presidency had issued a document (10093/15) on 23 April 2015 regarding the setting up of a coordination mechanism to implement the Council Conclusions of December 2013¹. That document defined a list of tasks to be carried out by the coordination mechanism. Further discussions at political level would address the issue of how and by whom these tasks should be performed.

A new draft Manual on Law Enforcement Information Exchange, prepared by the WP on Information Exchange and Data Protection (DAPIX) (7779/1/15 REV 1 + COR 1), and containing a chapter dedicated to SIS II (see p. 47), had been issued on 5 June 2015.

Referring to the SIS/SIRENE Schengen evaluation of the UK – which took place between 7 and 13 June 2015 – the Presidency said that the report was being drafted and would be examined at the meeting of the Working Party for Schengen Matters on 18 September 2015.

¹ See 17112/13.

3. Assessment of the implementation of the recommendations on foreign terrorist fighters 10095/15 SIRIS 45 COTER 86 ENFOPOL 170 COMIX 289 + COR 1

The Presidency briefly recalled that on 15 June 2015 the Commission had (i) submitted common risk indicators on foreign terrorist fighters (see 9940/15) and (ii) issued a revised version of the Practical Handbook for Border Guards (Schengen Handbook) (see 10078/15), which contains some of the recommendations adopted by this WP in December 2014 (14523/3/14 REV 3).

The Presidency also mentioned two documents which had been submitted to the Council (JAI) concerning the anti-terrorism measures involving SIS/SIRENE, one by the CTC (see 9422/1/15 REV 1 SIRIS 40, p. 5), the other by the Presidency (see 9418/1/15 REV 1 SIRIS 39, p. 10).

In order for the Presidency to be in a position to report to higher-level forums about the implementation of the measures agreed by this WP in December 2014 (14523/3/14 REV 3), it was essential that Member States should provide information about such implementation and the results thereof.

To this end the Presidency had issued a questionnaire addressed to the Member States (10095/15 + COR 1). The Presidency had so far received replies from 19 Member States (see DS 1437/15). Delegations which had not yet done so were requested to send in their replies as soon as possible. Once the Presidency had received the missing answers, a synthesis document would be drafted for further examination.

4. Implementation of paragraph I.5.d) of the Conclusions of the European Council of 25 and 26 June 2015 regarding Directive 2008/115/EC

On 25 and 26 June 2015, the European Council stated in its conclusions (see EUCO 22/15, p. 3) that *Member States will fully implement the Return Directive¹, making full use of all measures it provides to ensure the swift return of irregular migrants; return decisions issued by the Member States will be introduced in the Schengen Information System.*

¹ Directive 2008/115/EC of the European Parliament and of the Council on common standards and procedures in the Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

COM indicated that that conclusion could be directly implemented and said that in the coming weeks it would launch a study on this subject, followed by an impact assessment which would be taken into consideration in the framework of the ongoing proceedings with a view to proposing a new legislative package on the SIS. It advised against duplication, as this matter was being handled at the SISVIS Committee.

After some debate, the Presidency concluded that in parallel with the medium- and long-term measures addressed by the Commission, a short-term approach would be sought for immediate implementation of the European Council mandate within the existing legal framework, with a view to improve the current situation. In this context, particular attention should be given to (i) the effective application of the consultation procedures provided for in Article 25 of the CISA¹ in order to avoid coexistence of entry-ban alerts and valid residence permits and (ii) the fact that some return decisions are only effective after a certain delay, in particular when it comes to voluntary returns, so that this aspect should be taken into consideration when inserting an alert in the SIS pursuant to Article 24 of the SIS Regulation² as regards the date of its starting effect.

5. SIRENE logo

On behalf of the Presidency, the GSC presented a new version of the logo taking into account the comments made by the delegations during the previous meeting (see 8075/15 and 8461/15).

Currently the countries in the map contained in the logo are indicated by two different colours, depending on whether or not they have an active SIRENE Bureau and are bound by the SIS-related Schengen acquis. As the situation evolves in time, the colours in the map also vary. However, only one single version of the logo would be subject to international protection. Taking into consideration the explanations by the CLS, the Working Party agreed to have a single colour (the dark blue assigned to the "SIRENE countries") for all the countries in the map.

¹ Convention Implementing the Schengen Agreement (OJ L 239, 22.9.2000, p. 19).

² Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381, 28.12.2006, p. 4).

FR expressed reservations about the use of the motto "protecting Europe without internal borders".

The Presidency concluded that a document would be submitted to the delegations inviting them to confirm the agreement on the use of a single country colour in the map; to agree on the text of the translation of the motto in all the EU official languages; and to send in any further comments they might have.

6. Escalation procedure

The Presidency presented 10554/15 SIRIS 47 COMIX 315.

eu-LISA clarified that all possible scenarios involving interruptions of up to 8 hours were currently covered by the eu-LISA manual. COM pointed out that each Member State should have a business continuity plan – which is regularly tested – and that COM is notified of any unavailability of more than one hour. Nevertheless, Member States shared Presidency's concerns regarding the lack of a comprehensive approach covering all kinds of unavailability, including those possibly exceeding an 8-hour period and encompassing a coordinating response within the Council bodies.

Taking into account the different opinions expressed, the Presidency would submit a draft proposal to the Member States in near future.

7. Future tasks of the SIS/SIRENE Configuration

The Presidency presented 10533/15 SIRIS 46 SCHENGEN 22 COMIX 315 and asked the delegations to submit contributions by 20 July 2015.

8. Follow-up to the conference of Heads of SIRENE

LV presented DS 1438/15. CZ drew attention to a mistake in point 7 of DS 1438/15, which would be corrected when drafting the definitive standard version of the document (see 11279/15).

9. Any other business

- LT asked the Presidency about its plans to make progress on the implementation of the Council Conclusions of December 2013 on alerts pursuant to Article 26 of Regulation (EC) No 1987/2006 on the establishment, operation and use of SIS II (17112/13).

The Presidency, referring to what had been said under item 2 (see above), reiterated its intention to move forward in due time, namely by convening a meeting involving Relex (Sanctions) and JAI experts.

- CZ drew attention to several practical issues in relation to surrender. Such issues hindered the appropriate follow-up to SIS alerts. CZ announced it would submit a document which could be dealt with using a fairly horizontal approach.

10. Confirmation by the Working Party for Schengen Matters (SIS/SIRENE) of decisions prepared in the Mixed Committee

The Presidency summed up the decisions taken.
