



**Brussels, 21 January 2016  
(OR. en)**

**15568/15**

**SIRIS 99  
COMIX 725**

## **OUTCOME OF PROCEEDINGS**

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From: General Secretariat of the Council  
On: 27 November 2015  
To: Working Party for Schengen Matters (SIS/SIRENE) / Mixed Committee  
(EU/Iceland, Norway and Switzerland, Liechtenstein)  
Subject: Summary of discussions

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### **1. Adoption of the agenda**

The agenda, as set out in CM 4610/1/15 REV 1, was adopted with the addition of the following subjects:

- under item 5: Reimbursement of the remaining SISNET (VISION) budget.
- under item 12: - Compensatory measures in relation to the SIS II interruption for maintenance;  
- Report of the EDPS on the inspection pursuant to Article 47(2) of Regulation (EC) No 45/2001.

### **2. Report by the Presidency**

The Presidency reported on the relevant issues addressed at the following meetings:

- the Evaluation configuration, on 18 September 2015, where the draft report on the SIS/SIRENE evaluation of the UK (11780/15) was discussed;

- the Council (JHA) on 8 and 9 October 2015, where the Council was informed of the state of play of the preparation of an implementing decision setting the date for the final putting into effect by the UK of the provisions of the Schengen acquis on the SIS (12246/15);
- the Evaluation configuration, on 19 November 2015, where an agreement was reached on the UK report on the evaluation of SIS/SIRENE (11780/15); on the draft Council conclusions on the UK's Schengen evaluation in the field of police cooperation and SIS/SIRENE evaluation (13378/1/15 REV 1); on a proposal for a Council recommendation addressing the deficiencies identified in the 2015 evaluation of Poland's application of the Schengen acquis in the field of the Schengen Information System (13546/1/15 REV 1), and where a proposal for a Council recommendation addressing the deficiencies identified in the 2015 evaluation of Austria's application of the Schengen acquis in the field of the Schengen Information System (12459/15) was presented;
- COREPER, on 25 November 2015, where the agreements on the draft Council Recommendation on addressing the deficiencies identified in the 2015 evaluation of the application of the Schengen acquis in the field of the SIS in Poland (14181/15) and the draft Council conclusions on the evaluation of the correct application of the Schengen acquis in the field of police cooperation and on the completion of the process of evaluation of the state of preparedness to implement the relevant provisions of the Schengen acquis on the SIS in the UK (14182/15) were confirmed;
- the conference of the Heads of SIRENE, from 14 to 18 October 2015 in Luxembourg.

### 3. Increasing the use of SIS II in the context of terrorism

A representative of the CTC presented some pertinent issues mentioned in 14438/15 regarding the SIS. He informed the WP that at the next meeting of the Council (JHA), on 3 and 4 December 2015, a discussion would take place on improving the use of the SIS in the framework of combatting terrorism<sup>1</sup>. He urged the WP to define a common approach to the use of alerts pursuant to Article 36 of the SIS II Decision<sup>2</sup>, in particular with respect to:

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<sup>1</sup> See 14734/15 + COR 1.

<sup>2</sup> Council Decision 2007/533/JHA, OJ L 205, 7.8.2007, p. 63.

- the choice of paragraph 2 or 3 of that Article;
- the usage of the code 'immediate action';
- the indication of terrorism as a reason for the action.

He also invited the WP to carry out a lessons learnt exercise on the basis of the usage of the SIS II in 2015 against terrorism.

Delegations stressed the need to consider an appropriate usage of SIS and SIRENE procedures by Frontex teams and to increase the use of portable and mobile terminals across the Schengen area. They also referred to enhancing the transmission of data to Interpol.

Whilst recalling that the SIS is the cornerstone system of EU security in terms of law enforcement and migration, COM called on Member States to (i) adequately apply the existing rules, (ii) increase the connection of end-users and (iii) improve the training of end-users.

The Presidency would circulate a questionnaire<sup>3</sup>, the conclusions of which would be dealt with by the NL Presidency, possibly in a joint meeting between SIS/SIRENE-TWP. Replies and comments were requested by 10 December 2015.

As requested at the WP, eu-LISA would check the possibility of producing detailed daily statistics on Article 36 alerts.

#### **4. Discharge SISNET Budget 2014 (VISION)**

The WP took note of the report of the Court of Auditors as set out in 7729/15 ADD 1 + COR 1 and agreed to give a discharge to the Secretary-General in respect of the SISNET accounts for the year 2014. An I/A Item Note<sup>4</sup> would be submitted soon to COREPER and the Council for adoption.

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<sup>3</sup> See 15537/1/15 REV 1.

<sup>4</sup> See 14771/1/15 REV 1.

**5. (a) 2016 SISNET draft budget (VISION)**

The WP agreed to the 2016 SISNET draft budget (VISION) as set out in 13849/15. It would be submitted to COREPER and the Council as an I/A item<sup>5</sup> for adoption.

**(b) Reimbursement of the remaining SISNET (VISION) budget**

The General Secretariat of the Council (GSC) presented 14518/15 and asked the MS to return the form annexed to that document, duly filled in, to the Secretariat in due time.

**6. Future tasks of the SIS/SIRENE Configuration**

The WP took note of the results of the questionnaire and of the proposals as set out in 14311/15.

As regards the proposal set out in point 2 on page 7 of the document, the representative of the Commission recalled the general rules applicable to the Comitology committees' meetings. In accordance with those rules, staff from the GSC cannot participate in such meetings. The GSC said that it would be open to any form of alternative cooperation in order to increase cooperation between the different forums dealing with SIS/SIRENE and help proceedings move forward more smoothly.

**7. SIRENE Core tasks**

Delegations exchanged some views on the basis of the questionnaire set out in 14313/15, presented by the Presidency. Among other things, emphasis was placed on the need to strictly follow the procedures foreseen in the SIRENE Manual, the need to establish priorities, and the fact that certain matters should be examined in the framework of the upcoming revision of the legal instruments governing the SIS, for instance with respect to the procedures relating to alerts on persons sought to assist with a judicial procedure.

The Presidency asked the delegations to send in comments in writing by 10 December 2015 and said that a position paper would be drawn up with a view to continuing discussions.

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<sup>5</sup> See 14772/15.

## 8. Escalation Procedure

The Presidency presented 14502/15. Delegations were required to send in any comments by 10 December 2015 to [sis.sirene@consilium.europa.eu](mailto:sis.sirene@consilium.europa.eu).

## 9. Visibility/Proper representation of the SIS and SIRENE

Following the presentation by the Presidency of 14314/15, the WP held a discussion on the matter. The need for increased coordination between the different forums dealing with SIS/SIRENE issues was pointed out. The Presidency should have a key role in such coordination, inter alia in order to improve the efficiency of proceedings and avoid duplication of effort.

The need for a more lively and effective SIS/SIRENE website was also mentioned by delegations. Links to the website should be inserted in the websites of other relevant entities, such as Europol and Eurojust.

On the basis of that discussion, the Presidency would draft a revised version of the abovementioned document.

## 10. Extradition and surrender

CZ presented 12038/15 and announced that it would also present that document in the Aviation and Cooperation in Criminal Matters (COPEN) WPs. In that context, CZ asked the other MS to forward the document to the respective delegates.

On the basis of the debates, CZ would submit a revised version of the document<sup>6</sup> in the near future.

As regards the matters in the document that concern minors, it was suggested that a separate document be drafted, which could be dealt with at the WP on Civil Law Matters.

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<sup>6</sup> See 12038/1/15 REV 1.

## 11. Presentation of the upcoming NL presidency's programme

NL presented the SIS/SIRENE Presidency team for the first half of 2016, as well as the programme and the calendar.

## 12. Any other business

### – Compensatory measures to the SIS II interruption for maintenance

NL presented measures to compensate for the unavailability of the CS-SIS during the night of 6 to 7 December 2015, due to maintenance operations.

Some delegations suggested that eu-LISA keep SIRENE Bureaux posted and provide more notice of similar maintenance in future.

### – Report of the EDPS on the inspection pursuant to Article 47(2) of Regulation (EC) No 45/2001

The Presidency briefly presented the report as set out in 14682/15. Comments, if any, should be sent to [sis.sirene@consilium.europa.eu](mailto:sis.sirene@consilium.europa.eu) by 10 December 2015.

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

The following documents were adopted by the Working Party:

Agenda item	Document adopted
4	7729/15 SIRIS 24 VISA 134 COMIX 155 ADD 1 + COR 1
5a	13849/15 SIRIS 78 VISA 350 COMIX 557