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SCH-EVAL 19
COMIX 482

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Subject:	Replies from Belgium to the questionnaire put forward to the Benelux countries with a view to the evaluation of the application of the Schengen acquis
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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

RESTREINT UE



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THE EUROPEAN UNION

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ADD 3

RESTREINT UE

SCH-EVAL 19
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ADDENDUM TO THE NOTE

from : the Belgian delegation
to : the Working Party on Schengen Evaluation

No. prev. doc. : 8240/02 SCH-EVAL 12 COMIX 282
12401/02 SCH-EVAL 21 COMIX 537 ADD 1

Subject : Replies from Belgium to the questionnaire put forward to the Benelux countries
with a view to the evaluation of the application of the Schengen acquis

DOCUMENT 8240/02 SCH-EVAL 12 COMIX 282

Question 31:

How many terminals are made available for input and consultation of data by:

- (a) the police forces, including non-police forces with a control function;
- (b) the border control authorities;
- (c) diplomatic missions and consular posts;
- (d) the authorities responsible for aliens and asylum;
- (e) customs authorities?

App. 5850 terminals can query the SIS in Belgium, all with the same time for answer.

* Terminals at external borders

Zaventem 42

Eurostar 16

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Ports	29
Other airports	18
Total	105

* Terminals enabling a direct contact with N-SIS

Sirene	22
Federal police	100
Min. Foreign aff.	2
Others	25
Total	149

* Terminals enabling an indirect contact with the N-SIS

Sirene	22
Federal police	1700
Local police	1600
ISPL	2528
Total	5850

Question 170:

Is every tenth transmission of personal data recorded for the purposes of supervising the admissibility of the query?

All messages are registered.

Art. 95 : all questions and answers are archived.

Only positive answers are registered for the other art.

Question 171:

What rules are applied for retaining data in the national system? What happens to the paper files relating to the SIS alert? Are they archived? Are they destroyed? After how long?

SIRENE Belgium only works with a manual archiving system.

After deletion in the S.I.S. of an foreign alert, the paper file is destroyed maximum 1 year after the deletion date. In case there has been a hit in Belgium on the deleted alert, the file is kept as long as there is an operational need for it. On average all hit files are kept 3 years.

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Question 172:

Has the list of authorities authorised to consult the SIS been amended recently?

Nothing has changed since 2001.

Question 173:

Do the authorities responsible for recording vehicle registrations have access to the SIS?

Explanations were provided during the visit of the Schengen Evaluation Committee.

Question 175:

How is access to the SIS supervised by local staff in the consulates?

This is the responsibility of the ambassador or the local consul.

Question 176:

Have rules been established concerning duplication of SIS data? Is there a technical copy or a copy "for technical purposes" which would allow user services to access the SIS?

In Belgium we only have one technical copy of the SIS database : the one used by the federal police information system (POLIS). The police end-users access Schengen data via this technical copy which is presented to the end-user in combined interface with the national police database. In practise, the end-user is presented with both sets of information on the screen, resulting from the query in both SIS and the national database.

Suite à la question adressée à la Belgique , soit :

L'article 40 de la CAS dispose que la demande d'entraide doit être adressée à une autorité désignée pour chacune des parties contactantes. Cette autorité centrale est donc habilitée à accorder et transmettre l'autorisation demandée.

Quelles dispositions sont prises pour éviter que l'autorisation accordée par l'autorité centrale ne soit ensuite refusée par une autorité locale, au risque de provoquer des problèmes entre services opérationnels en cours de surveillance ? .

Sur le plan judiciaire , il appert que l'autorité locale ne peut interdire ou refuser l'autorisation accordée par l'autorité centrale. Néanmoins , une concertation entre l'autorité locale (Procureur du Roi) et l'autorité centrale(Procureur fédéral) peut avoir lieu.

De plus , l'autorité centrale(Procureur Fédéral), après avoir informé le PG et les services compétents et sauf décision de celui-ci, pourra demander aux autorités locales l'exécution de la demande par des instructions contraignantes adressées au Procureur du Roi du parquet concerné.

Sur le plan policier, aucune autorité policière ne peut interdire ou refuser l'autorisation accordée par l'autorité centrale vu que c'est l'autorité centrale qui requière les services de la police fédérale-DGJ/DJO dans le cadre de l'art 40 .Ceux-ci proposent un scénario afin d'exécuter la demande d'entraide au Procureur Fédéral qui marque son accord ou communique certaines conditions sous lesquelles l'entraide judiciaire doit être exécutée. A partir de ce moment , la DGJ/DJO est la seule autorité concernant l'exécution opérationnelle de la demande d'entraide judiciaire. La DGJ/DJO prendra toutes les dispositions nécessaires afin d'exécuter le demande d'entraide judiciaire dans le respect des instructions émises par l'autorité centrale (Procureur Fédéral).
