



**Brussels, 21 October 2015
(OR. en)**

12887/15

LIMITE

**SIRIS 71
SCHENGEN 32
COMIX 479**

NOTE

| | |
|-----------------|--|
| From: | Presidency |
| To: | Delegations |
| No. prev. doc.: | 10533/15 12176/15 |
| Subject: | Future of the SIS/SIRENE configuration of the Working Party for Schengen Matters |

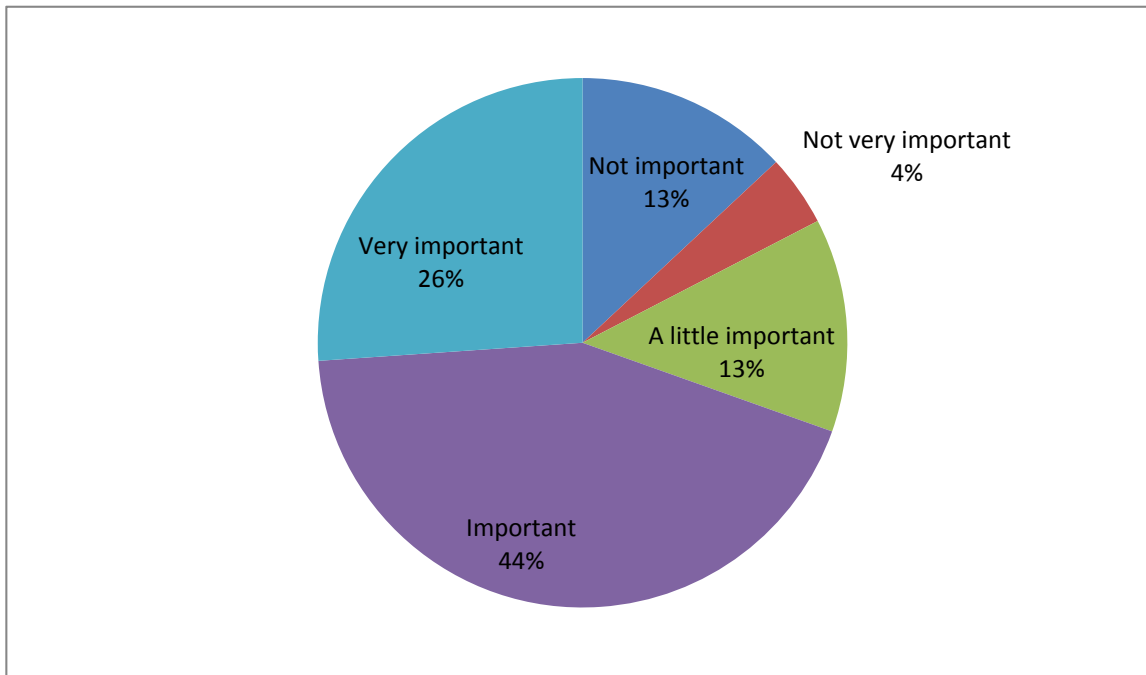
Following the meeting of the Working Party for Schengen Matters (SIS/SIRENE) on 8 July 2015 (see 10533/15 SIRIS 46 SCHENGEN 22 COMIX 314) and the announcement by the Presidency to conduct an assessment of the configuration's future tasks, the Presidency submitted to the delegations a survey on the future tasks of the configuration SIS/SIRENE of the Working Party for Schengen Matters in September 2015 (see 12176/15 SIRIS 61 SCHENGEN 27 COMIX 417) in order to collect their opinion on the configuration's position in the Schengen governance, the importance that the MS attach to it and what MS consider as the key role of the Working Party for Schengen Matters (SIS/SIRENE).

Twenty-five Member States and Schengen associated countries have replied to the questionnaire and the Presidency wishes to thank them for their contributions.

On the following pages you will find a summary of the replies provided by the Member States and Schengen associated countries.

1. How useful do you think the SIS/SIRENE configuration is

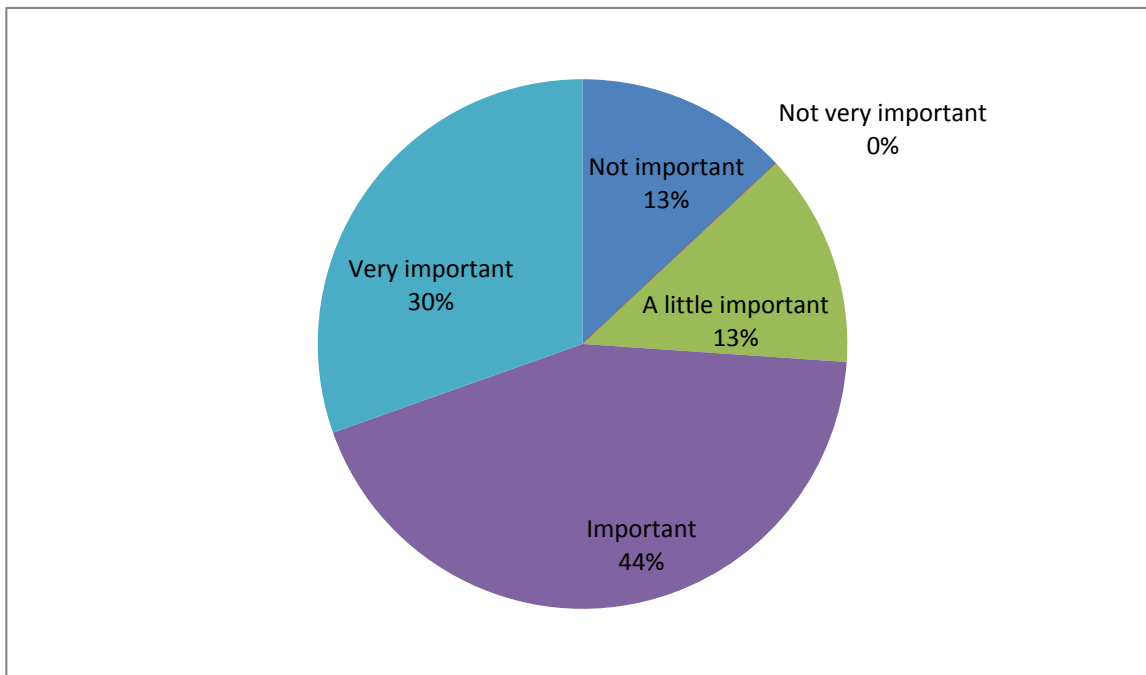
a) For addressing current issues? (from 1 to 10, with 1 being “not important”, 10 “being very important”)



Comments :

- Other configurations could take up the work (e.g. COSI, LEWP, SISVIS, SISII AG) (5 MS);
- Strategic issues (4 MS);
- Preparatory body for the political level (1 MS);
- Cross-cutting issues of a horizontal range (2 MS);
- Reinforcement of the role of MS in the Schengen governance (1 MS);
- The WPfSM (SIS/SIRENE) is sometimes the only forum offering the MS the possibility to address certain issues e.g. art. 26 of the SIS II Regulation;
- There are still topics for the SIS/SIRENE e.g. Art. 26, FF (11 MS);
- New ideas/initiatives (2 MS);
- SISVIS Committee is more reactive due to its frequency of meetings, no interpretation needed, steady presidency etc.

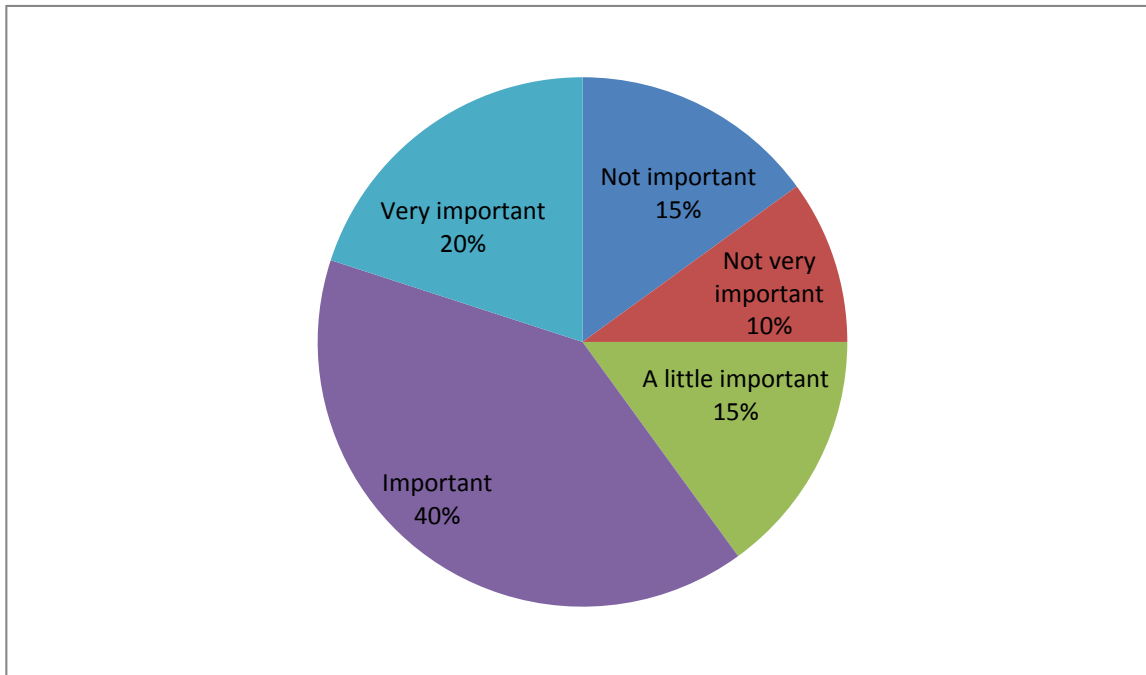
b) For discussing future challenges? (from 1 to 10, with 1 being “not important”, 10 “being very important”)



Comments :

- SIS/SIRENE has an important role for the future challenges (12 MS);
- Other configurations could take up the work (e.g. COSI, LEWP, SISVIS, SISII AG) (5 MS);
- Enhanced synergy with the SISVIS Committee (3 MS);
- Need for difference of tasks and mandate between WPfSM (SIS/SIRENE) and SISVIS Committee (5 MS);
- The functioning of the WP has to become more reactive i.e. should be able to convene meetings in case of emergency without interpretation and to get a meeting room at a short notice;
- Discussions on fundamentally important issues where all the delegations have to actively participate in the meetings.

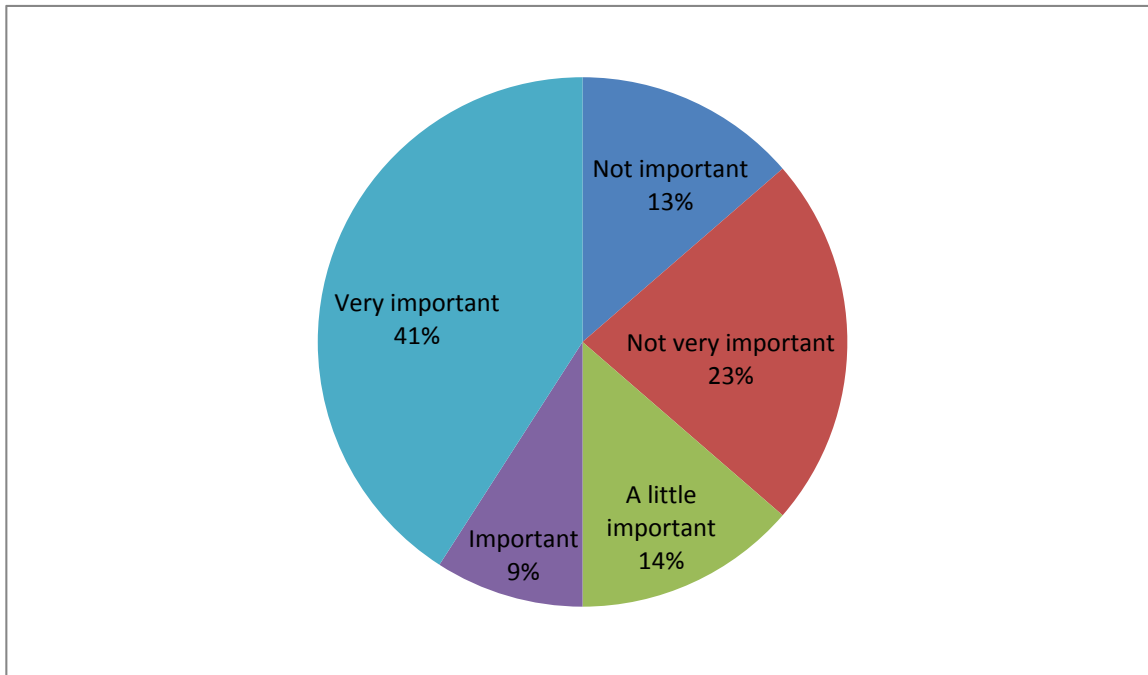
c) For providing pertinent answers? (from 1 to 10, with 1 being “not important”, 10 “being very important”)



Comments :

- Redundancy of discussions in different groups;
- Issues should be closed, adjourned or submitted to other forums instead of discussing them in several groups and not finding a solution;
- The WP's contribution lies in the quality of the debates which are fed by the participation of the delegations.

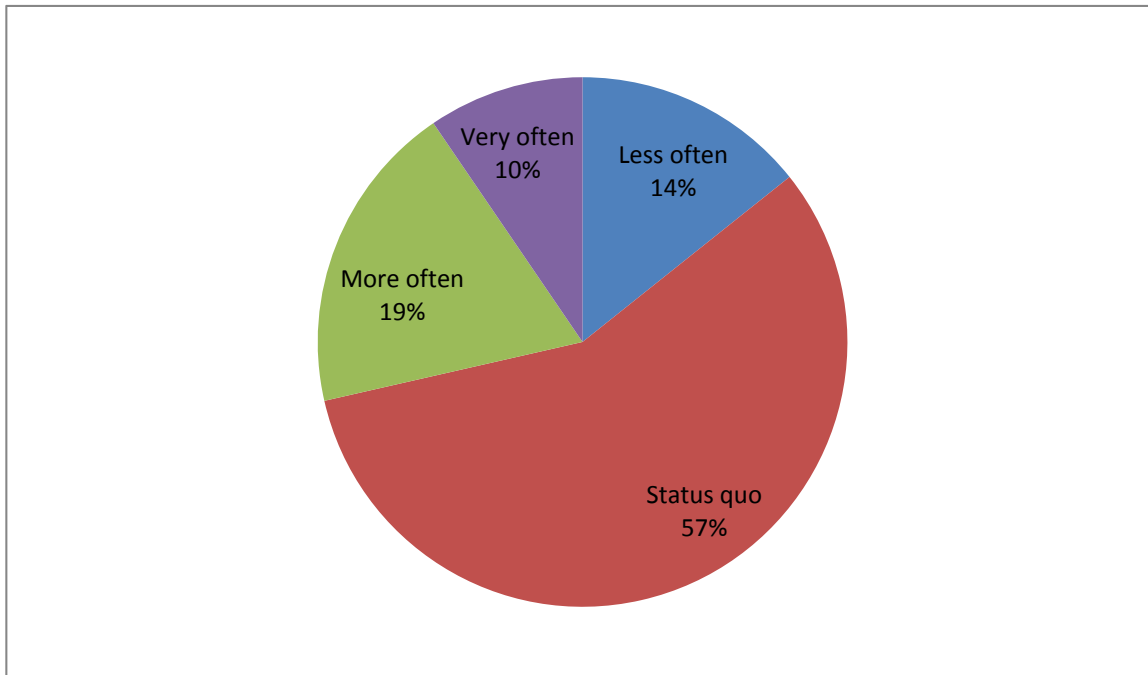
- d) To meet colleagues to address issues which need to be resolved on a bilateral basis? (from 1 to 10, with 1 being “not important”, 10 “being very important”)



Comments :

- Opportunity of bilateral discussions is given but :
 - o Possible in other meetings too e.g. HOS or other formats (3);
 - o Not always useful because of rare meetings (3);
 - o Not the main reason for the existence of the group (2);
 - o The WP is also important for multilateral discussions.

2. Should the SIS/SIRENE convene meetings more or less often? (from 1 to 10, with 1 being “less often”, 10 “more often”)

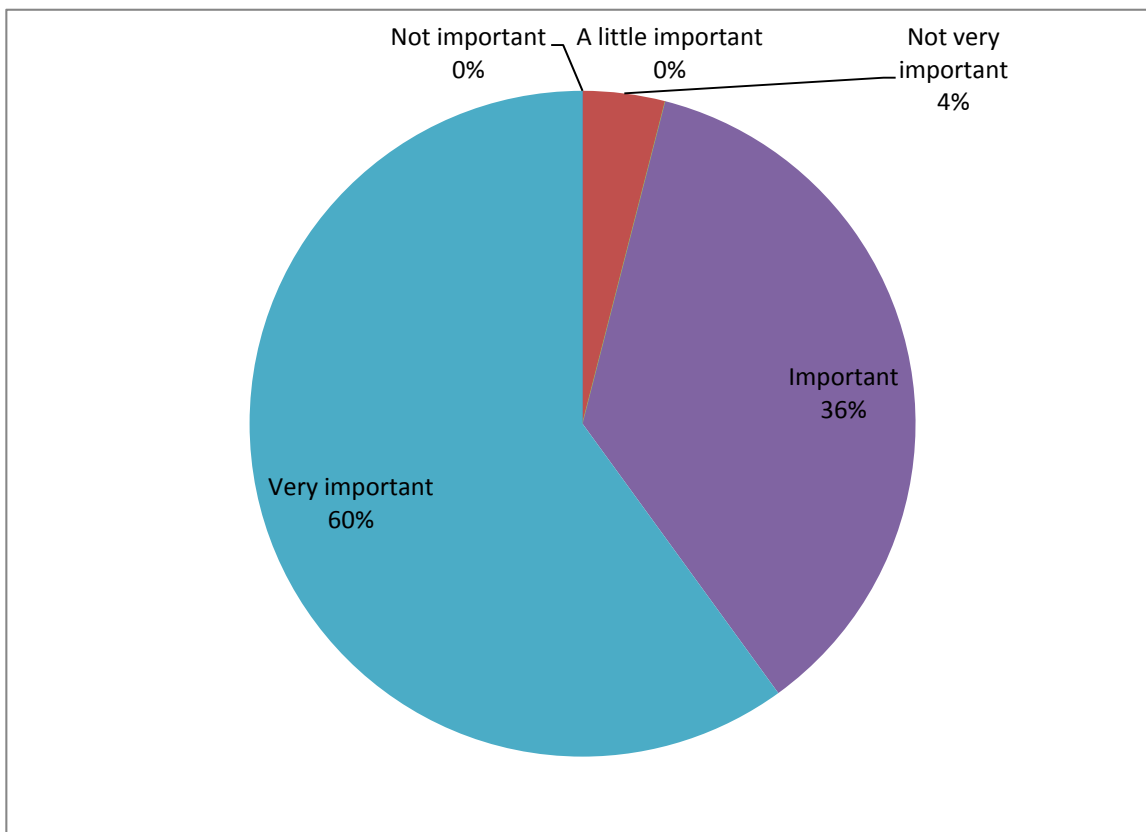


Comments :

- Frequency depends on the Presidency’s priorities (2 MS);
- Possibility to organise meetings in case of an emergency (2 MS);
- Meetings in combination with SIS VIS Committees (3 MS);
- Convene meetings only when necessary/when there are topics to be discussed and with reasonably long agendas (6 MS);
- Proposition to see the SIS/SIRENE as a briefing/debriefing of the HOS;
- Consider modern communication means (1 MS);
- Depending on the quality of the debates fed by substantial agendas as well as the flexibility and responsiveness of the SIS/SIRENE meeting organisations;
- Less often since SIS VIS is in charge of most SIS and SIRENE related issues (1 MS).

3. How useful do you think the Heads of SIRENE meeting is¹

a) For addressing current issues? (from 1 to 10, with 1 being “not important”, 10 “being very important”)

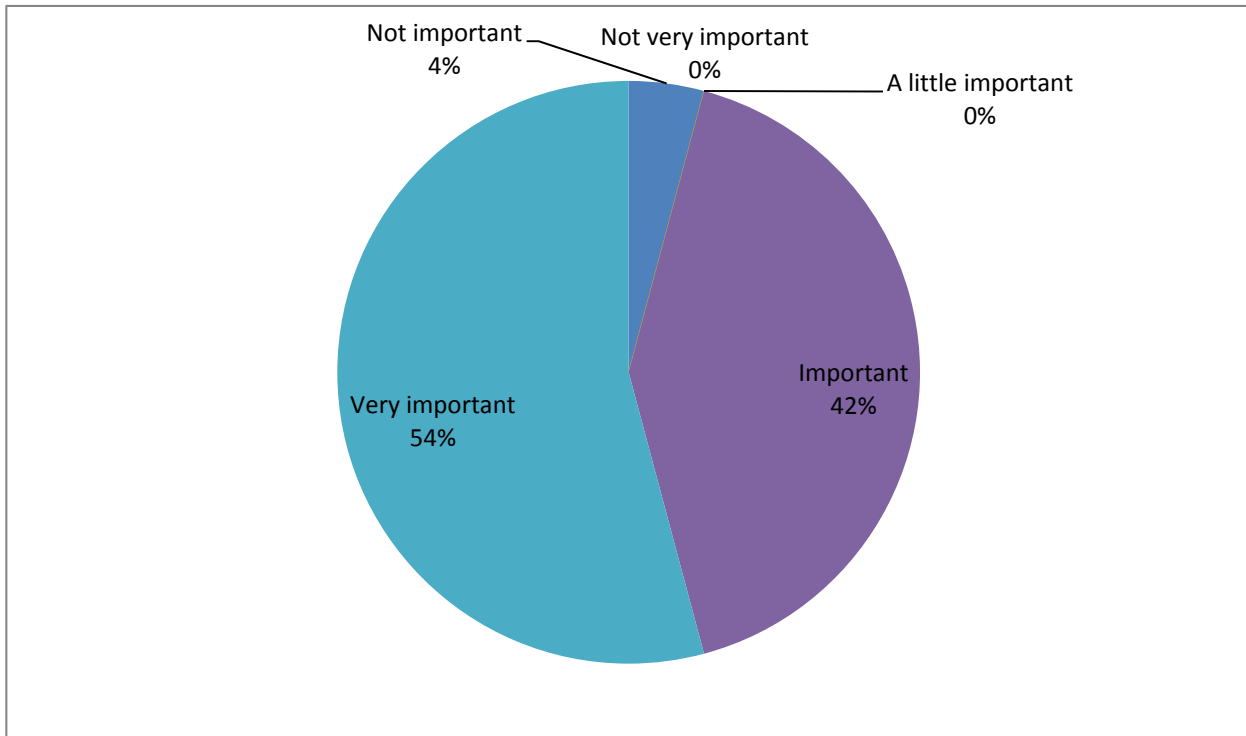


Comments :

- MS appreciate the informality of the meeting (10 MS);
- Discussion on daily issues as well as technical and operational aspects;
- Exchange of views or of national procedures;
- Complementary to the SIS/SIRENE but could not replace it since HOS is fundamentally different from a WP. Indeed it does not do any preparatory work that would be transmitted to higher authorities (2 MS);
- Agenda has to be chosen carefully and is of the responsibility of the MS not the COM (3 MS);
- Forum for the Heads of SIRENE and experts from SIRENE bureaux;
- Participating MS should have a say in the agenda of the HOS;
- Platform to (bilaterally) solve problems.

¹ These questions were answered by two countries which did not respond to the rest of the questions.

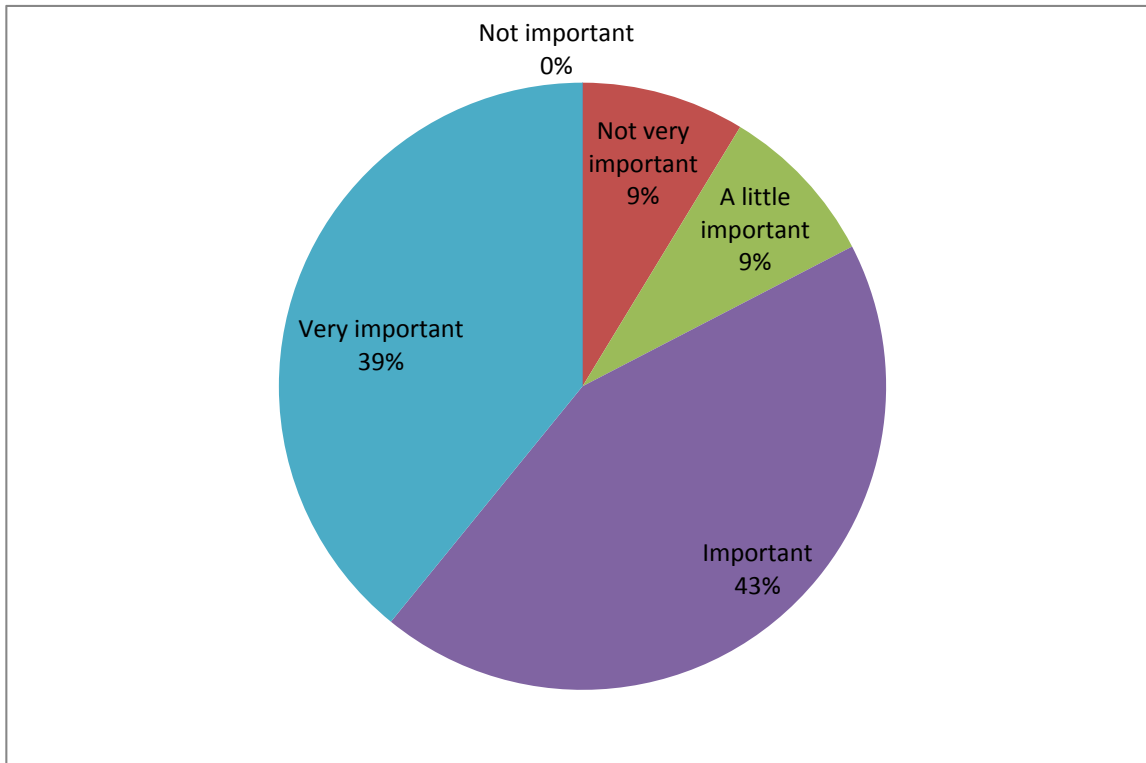
b) For discussing future challenges? (from 1 to 10, with 1 being “not important”, 10 “being very important”)



Comments :

- Possibility to provide a different point of view, that of the experts and at a management level (3 MS);
- Share new ideas and future challenges to address them further in another forum (Council, Comitology) (4 MS);
- HOS can react faster/act immediately to take decisive steps within their mandate (2 MS);
- The decisions taken have an impact on the daily work of the SIRENE bureaux but not on the strategical goals such as the SIS II project.

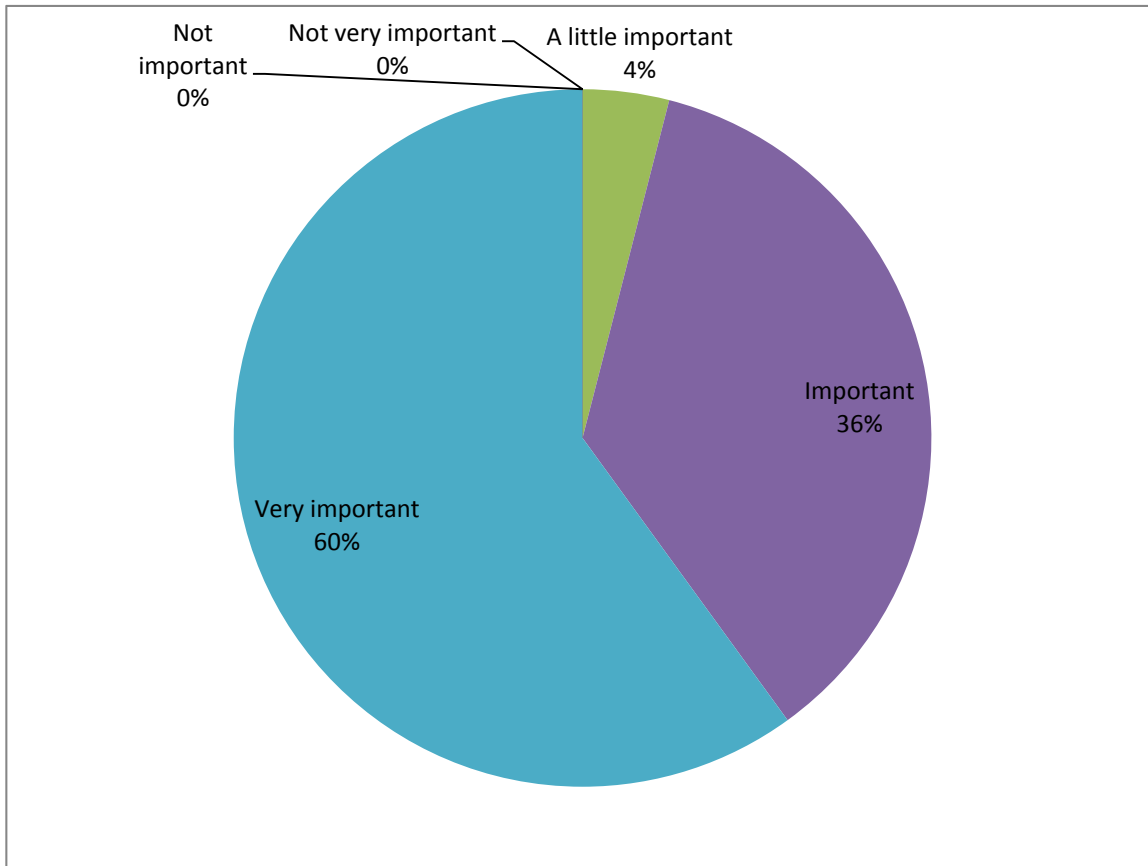
- c) For providing pertinent answers? (from 1 to 10, with 1 being “not important”, 10 “being very important”)



Comments:

- Depends on the complexity of the issue (2 MS);
- Receive pertinent answers by all participants (2 MS);
- Mostly on a bilateral level (1 MS);
- Possibility to introduce special issues which affect all/several MS (1 MS);
- The added-value consists in a qualitative debate with the participation of all delegates and under the umbrella of a considerable agenda;
- Complementary to SIS VIS since those issues can be discussed at HOS on a management level (1 MS);
- HOS answers questions of an operational nature successfully (3 MS).

d) To meet colleagues to address issues which need to be resolved on a bilateral basis?
(from 1 to 10, with 1 being “not important”, 10 “being very important”)

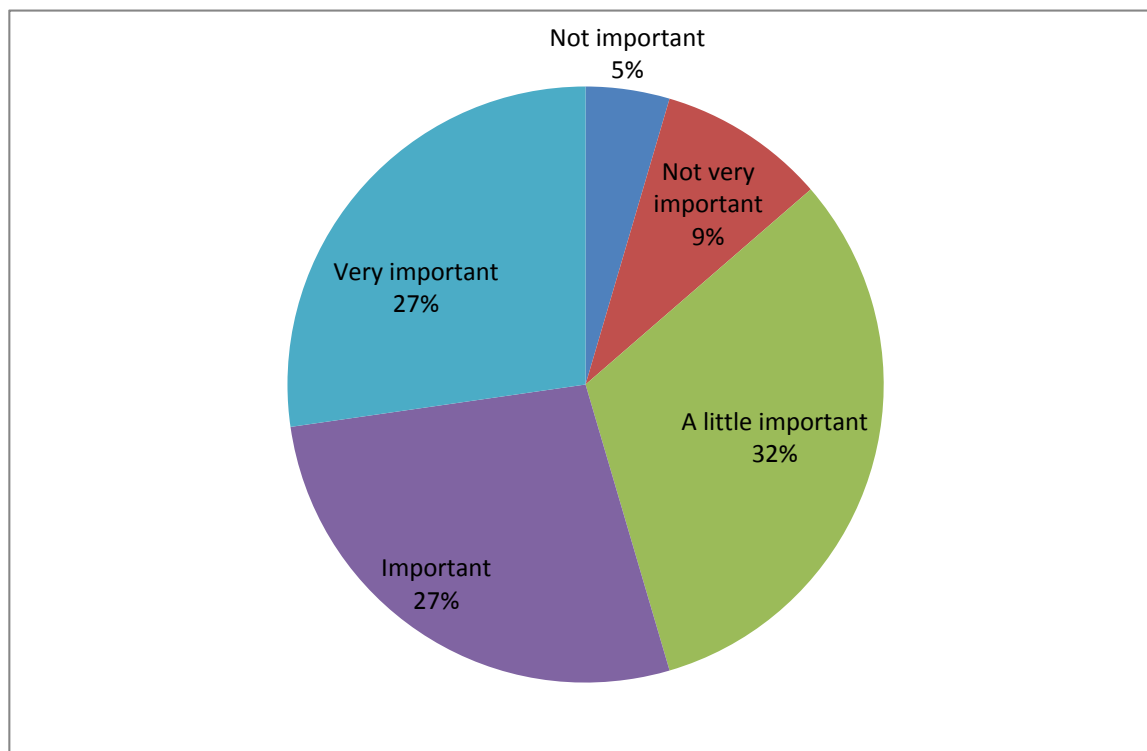


Comments:

- Forum for discussion about daily business;
- Allows to build up relationship through direct contact and makes it more easy to contact the person afterwards in case of a problem;
- Core business.

4. In light of the responsibilities that have been attributed to the SIS/SIRENE configuration, how important do you consider:

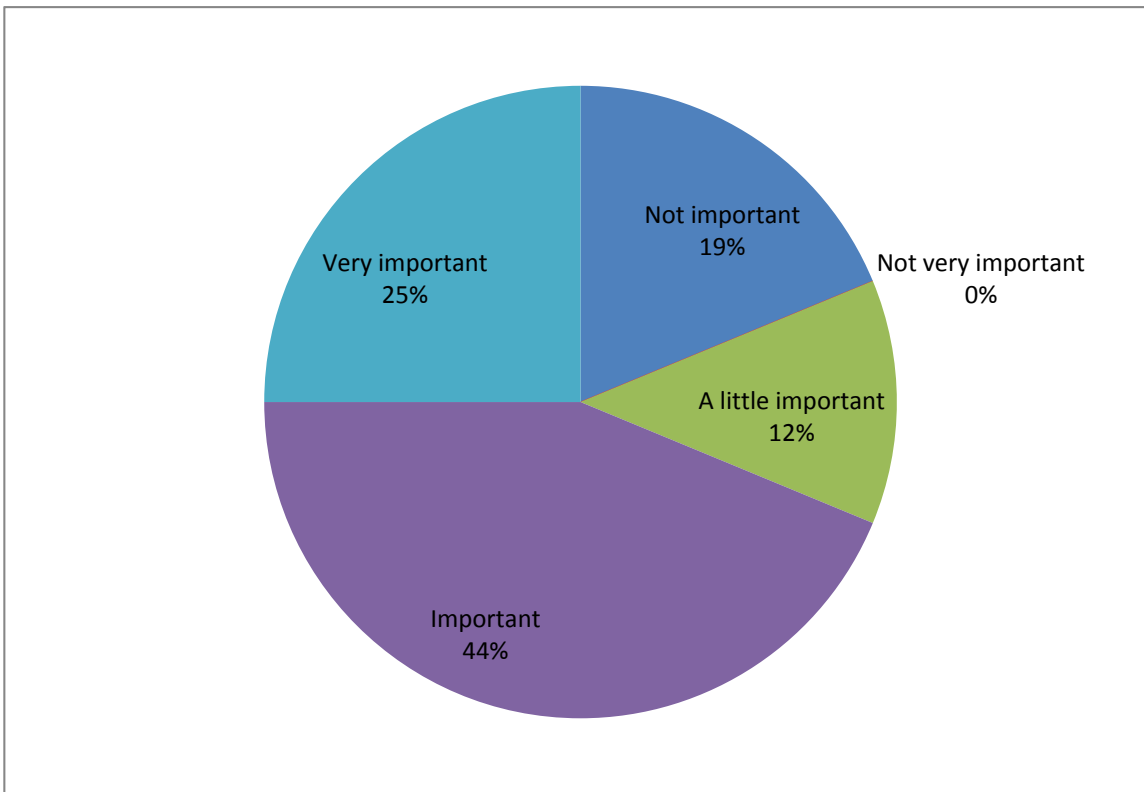
a) The political guidance? (from 1 to 10, with 1 being “not important”, 10 “being very important”)



Comments:

- Fundamental since a formal Council WG (4 MS);
- Need to occupy greater space on the current agendas since the political guidance has occurred less than usual (3 MS);
- Currently, the political guidance seems to come more from outside than inside the WG;
- The WP should set the strategic directions of the use of SIS II based on political guidance (3 MS);
- Discussions without clear outcomes are not desirable;
- The WP is not the political level but the preparatory level;
- In order to achieve proper political guidance, the functioning of the WP has to become more reactive and flexible i.e. no language regime, availability of meeting rooms at a short notice;
- Discussions on fundamentally important issues where all the delegations have to actively participate in the meetings.

b) More specific aspects



Comments :

- Not the suitable forum for this (4 MS);
- Addressing horizontal/strategic issues (3 MS);
- Level of decision making: Problems discussing concrete aspects in the SIS VIS Committee would be that those delegates are not necessarily habilitated to take meaningful decisions so that those elements could be discussed and a consensus reached during SIS/SIRENE WP;
- The WP SIS/SIRENE enables MS to add issues to the agenda to which MS assign more importance than the Commission.

Do you have any proposals for such specific aspects that should be addressed by the Working Party for Schengen Matters (SIS/SIRENE configuration)?

1. Issues linked with (all those topics are meant in broader view (e.g. involving judicial authorities both criminal and civil) – not only SIS/SIRENE “technology”):
 - the wanted persons – EAW use, use of SIS for Nordic Warrants and Extradition Request, flow of information in execution of EAW;
 - the missing persons – post-hit procedures in case of minors and persons to be put under protection;
 - the search for whereabouts – finding effective ways of co-operation between police and judicial authorities;
 - sharing information on potentially dangerous persons (art. 36);
 - post-hit procedures on objects – property rights, bona fide owner, systematic use of SIS also for other transport means than cars;
 - co-ordination with PCCCs, ENFAST and Europol;
 - proper presentation of the SIRENE work to the public.
2. Issue of sufficient staff: do an assessment of the needed personnel.
3. Some elements would be
 - More data categories could be added to SIS II;
 - Solve legal issues;
 - Court writ to SIS II Dec. Art. 34;
 - Provide direct access to legal entities in charge of registration of boats, aircrafts etc.;
 - Article 26 (SIS II Regulation);
 - UAM;
 - Migration;
 - Foreign fighters.

5. Which subjects do you think fall under the “political guidance” of the SIS/SIRENE configuration?

i. General remarks:

- Everything that is SIRENE related and not the task of other formations (mainly SCH-EVAL);
- All topics that are not under the COM’s responsibility.

ii. Legal issues:

- Solve legal issues;
- Legal changes discussed on a political level;
- A shared view on how the regulations and decisions could be interpreted;
- Legislative basis and restrictions are necessary/mandatory.

iii. Facing future challenges:

- Future of SIS/SIRENE/ use of SIS/SIRENE facing EU issues: terrorism, immigration, travelling criminals, political sanctions);
- Integration/synergy for better fighting terrorism with existing instruments out of EU area;
- Practicality and coherence with SIRENE work of requests on phenomena such as on foreign terrorist fighters, people smuggling, returnees;
- Emerging problems;
- Hot topics (foreign fighters, illegal migrants, return);
- The wider use of SIS II in the frame of the migration issue;
- Long-term issues which need political guidance.

iv. Strategic issues:

- Strategic goals/direction;
- suitable roadmaps and action plans are welcome;
- all strategic subjects;
- (Technical) changes due to political requirements.

v. *Data related subjects:*

- More data categories could be added to SIS II;
- Wider use of data (beyond SIS II Decision and Regulation);
- Capabilities to enhance information to and use of SIS;
- data quality – coordinate the verification of the quality of the information entered in the SIS II;
- Data exchange between SIRENE bureaux are revised by the COM and should be presented to the SIS/SIRENE.

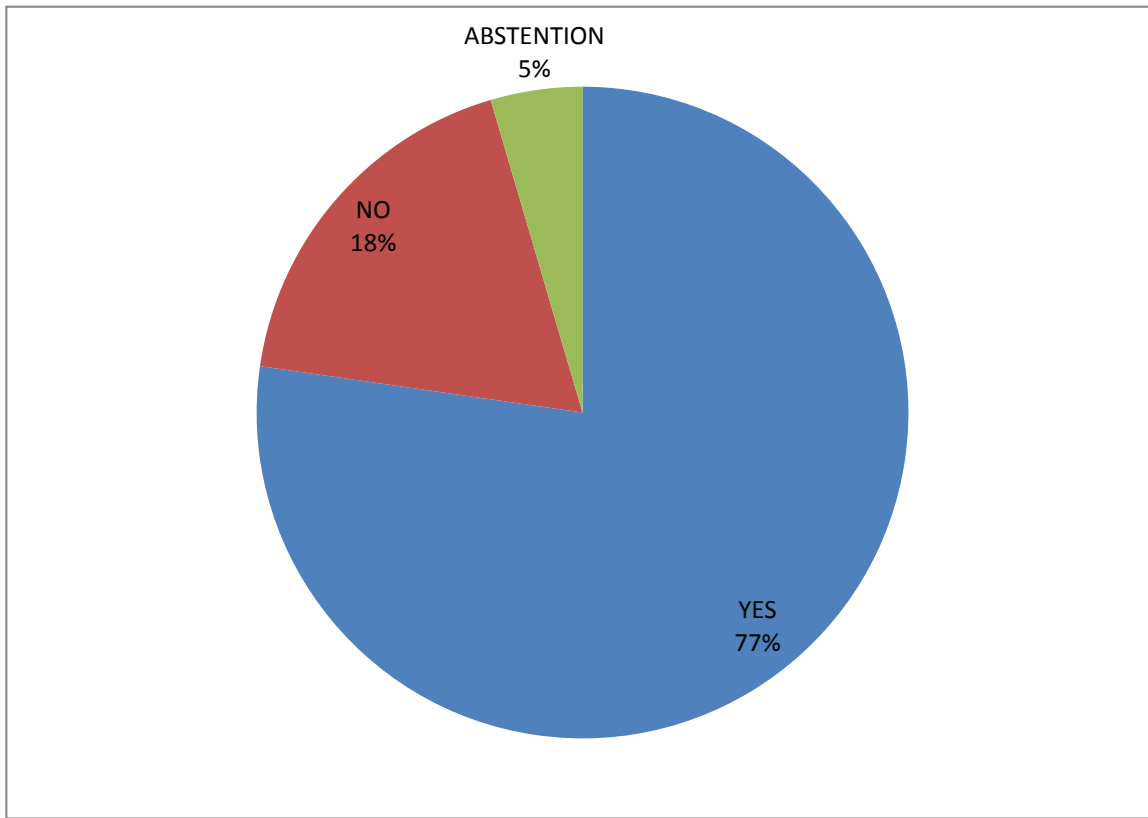
vi. *Political discussions in order to ensure a better functioning of SIS and SIRENE:*

- to discuss necessary technical and organisational measures or any difficulties that is recorded by the M.S. and to clarify procedures where is needed;
- Fundamental discussion about the alignment/positioning of the SIS towards other information systems (EU: Europol SIE, VIS, Eurodac; international: Interpol);
- Follow-up steps after SIS hits – cooperation, connection with other parts of law enforcement;
- Effective use of SIS II and SIRENE bureaux;
- To evaluate the quality of the cooperation between their services.

vii. *Specific aspects of the SIS and SIRENE:*

- Court writ to SIS II Dec. Art. 34;
- Provide direct access to legal entities in charge of registration of boats, aircrafts etc.
- Article 26 (SIS II Regulation);
- Change of scope of SIRENE manual, procedures, changes in Dec. 533/2007 in respect of article 36 of Decision 533/2007;
- the SIRENE Address book shall be issued by the COM at least twice a year and should be presented to the SIS/SIRENE party in order to ensure that is prepared on time and that only SIRENE staff has access to it;
- Ensure the availability of the SIRENE bureaux on 24/7 and establish a procedure among M.S. that guarantees the continuity of management, of personnel, and technical infrastructure;
- Exchange of SIRENE bureaux staff.

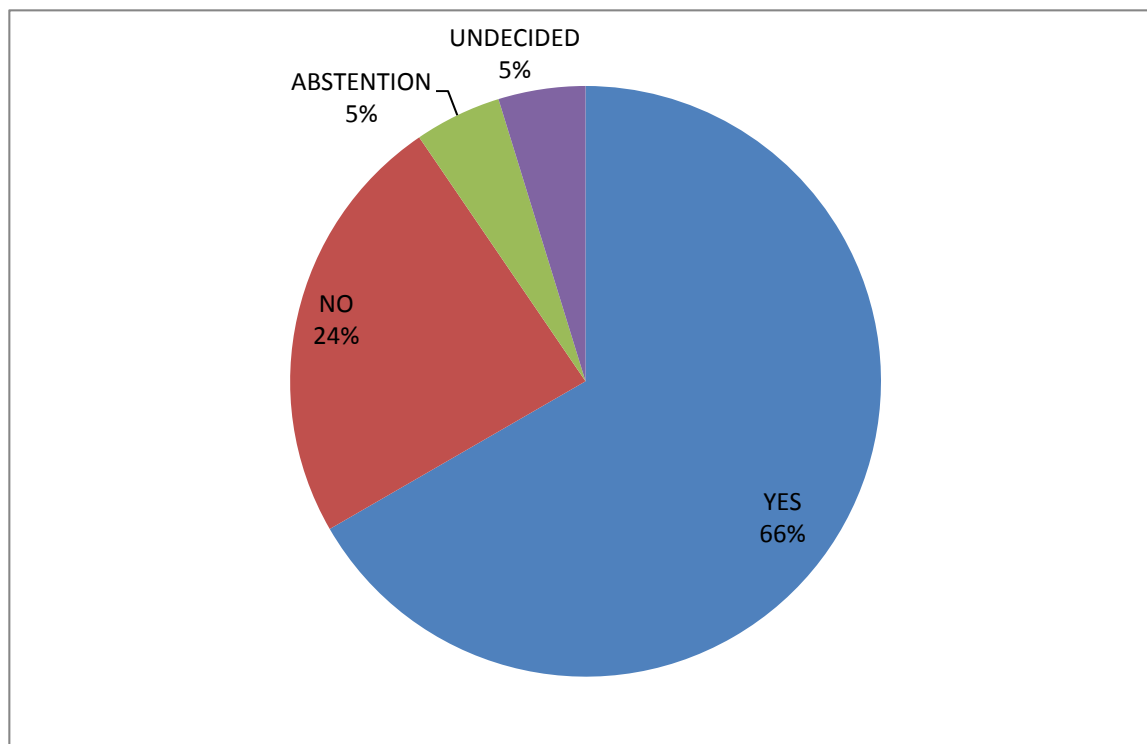
6. **Would you consider more visibility for the SIS and SIRENE bureaux among the other Working Parties in the JHA important in order to represent the SIS and SIRENE community, their stakes and interests as well as their achievements?**



Comments:

- Opposed :
 - o This should be solved at a national level and the representation should be chosen nationally.
- Caution:
 - o Could be useful but time consuming.
- In favour:
 - o This is needed in order to avoid duplication of work or even contradictory decisions;
 - o SIS II is relatively known, SIRENE however is almost invisible;
 - o SIS covers a significant part of international police cooperation;
 - o Cooperation/Interconnection between different working parties (SCHEVAL, LEWP, TERRORISM, COPEN, DAPIX etc.);
 - o Important to have a strategy pursuing the interest of SIS and SIRENE.

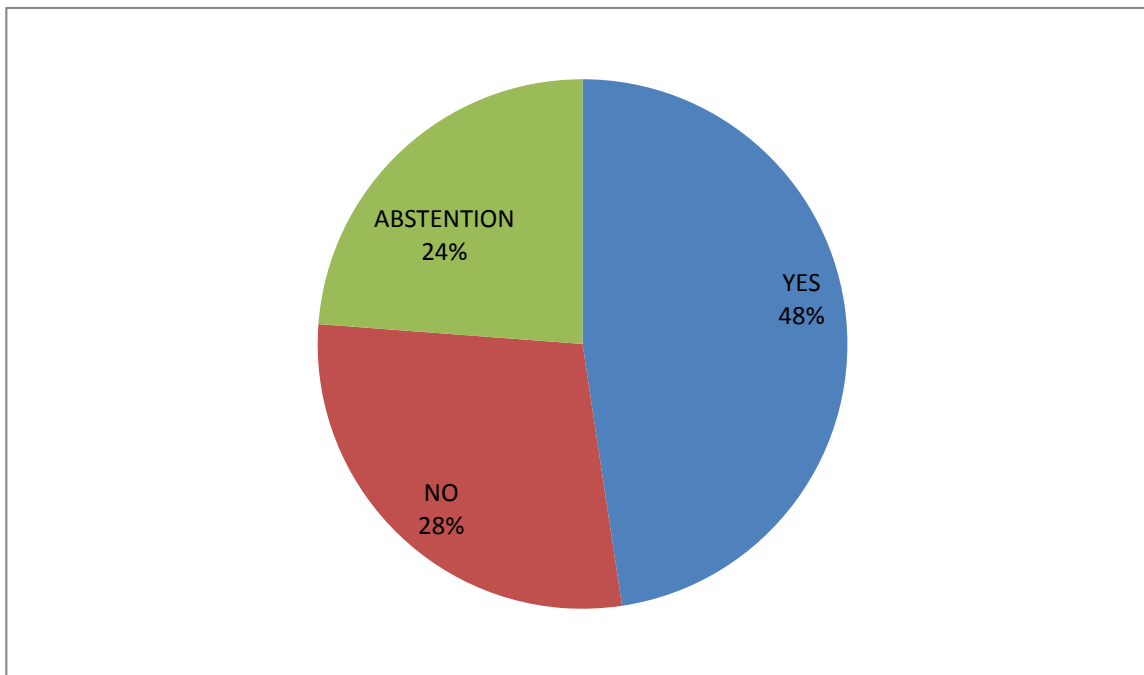
**7. Does the SIS/SIRENE community need strategic objectives for the following ten years?
If so, should the SIS/SIRENE configuration be involved in the drafting of these strategic objectives in the area of SIS and SIRENE?**



Comments:

- In favour:
 - o All the stakeholders should intervene according to their expertise in the elaboration of strategic objectives;
 - o The timeframe should be shorter (around 5 years);
 - o Important to have a more structured way to guide the SIS/SIRENE formation through different issues and set goals and objectives;
 - o Under the scope of the HOS and SIS/SIRENE WP;
 - o The most important strategic issue would be to fully implement all new SIS II categories and functionalities in all MS;
 - o In scope related to the future and the development of SIS;
 - o Clear strategic objectives should be drafted by MS in a joint approach, discussed, drafted and implemented;
 - o The WP SIS/SIRENE has to occupy its place in the development of the SIS in medium term.
- Caution:
 - o In a rapidly evolving environment this might be difficult (2 MS);
 - o It depends on the responsibility of the SIS/SIRENE in the future.
- Opposed:
 - o It doesn't appear useful;
 - o No need for discussions of problems that "may" arise in the future.

8. Since the SIS/SIRENE configuration has been tasked the political guidance, does the SIS and SIRENE need political priorities? Should the SIS/SIRENE develop such priorities?



Comments:

- In favour:
 - o Up to the Presidency to set them up;
 - o A dedicated Council preparatory body for SIS/SIRENE topics including guidelines and decision-making process should be kept;
 - o The WP has to develop its vision on the interoperability of the SIS with other information systems in order to comply with the priorities set by the Council in the matter of internal security of the European Union;
 - o There is always a need for drafting political priorities, the implementation of which should be discussed in WPfSM (SIS/SIRENE).
- Caution:
 - o Although a discussion is welcome, it might be impossible to agree on anything due to national interests;
 - o Political priorities appear according to political situation and apparently it is complicated to foresee these political priorities;
- Opposed:
 - o The WPfSM (SIS/SIRENE) should remain an expert meeting;
 - o When a political priority is necessary, this can be given by ministers.

9. Do you have any other proposition for issues to be address under this heading or any other remarks.

- More meeting stringency is desirable;
- The important role of the presidency is to effectively coordinate the discussions at WPfSM (SIS/SIRENE) with EC, other WP etc.;
- WPfSM (SIS/SIRENE) is a good forum for multilateral discussions/highly qualitative debates;
- The mandate of SIS/SIRENE should be thoroughly looked at since it is based on SIS1 and a clear division between SIS/SIRENE and SISVIS Committee is needed.
- Adequate solutions could be agreed on, even if it means transforming the WP in an ad-hoc meeting or in webinars etc;
- Need of wider visibility of the SIRENE activity;
- Closer cooperation with Europol and Interpol, with SIRENE representatives taking part in organisational and practical arrangements of joint operations;
- Need for establishing a central authority should be discussed, which would play the role of managing and coordinating the different activities, projects and operations that are included in SIRENE operation;
- Some or many items on the agenda could be done in the circular resolution with the personal attendance of the participants not being always necessary, although in certain situations this may be of a great advantage.