



**COUNCIL OF
THE EUROPEAN UNION**

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15568/06

LIMITE

**SIS-TECH 120
CATS 174
COMIX 974**

NOTE

from : Presidency
to : Article 36 Committee

N° Prev. doc. 12583/06 SIS-TECH 93 COMIX 724
 13906/06 JAI 152 SIS-TECH 102 SIRIS 180 COMIX 832
 13981/06 SIS-TECH 108 COMIX 835
 13540/06 SIS-TECH 101 COMIX 799
 15440/06 SIS-TECH 119 CATS 169 COMIX 969

Subject : Progress report on the integration of the new Member States into the SIS1+
 (SISone4all)

In relation to the Portuguese proposal to integrate the new Member States into the SIS1+, the JHA Council at its meeting on 5 October 2006 (see document 13906/06) invited "the relevant working groups to work out all the outstanding technical, financial, legal, organisational and management aspects of the proposal forwarded by Portugal, so as to be in a position to take a final decision at its meeting in December on whether or not to proceed with the integration of the new Schengen States into the SIS 1+."

The Presidency presents an overview of the progress made so far.

Technical aspects

On the 29th of September, experts gave an opinion on the SISone4all (see document 12583/06) and listed a number of aspects that had to be examined further. A list is provided below.

* detailed technical specifications

Detailed technical specifications have been released by Portugal on 10 November. Comments were awaited by 17 November. If a new version is needed, this would be released by 21 November and discussed at the SIS-TECH working party of 23 November.

* organisation of transfer of code

The source code of the SISone4all would be transferred to the participating countries at the time of deployment of the software.

* possible delays in the project schedule

Portugal does not foresee delays in the project schedule at this moment. The date when the SISone4all would be installed in all participating states remains 20 July 2007 (ML 4 in the feasibility study document 13540/06).

* phonetic search

the method for phonetic search has been described in the detailed technical specifications.

* transliteration

A transliteration table is being worked out and would be discussed at the 23 November SIS-TECH working party.

* helpdesk

The Portuguese proposal does not include a helpdesk. However, Portugal has opened a website in relation to the SISone4all and opened a mailbox for questions. Portugal will work on supporting measures if a decision is taken at the December JHA Council.

Furthermore a coaching scheme where an existing Schengen state gives support to a new Schengen state, is under preparation.

* the Schengen evaluation schedule

See further.

* management

Project management for the SISone4all is the responsibility of Portugal. Project follow-up will be the remit of relevant working parties.

* network

Informal meetings dealing specifically with network aspects were organised on 27 October and 17 November. After that last meeting, the Presidency issued its conclusions in document 15440/06.

Further technical aspects were raised later:

* financial aspects

The financial aspects of the integration of new Member States in the SISNET have been dealt with in document 13981/06.

An estimation of the financial impact of a migration to sTESTA has been requested but not yet received.

The French delegation is working on a document concerning contribution to the C.SIS budget by the new MS, that could be discussed at the next SIS/SIRENE working party on 24 November.

* exchange of art. 95

The existing alerts pursuant to art. 95 of the CAS have to be evaluated by the new Schengen States and if needed, flags have to be applied. This whole process is estimated to take about 6 months. The data have to be protected during their transmission, but since no network connection exists between the new Schengen states and the SIS, solutions have to be worked out. This subject would be discussed at the 23 November SIS-TECH meeting.

* impact of SISone4all on the SIS II planning

The SIS II task force (see document 14773/06 SIS-TECH 117 CATS 168 COMIX 911) and the Commission are preparing documents on this subject.

* feasibility and status of preparations in the existing Schengen States

The existing Schengen States will have to confirm whether they can adapt their national systems to allow integration of new Schengen States at the 23 November SIS-TECH working party meeting.

The Presidency would also like to report two issues that do not directly fall under the responsibility of the art. 36 Committee, but that should be considered by the new Schengen states.

* consultation of art. 96 by visa authorities in diplomatic and consular representations

the new Schengen States should be aware that they have to make the necessary preparations in order to do this.

* VISION

The VISION network is used to consult other Schengen states concerning visa applications made by citizens from “sensitive” countries. The VIS project foresees the migration of the present VISION application with the existing Member States from the SISNET to sTESTA as a prerequisite to integrate the VISION into the VIS. At present it is estimated that this could take place in summer 2007. The new Schengen states must be integrated into VISION before the evaluation phase.

With the present state of planning foreseen for VISION this seems to be impossible.

The only solution that seems possible today is that the new Schengen states are integrated on the present SISNET network, and migrate to sTESTA after the lifting of the border controls.

In order to do this the following must take place :

- take a decision on using SISNET for the integration
- migration of the existing Member States to a new messaging software architecture (from X.400 to SMTP)
- development by the new Schengen states of a VISION application
- integration of the new Schengen states into the network
- adaptation of the technical specifications document (e.g. statistics, codes for diplomatic representations).

A VISA/VISION working party will take place on 30 November.

Legal aspects

Referring to the conclusions on the networking aspects in document 15440/06, the following can be stated on the legal aspects of the different phases:

1. Integration phase

There are three legal steps to be taken:

- Amend Art 25 of the SISNET Agreement to allow the new Member States to contribute to the SISNET budget;
- Set a date for the contributions in question; and
- Amend the SISNET Agreement with Belgacom for each of the additional participating Member States.

2. Migration phase

No new call for tender would be necessary in order to use the sTESTA network for SIS purposes as a Framework contract for the provision of the network has already been signed. It would be necessary to sign a specific contract with the contractors for SIS purposes. The existing legal acts on the development of the SIS II give the Commission the necessary basis to enter into such a contract for SIS II. The Commission suggested that for the use of the sTESTA network for SIS 1+ a specific contract should be signed by the Council. However, such a contract cannot be signed by the Council since it would lead to the use of the Council's budget for operational purposes. It is therefore for the Commission to enter into this contract and commit the Community budget in the context of the SIS 1+.

In order to do so, however, the Commission would require an additional basic act that would allow for the necessary appropriations to be charged to the Community budget.

Such a basic act would be made up of two instruments, one based on Title IV TEC, the other on Title VI TEU. There are two possibilities for the adoption of these instruments:

- The necessary provisions could be added to two proposed instruments amending the Commission's mandate for the development of the SIS II.¹ These instruments are expected to be adopted by the JHA Council of 4-5 December 2006. However the insertion of such amendments to the instruments would require the EP to be re-consulted.

¹ See Doc 11746/06.

Adoption by the Council would be delayed and the Commission would lack a legal base for the continued development of the SIS II for the intervening period¹; or

- The Commission could submit proposals to this effect. If new instruments were required, the Council could not act without an initiative of the Commission as far as the instrument based on Title IV TEC was concerned. In any event, such an instrument should be adopted by the Council several months in advance of the scheduled date on which the sTESTA network should be operational for SIS 1+.

Schengen evaluation

On the Schengen evaluation calendar

The Schengen evaluation working party discussed on 17 November three versions of a calendar for 2007, taking into account:

- a) the target-date for lifting internal border controls (either 28 10 07 for all types of controls, or 01 12 07 for land and seaborders en 28 03 08 for airborders) and
- b) the most appropriate moment for taking the key-decision, like the Council decisions (in June and in September 07).

However, the calendars have not been issued yet, since we wait for a clear sign from CATS for a go-ahead with SISone4all

On the Schengen evaluation process

The Schengen evaluation working party and the JHA counsellors finalised ten Council conclusions on the evaluation of the new Member states, including a list of revisits to be conducted after the first round of visits. Although several weaknesses were detected in most countries, it is the situation at the Slovakian landborders, which is considered by many the most preoccupying.

The conclusions will be tabled in Coreper on 23 11 06 and to the Council, together with the calendars for 2007 (see above)

¹ Its current mandate expires on 31 December 2006. See Art 7 of Council Regulation 2424/2001 and Council Decision 2001/886/JHA.