


# Procedure file

Basic information		
CNS - Consultation procedure Decision	<a href="#">2007/0104(CNS)</a>	Procedure lapsed or withdrawn
Schengen: Communication Infrastructure for the Schengen Information System SIS environment		
Subject 7.10.02 Schengen area, Schengen acquis		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Civil Liberties, Justice and Home Affairs		17/07/2007
		PPE-DE <a href="#">COELHO Carlos</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>BUDG</b> Budgets		12/09/2007
		PPE-DE <a href="#">BÖGE Reimer</a>	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">General Affairs</a>	<a href="#">2850</a>	18/02/2008
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2807</a>	12/06/2007
European Commission	Commission DG	Commissioner	
	<a href="#">Justice and Consumers</a>	FRATTINI Franco	

Key events			
11/06/2007	Legislative proposal published	<a href="#">COM(2007)0306</a>	Summary
12/06/2007	Debate in Council	<a href="#">2807</a>	
12/07/2007	Committee referral announced in Parliament		
03/10/2007	Vote in committee		Summary
05/10/2007	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A6-0357/2007</a>	
23/10/2007	Results of vote in Parliament		
23/10/2007	Decision by Parliament	<a href="#">T6-0442/2007</a>	Summary
18/02/2008	Act adopted by Council after consultation of Parliament		
18/09/2010	Proposal withdrawn by Commission		Summary

Technical information	
Procedure reference	2007/0104(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 030; EC Treaty (after Amsterdam) EC 034-p1; EC Treaty (after Amsterdam) EC 031-p1
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	LIBE/6/50615

Documentation gateway					
Legislative proposal		<a href="#">COM(2007)0306</a>	11/06/2007	EC	Summary
Document attached to the procedure		<a href="#">SEC(2007)0809</a>	11/06/2007	EC	
Document attached to the procedure		<a href="#">SEC(2007)0810</a>	11/06/2007	EC	
Committee draft report		<a href="#">PE392.121</a>	04/09/2007	EP	
Amendments tabled in committee		<a href="#">PE394.002</a>	13/09/2007	EP	
Committee opinion	<b>BUDG</b>	<a href="#">PE393.981</a>	01/10/2007	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0357/2007</a>	05/10/2007	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0442/2007</a>	23/10/2007	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2007)6028</a>	21/11/2007	EC	

Additional information	
National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

## Schengen: Communication Infrastructure for the Schengen Information System SIS environment

[PURPOSE: to establish the legal framework for installing, operating and managing a specific Communication Infrastructure to provide networking and security services for the exchange of data via SIS 1+.](#)

PROPOSED ACT: Council Decision.

CONTEXT: this proposal is linked to the revised completion of SIS II, which is scheduled to become operational on 17 December 2008.

To recall, the Schengen Information System (SIS) was first established in 1990 as an information exchange network, servicing fifteen EU Member States plus Iceland and Norway. Its purpose: to act as an information exchange network that allows the Member States to obtain information on certain categories of persons and properties (mostly vehicles) once internal restrictions have been lifted. Its remit covers the free movement of people within the EU as well as judicial co-operation between the authorities in criminal matters. SIS is vital to the proper functioning of an area in which internal borders have been lifted and where common borders operate.

In 2001, prior to enlargement, the Council agreed to update and modernise the SIS network to take account of an enlarged Schengen geographical area. The new system, SIS II, will be developed, operated and managed by the Commission with funding for its operations stemming from the EU's budget. Originally scheduled for completion in 2006 delays have forced the Council to prolong the development of SIS II until 17 December 2008.

However, in order to allow the new EU Member States to lift their internal borders as from 2007 the Council decided to implement a temporary measure whereby the new Member States could be linked to the current version of SIS under a system referred to as SIS 1+. This system (i.e. SIS 1+) is operated by a communications infrastructure called SISNET. SISNET is a Council run communications network with the Deputy

Secretary-General of the Council responsible for managing and operating it. Funding for SISNET does not stem from the overall EU budget rather it stems from Member States' contributions.

Matters have been further complicated, however, by the fact that the current SISNET contract is due to expire on 13 November 2008 whilst SIS II will only become operational just over a month later on 18 December 2008. This one month gap between contract completion and SIS II becoming operational could threaten the effective exchange of data between the Technical Support Function and the national sections of SIS 1+. In order to address this problem the Deputy Secretary General of the Council Secretariat has been asked to launch a public procurement procedure and to act as a representative of certain Member States for the purpose of concluding and managing an interim SISNET contract pending its migration onto SIS II in December 2008.

In February 2007, however, the Council acknowledged that there may be a real risk that the Deputy Secretary General will not be able to complete a new SISNET public procurement contract on time. As a result the Council has asked the Commission to prepare a proposal as a 'back-up' measure in the event of a Council led contract failing to materialise.

CONTENT: the purpose of this proposal, therefore, is to offer an alternative SIS 1+ 'Communications Infrastructure' to replace the SISNET network. The proposed Regulation will cover the period 13 November 2008 and expire when SIS II becomes fully operational (foreseen by 1 November 2009). It will only apply in the event that the Deputy Secretary General is unable to conclude a public procurement contract on behalf of the Member States within the specified deadline. As such this proposal should be viewed as a 'fallback' solution only and one that guarantees the continuing functioning of SIS 1+ until such time that SIS II becomes fully operational.

Specifically speaking, the Commission makes the following proposals:

- The Commission will install, operate and manage a Communications Infrastructure that provides networking and security services for the exchange of data between the Technical Support Function and the national sections of SIS and between SIRENE.
- In so doing the Commission will take account of specifications already established by the Deputy Secretary General of the Council.
- The cost of installing, operating and managing the system will be borne by the general budget of the EU (see Financial File for more detailed information on the budgetary implications of the proposal).
- The actual network will make use of the s-TESTA Framework which is part of the EU's IDABC programme. (To recall, IDABC stands for the 'Programme for Interoperable Delivery of pan-European eGovernment Services to European Public Administrations, Community institutions and other entities and to European Businesses and Citizens?').
- The new Communication Infrastructure for the SIS 1+ will not, however, interfere with the s-TESTA Communication Infrastructure foreseen for SIS II.
- The Member States will be responsible for carrying out tests to ensure the proper exchange of data over the infrastructure.
- The Council will be responsible for establishing the test plan on the basis of an initiative to be prepared by France in its capacity as the Member State responsible for the C.SIS.
- On a fixed date, the Member States will be asked to migrate from SISNET to the new Communications Infrastructure.
- The Commission will be allowed to contract the execution of specific operational management tasks regarding security and supervision of the Infrastructure to national public sector bodies. The costs for this will be borne by the general budget of the EU.
- All Council Decisions referring to SISNET will be repealed and the remainder of the budget from SISNET will be refunded to the Member States in proportion to their contributions.
- The Regulation should enter into force on the day of its publication in the Official Journal. It will expire on 1 November 2009 or on the date fixed by the Council (once migration to SIS II is fully operational).

On a final point the new Communications Infrastructure will not replace SISNET in its entirety since SISNET also provides communications services for VISION - a network supporting visa consultation procedures. VISION has not been included in this proposal since the Council reserves the right to implement powers in the field of visa policy.

Also, the proposal is being presented alongside a proposal for a Council Regulation Decision on the same subject. (See [CNS/2007/0108](#)).

## Schengen: Communication Infrastructure for the Schengen Information System SIS environment

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The Committee on Civil Liberties, Justice and Home Affairs adopted, subject to amendments, the consultation report by Carlos COELHO (EPP-ED, PT) approving the proposal for a Council decision on the installation, operation and management of a Communication Infrastructure for the Schengen Information System (SIS) environment. The amendments aim to modify the financial approach of the new communication infrastructure for the SIS as proposed by the Commission.

The report states that if the costs of installing, operating and managing the Communication Infrastructure are to be borne by the general budget of the

European Union, each Member State shall be responsible for bearing the costs incurred by the national database and of its connection to the SIS or S-Testa communication infrastructure. The justification for this being that as the SIS remains a system simply connecting national data bases, it should be financed by the Member States, provided that it stays at national level.

The committee has also decided to table some amendments with a view to strengthening the role of the European Parliament in the whole process. It calls for the Council to coordinate Member States' test activities and validate the test results, keeping the Commission and the European Parliament informed. The report calls for the Commission to adopt the necessary measures (including the adoption of a security plan) relating to the Communication Infrastructure and for it to inform the European Parliament and the Council of the terms of the contract and which national body is the contractor.

Lastly, the report states that the rules of the Financial Regulation have to be respected at all times.

## Schengen: Communication Infrastructure for the Schengen Information System SIS environment

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The European Parliament adopted a resolution drafted by Carlos COELHO (EPP-ED, PT) and made some amendments to the proposal on the installation, operation and management of a Communication Infrastructure for the Schengen Information System (SIS) environment. The

amendments aim to modify the financial approach of the new communication infrastructure for the SIS as proposed by the Commission.

The report states that if the costs of installing, operating and managing the Communication Infrastructure are to be borne by the general budget of the European Union, each Member State shall be responsible for bearing the costs incurred by the national database and of its connection to the SIS or S-Testa communication infrastructure.

Parliament also made some amendments with a view to strengthening its role. It called for the Council to coordinate Member States' test activities and validate the test results, keeping the Commission and the European Parliament informed. The Commission must adopt the necessary measures (including the adoption of a security plan) relating to the Communication Infrastructure and inform the European Parliament and the Council of the terms of the contract and which national body is the contractor.

Lastly, the report stated that the rules of the Financial Regulation have to be respected at all times.

## Schengen: Communication Infrastructure for the Schengen Information System SIS environment

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As announced in Official Journal C 252 of 18 September 2010, the Commission decided to withdraw this proposal, which had become obsolete.