

Schengen: second generation information system SIS II, development. Initiative Belgium and Sweden

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The current document contains the explanatory memorandum and the financial statement relating to the initiatives of Belgium and Sweden with a view to adopting a Council Regulation and a Council Decision on the development of SIS II (please refer to initial proposal). The initiatives are designed to allow the development of SIS II, which is a priority for the Community and the Union in the context of enlargement, to take place by means of Community financing as of 2002. On 29 May 2001, the Council considered the financing of the development of SIS II. It found that there was no unanimity among members of the Council to finance SIS II development through intergovernmental funding and, consequently, that such expenditure would be charged on the budget of the European Communities as from 2002. To that end, it is necessary to adopt the appropriate legal acts allowing such expenditures as of that date. Since the new initiatives constitute a development of the Schengen acquis, they are subject to the relevant provisions of the Treaties. This means that the correct legal basis must be chosen for the legislative acts needed in order to introduce the relevant appropriations in the budget of the European Communities. In respect of those aspects of the SIS which have as their objective the improvement of police cooperation and judicial cooperation in criminal matters, a legal basis in Title VI of the TEU is appropriate. To the extent that the objectives of the SIS are related, at least in part, to the activities of the Community concerning visa and immigration policy and controls relating to the free movement of persons, a legal basis in Title IV of the TEC is appropriate.