Schengen: Communication Infrastructure for the Schengen Information System SIS environment

2007/0104(CNS) - 11/06/2007 - Legislative proposal

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, IDBAC 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).