COUNCIL REGULATION (EC) No 378/2004
of 19 February 2004
on procedures for amending the Sirene Manual

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 66 thereof,

Having regard to the initiative of the Hellenic Republic [1],

Having regard to the opinion of the European Parliament [2],

Whereas:

(1) The Schengen Information System, (hereinafter referred to as the 'SIS') set up pursuant to the provisions of Title IV of the Convention of 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders (hereinafter referred to as the 'Schengen Convention') [3], constitutes an essential tool for the application of the provisions of the Schengen *acquis* as integrated into the framework of the European Union.

(2) Pursuant to the provisions of Article 92 of the Schengen Convention, the national sections of the Member States cannot exchange SIS data directly between themselves; they may only exchange data via the technical support function in Strasbourg. However, it is appropriate for certain supplementary information required for implementing certain provisions of the Schengen Convention correctly to be exchanged bilaterally or multilaterally. Such supplementary information is needed in particular in relation to the action required pursuant to Articles 25, 39, 46, 95 to 100, 102(3), 104(3), 106, 107, 109 and 110 of the Schengen Convention. The exchange of this supplementary information is carried out by the Sirene offices of each Member State.

(3) The Sirene Manual is a set of instructions to operators in the Sirene offices of each of the Member States which describes in detail the rules and procedures governing the bilateral or multilateral exchange of such supplementary information.

(4) Uniformity of the Sirene Manual should be ensured. The Schengen technical *acquis* should be applicable here.

(5) Amendments to Part 1 of the Sirene Manual pursuant to this Regulation should be confined to reflecting the applicable version of the provisions of the Schengen Convention.

(6) It is necessary to establish a procedure for amending the Sirene Manual in accordance with the relevant provisions of the various Treaties.

(7) The legislative basis required for allowing future amendments to the Sirene Manual consists of two separate instruments: this Regulation based on Article 66 of the Treaty establishing the European Community and Council Decision 2004/201/JHA of 19 February 2004 on procedures for amending the Sirene Manual [4] based on Articles 30(1)(a) and (b), 31(a) and (b) and 34(2)(c) of the Treaty on European Union. The reason for this is that, as set out in Article 92 of the Schengen Convention, the SIS is to enable the authorities designated by the Member States, by means of an automated search procedure, to have access to alerts on persons and property for the purposes of border checks and other police and customs checks carried out within the country in accordance with national law, as well as for the purposes of issuing visas, residence permits and the administration of legislation on aliens in the context of the application of the provisions of the Schengen *acquis* relating to the movement of persons. The exchange of the supplementary information required for implementing the provisions of the Schengen Convention referred to in recital 2, carried out by the Sirene offices of each Member State, also serves these purposes, as well as assisting with police cooperation generally.

(8) The fact that the legislative basis required consists of two separate instruments does not affect the principle that the SIS itself constitutes, and should continue to constitute, one single, integrated, information system, and that the Sirene offices should continue to carry out their tasks in an integrated manner.

(9) An arrangement should be made to allow representatives of Iceland and Norway to be associated with the work of committees assisting the Commission in the exercise of its implementing powers. Such an arrangement has been contemplated in the Exchange of Letters between the Community and Iceland and Norway [5], annexed to the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* [6].

[1] OJ C 82, 5.4.2003, p. 21.
[2] Opinion delivered on 23 September 2003 (not yet published in the Official Journal).
[3] OJ L 239, 22.9.2000, p. 19.
[4] See page 45 of this Official Journal.
[5] OJ L 176, 10.7.1999, p. 53.
[6] OJ L 176, 10.7.1999, p. 36.