



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 October 2009

**13382/1/09
REV 1**

**SIRIS 118
SCHENGEN 28
COMIX 675**

NOTE

from : Presidency
to : SIS/SIRENE Working Party/Mixed Committee (EU-Iceland/Norway and
Switzerland/Liechtenstein)

Subject : Draft Council Decision amending Decision 2000/265/EC on the establishment of
a financial regulation governing the budgetary aspects of the management by the
Deputy Secretary-General of the Council, of contracts concluded in his name, on
behalf of certain Member States, relating to the installation and the functioning of
the communication infrastructure for the Schengen environment, 'SISNET'

Delegations will find in annex a draft Council Decision amending Decision 2000/265/EC in order
to allow Bulgaria and Romania to contribute to the SISNET budget as from 2010.

COUNCIL DECISION

of...

amending Council Decision 2000/265/EC of 27 March 2000

**on the establishment of a financial regulation governing the budgetary aspects
of the management by the Deputy Secretary-General of the Council,
of contracts concluded in his name, on behalf of certain Member States,
relating to the installation and the functioning of the communication infrastructure
for the Schengen environment, "SISNET"
(2009/.../EC)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the first sentence of the second subparagraph of Article 2(1) of the Protocol annexed to the Treaty on European Union and to the Treaty establishing the European Community, integrating the Schengen acquis into the framework of the European Union,

Whereas:

- (1) The Deputy Secretary-General of the Council was authorised by Decision 1999/870/EC¹ and Decision 2007/149/EC² to act, in the context of the integration of the Schengen acquis within the European Union, as representative of certain Member States for the purposes of concluding contracts relating to the installation and the functioning of the communication infrastructure for the Schengen environment ("SISNET") and to manage such contracts, pending its migration to a communication infrastructure at the charge of the European Community.
- (2) The financial obligations arising under those contracts are borne by a specific budget (hereinafter "the SISNET Budget") financing the communication infrastructure referred to in those Council Decisions.

¹ OJ L 337, 30.12.1999, p. 41.

² OJ L 66, 6.3.2007, p. 19.

- (3) The Member States, which acceded to the European Union with the 2005 Act of Accession are to be integrated into the first generation Schengen Information System (SIS 1+) on a date to be set by the Council in accordance with Article 4(2) of the 2005 Act of Accession.
- (4) From that date, those Member States should participate in the budget.

HAS DECIDED AS FOLLOWS:

Article 1

Council Decision 2000/265/EC is hereby amended as follows:

1. In Article 25, the following paragraph shall be inserted:
 "(1a) From 1 January 2010, the list of States referred to in paragraph 1 shall be extended to Bulgaria and Romania."
2. The third paragraph of Article 26 shall be deleted;
3. Article 28 shall be amended as follows:
 - (a) paragraph (1) shall be replaced by the following:
 "1. The States referred to in Article 25 shall be required to pay 70 % of their contribution by 1 April, and 30% by 1 October at the latest."
 - (b) paragraph (1a) shall be deleted.
 - (c) paragraph (3) shall be replaced by the following:
 "3. By way of derogation from paragraph 1, and without prejudice to Article 49, Bulgaria and Romania shall pay their entire respective contributions for 2010 by 31 December 2010."
 - (d) paragraph 4 shall be deleted.;

4. The fifth paragraph of Article 37 shall be replaced by the following:
“The Advisory Committee shall endeavour to adopt its opinions by consensus. If such consensus is not possible, the Advisory Committee shall adopt its opinions by a simple majority of its representatives. A quorum of 19 shall be required for the proceedings to be valid. In the event of a tied vote, the Chairman shall have the casting vote. From the date referred to in Article 25 (1a), a quorum of 20 shall be required.”.
5. The second paragraph, letter (c) of Article 49 shall be replaced by the following:
“(c) adjustment of the contributions of the States referred to in Article 25 in order to establish the proportion of earlier SISNET installation costs to be borne by the other State. This percentage shall be calculated on the basis of the ratio of the VAT resources paid by the other State to the total VAT resources of the European Communities for the for the preceding financial year. If no data on VAT resources is available, the adjustment of contributions shall be calculated on the basis of the share of each Member State concerned in the total GDP of all the Member States referred to in Article 25. The percentage contribution shall be the subject of a ‘credit note’ to the States referred to in Article 25, for an amount pro rata to their share as calculated in accordance with Article 26.”

Article 2

This Decision shall take effect from the date of its adoption.

Article 3

It shall be published in the *Official Journal of the European Union*.

Done at

For the Council

The President
