



**COUNCIL OF
THE EUROPEAN UNION**

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**12059/1/08
REV 1**

LIMITE

**SIRIS 113
SCHENGEN 26
COMIX 592**

NOTE

from:	Presidency
to:	Mixed Committee at the level of Senior Officials COREPER
No prev. doc.:	8797/08 SIRIS 62 SCHENGEN 12 COMIX 337
Subject:	Proposal for a Council Decision on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II)

Delegations will find below a compromise revised version of the abovementioned proposal.

At the meeting of the Working Party on the Schengen Acquis held on 18 July 2008, delegations were invited to send in contributions on the recitals. This version takes those contributions into account as far as possible. They were also amended in accordance with the changes incorporated into Articles 3(1) and 11(1).

The redraft of Article 3(1) results from informal discussions which the Presidency held with the Commission to take account of the concerns expressed by Member States at the last meeting of the Working Party on the Schengen Acquis, while maintaining the schedule for implementing SIS II, as endorsed by the Council on 6 June 2008 ¹.

¹ 10103/08 CATS 49 SIS-TECH 79 SIRIS 88 COMIX 453.

The proposed new wording of Article 11(1) with regard to Article 92A(3) of the CISA aims to clarify the obligations of the technical support function towards the Central SIS II.

Changes to the previous version (12059/08 SIRIS 113 SCHENGEN 26 COMIX 592) are indicated in **bold**; deletions with "(...)".

A parliamentary reservation from the UK is pending.

The Mixed Committee at the level of Senior Officials is invited to confirm the general approach on this proposal and to submit it to COREPER for adoption as a I-item.

COUNCIL DECISION

on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 30(1)(a) and (b), 31(1)(a) and (b) and 34(2)(c) thereof,

Having regard to the proposal from the Commission²,

Having regard to the opinion of the European Parliament³,

Whereas:

- (1) The Schengen Information System (SIS) set up pursuant to the provisions of Title IV of the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders⁴ (hereinafter the Schengen Convention), and its further development, SIS 1+, constitute an essential tool for the application of the provisions of the Schengen *acquis* as integrated into the framework of the European Union.

² OJ C , , p. .

³ OJ C , , p. .

⁴ OJ L 239, 22.9.2000, p. 19. Convention as last amended by Council Decision 2007/533/JHA of 12 June 2007 (OJ L 205, 7.7.2007, p. 63).

(2) The development of the second generation Schengen Information System (SIS II) has been entrusted to the Commission pursuant to Council Regulation (EC) No 2424/2001⁵ of 6 December 2001 on the development of the second generation Schengen Information System (SIS II) and Council Decision 2001/886/JHA⁶ of 6 December 2001 on the development of the second generation Schengen Information System (SIS II). Both legal instruments expire on 31 December 2008. This Decision supplements these instruments and should expire at the date fixed by the Council acting in accordance with Article 71(2) of Council Decision 2007/533/JHA of 12 June 2007⁷.

Any reference to Committees established under Decision 2001/886/JHA should be construed as a reference to the Committee established by Article 67 of Decision 2007/533/JHA.

(3) SIS II was established by Regulation (EC) No 1987/2006⁸ (...) and by Council Decision 2007/533/JHA⁹.

(4) This Decision should be without prejudice to Regulation (EC) No 1987/2006 and Decision 2007/533/JHA (...).

(4a) Certain SIS II tests are provided for in Regulation No 189/2008 and Decision 2008/173/JHA of 18 February 2008 on the tests of the second generation Schengen Information System (SIS II).

(5) The development of the SIS II should be continued and should be finalised in the framework of the SIS II global schedule endorsed by the Council on 6 June 2008¹⁰.

⁵ OJ L 328, 13.12.2001, p.4. Regulation as amended by Council Regulation (EC) No 1988/2006 (OJ L 411, 30.12.2006, p. 1).

⁶ OJ L 328, 13.12.2001, p. 1. Decision as amended by Council Decision 2006/1007/JHA (OJ L 411, 30.12.2006, p. 78).

⁷ OJ L 205, 7.8.2007, p. 63.

⁸ OJ L 381, 28.12.2006, p. 4.

⁹ OJ L 205, 7.8.2007, p. 63.

¹⁰ See 10103/08 CATS 49 SIS-TECH 79 SIRIS 88 COMIX 453.

- (6) A SIS II comprehensive test should be conducted in full cooperation between the Member States and the Commission. **This test should be executed in accordance with the provisions of the present Regulation. However,** the validation of this test is regulated by Article 55(3)(c) of Regulation (EC) No 1987/2006 and of Article 71(3)(c) of Decision 2007/533/JHA and should take place at the earliest moment after the completion of the SIS II comprehensive test. (...)
- (6a) Member States should perform a test on the exchange of supplementary information.
- (7) (...)
- (8) (...)
- (9) As regards SIS 1+, Article 92 of the Schengen Convention provides for a technical support function (C.SIS). As regards SIS II, Regulation (EC) No 1987/2006 and Decision 2007/533/JHA provide for a Central SIS II composed of a technical support function and a uniform national interface (NI-SIS). The technical support function of Central SIS II shall be located in Strasbourg (France) and a back-up in St. Johann im Pongau (Austria).
- (10) In order to better manage the potential difficulties brought about by the migration from SIS 1+ to SIS II an interim migration architecture for the Schengen Information System should be established and tested. The interim migration architecture should have no impact on the operational availability of SIS 1+. **A converter (...)** should be provided (...) by the Commission.
- (11) The Member State issuing an alert should be responsible for ensuring that the data entered into the Schengen Information System is accurate, up-to-date and lawful.

- (12) (...)
- (13) The Commission is and should remain responsible for the Central SIS II and its communication infrastructure. (...) **This responsibility includes the maintenance and continuation of the development of SIS II** and its communication infrastructure, **including** (...) at all times (...) the correction of errors. The Commission should provide coordination and support for the joint activities. The Commission should provide, in particular, the necessary technical and operational support to the Member States at Central SIS II level including the availability of a helpdesk.
- (14) The Member States are and should remain responsible for **the development and maintenance of** their national systems (N.SIS II). (...)
- (15) France is and should remain responsible for the technical support function of SIS 1+. This responsibility is expressly provided for in the provisions of Article 92(3) of CISA. (...)
- (15a) Representatives of the Member States participating in the SIS 1+ should coordinate their actions within the framework of the Council. It is necessary to set out a framework for that organisational action.
- (16) The Commission has the possibility to contract out to third parties, including national public bodies, tasks conferred upon it by this Decision and tasks relating to the implementation of the budget, in accordance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ¹¹.
- (17) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ¹² applies to the processing of personal data by the Commission.

¹¹ OJ L 248, 16.9.2002, p. 1. Regulation as last amended by Regulation (EC) No 1525/2007 (OJ L 343, 27.12.2007, p. 9).

¹² OJ L 8, 12.1.2001, p. 1.

- (18) The European Data Protection Supervisor, appointed pursuant to Decision 2004/55/EC of the European Parliament and of the Council of 22 December 2003 appointing the independent supervisory body provided for in Article 286 of the EC Treaty¹³, is competent to monitor the activities of the Community institutions and bodies in relation to the processing of personal data. Articles 126 to 130 of the Schengen Convention contain specific provisions on the protection of personal data. Article 118 of the Schengen Convention contains specific provisions on the security of personal data.
- (19) Since the objectives of the action to be taken, namely setting up the interim migration architecture and migrating the data from SIS 1+ to SIS II, cannot be sufficiently achieved by the Member States and can, therefore, by reason of the scale and effects of the action, be better achieved at the level of the Union, it is considered that the adoption of the present measure is in accordance with the principle of subsidiarity, as set out in Article 5 of the EC Treaty and referred to in Article 2 of the EU Treaty. In accordance with the principle of proportionality, this Decision does not go beyond what is necessary to achieve those objectives.
- (20) This Decision respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.
- (21) The Schengen Convention should be amended to allow the integration of SIS 1+ into the interim migration architecture.

¹³ OJ L 12, 17.1.2004, p. 47.

- (22) The United Kingdom is taking part in this Decision, in accordance with Article 5 of the Protocol integrating the Schengen *acquis* into the framework of the European Union annexed to the EU Treaty and to the EC Treaty, and Article 8(2) of Council Decision 2000/365/EC of 29 May 2000, concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* ¹⁴.
- (23) Ireland is taking part in this Decision in accordance with Article 5 of the Protocol integrating the Schengen *acquis* into the framework of the European Union annexed to the EU Treaty and to the EC Treaty, and Article 6(2) of Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* ¹⁵.
- (24) This Decision is without prejudice to the arrangements for the United Kingdom's and Ireland's partial participation in the Schengen *acquis* as determined by the Council Decision 2000/365/EC and Decision 2002/192/EC respectively.
- (25) As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of 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* ¹⁶, which fall within the area referred to in Article 1, point G of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* ¹⁷.

¹⁴ OJ L 131, 1.6.2000, p. 43.

¹⁵ OJ L 64, 7.3.2002, p. 20.

¹⁶ OJ L 176, 10.7.1999, p.36.

¹⁷ OJ L 176, 10.7.1999, p.31.

- (26) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ¹⁸, which fall within the area referred to in Article 1, point G of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/149/JHA ¹⁹ on the conclusion of that Agreement on behalf of the European Union.
- (27) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, which fall within the area referred to in Article 1, point G of Council Decision 1999/437/EC of 17 May 1999 read in conjunction with Article 3 of Council Decision 2008/262/EC of 28 February 2008 on the signature, on behalf of the European Union, and on the provisional application of certain provisions of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ²⁰.

¹⁸ OJ L 53, 27.2.2008, p. 52.

¹⁹ OJ L 53, 27.2.2008, p.50.

²⁰ OJ L 83, 26.3.2008, p. 5

HAS ADOPTED THIS DECISION:

Article 0
General purpose

1. The Schengen Information System set up pursuant to the provisions of Title IV of the 1990 Schengen Convention (SIS 1+), shall be replaced by a new system, the Schengen Information System II (SIS II), the establishment, operation and use of which is regulated by Decision 2007/533/JHA of 12 June 2007.
2. In accordance with the procedures and the division of tasks set out in this Decision the SIS II shall be developed by the Commission and the Member States as a single integrated system and shall be prepared for operations.

Article 0A ²¹

Definitions

For the purposes of this Decision, the following definitions shall apply:

- (a) 'Central SIS II' means the technical support function of SIS II containing a database, the 'SIS II database', and a uniform national interface (NI-SIS).
- (b) 'C.SIS' means the technical support function of SIS 1+, containing the reference database for SIS 1+ and the uniform national interface (N.COM).
- (c) 'N.SIS' means the national system of SIS 1+, consisting of the national data systems which communicate with C.SIS.
- (d) 'N.SIS II' means the national system of SIS II, consisting of the national data systems which communicate with Central SIS II.

²¹ Former Article 2 in doc. 8797/08.

- (e) 'converter' means a technical tool to allow consistent and reliable communication between C.SIS and Central SIS II, ensuring the functionalities provided for in Article 5(2a).
- (f) 'comprehensive test' means the test referred to in Article 71(3)(c) of Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and the use of the second generation Schengen Information System (SIS II)²².
- (g) 'test on supplementary information' means functional tests between the SIRENE Bureaux.

Article 1

Subject matter and scope

This Decision defines the tasks and responsibilities of Commission, France and the other Member States participating in SIS 1+ with respect to the following tasks:

- (a) the maintenance and continuation of the development of SIS II;
- (b) a comprehensive test of SIS II;
- (c) a test on supplementary information;
- (d) the continuation of the development and testing of a converter;
- (e) the establishment and testing of a provisional migration architecture;
- (f) the migration from SIS 1+ to SIS II.

Article 1A

Technical components of the migration architecture

In order to ensure the migration from SIS 1+ to SIS II, the following components are necessary:

- (a) the C.SIS and the connection to the converter;
- (b) the communication infrastructure for SIS 1+ allowing the C.SIS to communicate with the N.SIS;
- (c) the N.SIS;
- (d) Central SIS II, NI-SIS and the communication infrastructure for SIS II allowing the Central SIS II to communicate with N.SIS II and the converter;

²² OJ L 381, 28.12.2006, p. 4.

- (e) the N.SIS II;
- (f) the converter.

Article 1B

Main responsibilities in the development of SIS II

1. The Commission shall continue to develop the Central SIS II, the communication infrastructure and the converter.
2. France shall make available and operate C.SIS in accordance with the provisions of the Schengen Convention.
3. The Member States shall continue to develop N.SIS II.
4. The Member States participating in SIS 1+ shall maintain N.SIS in accordance with the provisions of the Schengen Convention.
5. The Member States participating in SIS 1+ shall make available and operate the communication infrastructure for SIS 1+.
6. The Commission shall coordinate the activities and provide the necessary support for the implementation of the tasks and responsibilities referred to in paragraphs 1 to 3.

Article 1C
Continuing the development

The measures necessary to continue the development of the SIS II as referred to in Article 1B(1), in particular measures necessary for the corrections of errors, shall be adopted in accordance with the procedure defined in Article 11A (2).

The measures necessary to continue the development of the SIS II as referred to in Article 1B(3), in so far as it concerns the uniform national interface ensuring the compatibility of N.SIS II with Central SIS II, shall be adopted in accordance with the procedure defined in Article 11A (2).

Article 1D
Main activities

1. The Commission together with Member States participating in SIS 1+ shall conduct a comprehensive test.
2. An interim SIS migration architecture shall be set up and a test of that architecture shall be performed by the Commission together with France and the other Member States participating in SIS 1+.
3. The Commission and the Member States participating in SIS 1+ shall perform the migration from SIS 1+ to SIS II.
4. The Member States participating in SIS 1+ shall perform a test on the exchange of supplementary information.
5. The Commission shall provide the necessary support at Central SIS II level for the activities in paragraphs 1 to 4.
6. The activities in paragraphs 1 to 3 shall be coordinated by the Commission and the Member States participating in SIS 1+ acting within the Council.

Article 2

deleted

Article 3

Comprehensive test

1. The comprehensive test shall **not start before** the Commission has **declared that it considers that the level of success of** the tests referred to in Article 1 of Council Decision 2008/173/JHA of 18 February 2008 on the tests of the second generation Schengen Information System (SIS II) **is sufficient to begin such a test.**
2. A comprehensive test aiming at confirming, in particular, the completion by the Commission and the Member States participating in SIS 1+ of the necessary technical arrangements to process SIS II data and the demonstration that the level of performance of SIS II is at least equivalent to that achieved with SIS 1+ shall be performed.
 - 2a. The comprehensive test shall be executed by the Member States participating in SIS 1+ for the N.SIS II and by the Commission for the Central SIS II.
3. The comprehensive test shall follow a detailed schedule defined by Member States participating in SIS 1+ acting within the Council in cooperation with the Commission.
 - 3a. The comprehensive test shall be based on the technical specifications defined by the Member States participating in SIS 1 + acting within the Council in cooperation with the Commission.
 - 3b. The Commission and the Member States participating in SIS 1+ acting within the Council shall define the criteria for determining whether the necessary technical arrangements to process SIS II data are completed and the level of performance of SIS II is at least equivalent to that achieved with SIS 1+.

4. The test results shall be analysed using the criteria mentioned in paragraph 3b, by the Member States participating in SIS 1+ acting within the Council and the Commission. The test results shall be validated in accordance with Article 71(3)(c) of Council Decision 2007/533/JHA of 12 June 2007²³.

4a. *deleted*

5. Member States not participating in SIS 1+ may participate in the comprehensive test. Their results shall not affect the overall validation of the test.

Article 4

Test on supplementary information

1. The Member States participating in SIS 1+ shall conduct functional SIRENE tests.

1a. The Commission shall make available Central SIS II and its communication infrastructure during the execution of the test on supplementary information.

2. The test on supplementary information shall follow a detailed schedule defined by Member States participating in SIS 1+ acting within the Council.

2a. The test on supplementary information shall be based on the technical specifications defined by the Member States participating in SIS 1+ acting within the Council.

3. The test results shall be analysed by the Member States participating in SIS 1+ acting within the Council.

4. Member States not participating in SIS 1+ may participate in the test on supplementary information. Their results shall not affect the overall validation of the test.

²³ OJ L 381, 28.12.2006, p. 4.

Article 5
Interim migration architecture

1. An interim SIS migration architecture shall be set up. The converter connects Central SIS II and C.SIS for a transitional period. The N.SIS are connected to C.SIS, the N.SIS II to Central SIS II.
2. The Commission shall provide a converter, the Central SIS II and its communication infrastructure as part of the interim SIS migration architecture.
 - 2a. The converter shall convert data in two directions between the C.SIS and Central SIS II and keep C.SIS and Central SIS II synchronised.
 - 2b. The Commission shall test the communication between Central SIS II and the converter.
 - 2c. France shall test the communication between C.SIS and the converter.
 - 2d. The Commission and France shall test the communication between Central SIS II and C.SIS via the converter.
 - 2e. France, together with the Commission, shall connect C.SIS via the converter to Central SIS II.
3. The Commission, together with France and the other Member States participating in SIS 1+, shall test the interim SIS migration architecture as a whole in accordance with a test plan provided by the Commission.
 - 3a. France shall make available data for test purpose, if necessary.

Article 6
Migration from SIS 1+ to SIS II

0. For the migration from C.SIS to Central SIS II, France shall make available the SIS 1+ database and the Commission shall introduce the SIS 1+ database into Central SIS II.
1. The Member States participating in SIS 1+ shall migrate from N.SIS to N.SIS II using the interim migration architecture, with the support of France and of the Commission, by 30 September 2009 at the latest. If necessary, this date may be changed in accordance with the procedure defined in Article 11A(2).
2. The migration of the national system from SIS 1+ to SIS II consists of the data loading of N.SIS II, when that N.SIS II is to contain a data file (a 'national copy'), containing a complete or partial copy of the SIS II database, followed by a switchover from N.SIS to N.SIS II for each Member State. The migration shall follow a detailed schedule provided by the Commission and the Member States participating in SIS 1+ acting within the Council.
3. The Commission shall assist in coordination and support of the common activities during the migration.
4. The switchover foreseen in the migration process shall be carried out after the validation mentioned in Article 3(4).

Article 6A
Substantive legal framework

During the migration, the provisions of Title IV of the 1990 Schengen Convention shall continue to apply to the Schengen Information System.

Article 7

deleted

Article 8
Cooperation

1. The Member States and the Commission shall cooperate for the execution of all the activities covered by this Decision in accordance with their respective responsibilities.
- 1a. The Commission shall in particular provide the necessary support at Central SIS II level for the testing and migration of N.SIS II.
- 1b. Member States shall in particular provide the necessary support at N.SIS II level for the testing of the interim migration infrastructure.

Article 9
Keeping of records in Central SIS II

1. Without prejudice to the relevant provisions of Title IV of the Schengen Convention, the Commission shall ensure that every access to and all exchanges of personal data within Central SIS II are recorded for the purposes of checking whether or not the search is lawful, monitoring the lawfulness of data processing and ensuring the proper functioning of Central SIS II and of national systems, data integrity and security.
2. The records shall show, in particular, the date and time of the data transmitted, the data used to perform searches, the reference to the data transmitted and the name of the competent authority responsible for processing the data.
3. The records may only be used for the purposes referred to in paragraph 1 and shall be deleted at the earliest one year, and at the latest three years after their creation.
4. Records may be kept longer if they are required for monitoring procedures that are already underway.

5. The competent authorities in charge of checking whether or not a search is lawful, monitoring the lawfulness of data processing, self-monitoring and ensuring the proper functioning of Central SIS II, data integrity and security, shall have access, within the limits of their competence and at their request, to those records for the purpose of fulfilling their tasks.

Article 10

Costs

1. The costs arising from migration, the comprehensive test, the test on supplementary information, maintenance and development measures at Central SIS II level or concerning the communication infrastructure shall be borne by the general budget of the European Union.
2. The costs arising from migration, testing, maintenance and development of the national systems shall be borne by each Member State concerned.
3. The costs arising from activities at SIS 1+ level, including supplementary activities of France, acting on behalf of the Member States participating in SIS 1+, shall be borne in accordance with the provisions of Article 119 of the Schengen Convention.

Article 11

Amendment of the provisions of the Schengen Convention

The provisions of the Schengen Convention are amended as follows.

1. The following Article is inserted:

"Article 92A

- 1. As from the entry into force of Council Regulation (EC) No .../2008 and Council Decision 2008/.../JHA and relying on the definitions contained in its Article 0A the technical architecture of the Schengen Information System may be supplemented by:*

- (a) *an additional central system composed of:*
 - *technical support function (Central SIS II), located in France and backup Central SIS II located in Austria, containing the SIS II database and a uniform national interface (NI-SIS);*
 - *a technical connection between the C.SIS and the Central SIS II via the converter allowing the conversion and synchronisation of data between the C.SIS and the Central SIS II;*
 - (b) *deleted*
 - (c) *a national system (N.SIS II), consisting of the national data systems, which communicates with the Central SIS II;*
 - (d) *an infrastructure for communication between Central SIS II and the N.SIS II connected to the NI-SIS.*
2. *The N.SIS II may replace the national section referred to in Article 92 in which case the Member States need not hold a national data file.*
 - 2a. *The central SIS II database shall be available for the purpose of carrying out automated searches in the territory of each Member State.*
 3. *In case any of the Member States replace their national section by N.SIS II, the obligations of (...) the technical support function towards the national sections as mentioned in Article 92(2) and (3) become obligations towards Central SIS II, **without prejudice to the obligations referred to in Articles 1B(1), (1), (2) and 2a) of Council Decision 2008/.../JHA.***
 - 3a. *The Central SIS II shall provide the services necessary for the entry and processing of SIS data, the on-line update of N.SIS II national copies, the synchronisation of and consistency between N.SIS II national copies and the Central SIS II database and provide operations for initialisation and restoration of N.SIS II national copies.*
 4. *France, responsible for the technical support function, the other Member States and the Commission shall cooperate to ensure that a search in the data files of N.SIS II or in the SIS II database produces a result equivalent to that of a search in the data file of the national sections referred to in Article 92 (2)."*

2. In Article 119 first paragraph, the first sentence is replaced by the following:
"The costs of installing and operating the technical support function referred to in Article 92(3), including the cost of lines connecting the national sections of the Schengen Information System to the technical support function, and of activities performed in conjunction with tasks conferred upon France in application of Council Decision (JHA) 2008/.../JHA and of Council Regulation (EC) No .../2008 shall be borne jointly by the Member States."
3. In Article 119, the second paragraph is replaced by the following:
"The costs of installing and operating the national section of the Schengen Information System and of tasks conferred upon national systems under Council Regulation (EC) No .../2008 and Council Decision 2008/.../JHA shall be borne by each Member State individually."

Article 11A

1. The Commission shall be assisted by the Committee established by Article 67(1) of Decision 2007/533/JHA.
2. Where reference is made to this paragraph, the procedure set out in Article 67 of Decision 2007/533/JHA shall apply.

Article 12

Entry into force and applicability

This Decision shall enter into force on the third day following its publication in the *Official Journal of the European Union*. It shall expire on the date to be fixed by the Council, acting in accordance with Article 71(2) of Council Decision 2007/533/JHA.

Done at Brussels, [...]

*For the Council
The President
[...]*
