This document is meant purely as a documentation tool and the institutions do not assume any liability for its contents

►B ►C1 **COUNCIL REGULATION (EC) No 1988/2006**

of 21 December 2006

amending Regulation (EC) No 2424/2001 on the development of the second generation Schengen Information System (SIS II) ◄

(OJ L 411, 30.12.2006, p. 1)

Corrected by:

►C1 Corrigendum, OJ L 27, 2.2.2007, p. 3 (1988/2006)

▼B
▼C1

COUNCIL REGULATION (EC) No 1988/2006

of 21 December 2006

amending Regulation (EC) No 2424/2001 on the development of the second generation Schengen Information System (SIS II)

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 proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

(1) Council Decision 2001/886/JHA of 6 December 2001 on the development of the second generation of the Schengen Information System (SIS II) ([1]) and Regulation (EC) No 2424/2001 ([2]) constitute the required legislative basis to allow for the inclusion in the budget of the European Union of the necessary financial appropriations for the development of SIS II and the execution of that part of the budget. Regulation (EC) No 2424/2001 and Decision 2001/886/JHA both expire on 31 December 2006.

(2) The development of SIS II will take longer than initially foreseen, requiring the availability of financial appropriations beyond 31 December 2006.

(3) It is therefore necessary to extend the period of validity of Regulation (EC) No 2424/2001 so that the Commission can implement the budget after 2006 in order to complete the project for the development of SIS II, including the establishment of the communication infrastructure.

(4) Council Conclusions of 29 April 2004 state that for the development phase of SIS II the central unit of SIS II shall be located in France and the back-up central unit shall be located in Austria subject to certain arrangements that will be necessary before the sites become operational. Operational management and responsibility for liaison with the Commission for the sites shall be the responsibility of France and Austria respectively.

(5) It is also necessary to confer on the Commission the responsibility for the preparation of technical integration into SIS II, in particular of the Member States which have acceded to the European Union in 2004.

(6) Regulation (EC) No 2424/2001 should, therefore, be amended accordingly.

(7) This Regulation is without prejudice to the adoption in the future of legislative instruments for the establishment, operation and use of SIS II.

(8) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union

([1]) OJ L 328, 13.12.2001, p. 1.
([2]) OJ L 328, 13.12.2001, p. 4.

▼C1

and the Treaty establishing the European Community, Denmark does not take part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of the said Protocol, decide, within a period of six months after the adoption of this Regulation, whether it will implement it in its national law.

(9) This Regulation and the United Kingdom's participation in its adoption and application are without prejudice to the arrangements for the United Kingdom's partial participation in the Schengen *acquis* defined by the 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* ([1]).

(10) Ireland is taking part in the adoption of this Regulation in accordance with Article 5 of the Protocol integrating the Schengen *acquis* into the framework of the European Union annexed to the Treaty on European Union and the Treaty establishing the European Community, and Articles 5(1) and 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* ([2]).

(11) As regards Iceland and Norway, this Regulation 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 association of those two States with the implementation, application and development of the Schengen *acquis*, which fall within the area referred to in Article 1(G) of Council Decision 1999/437/EC ([3]) on certain arrangements for the application of that Agreement.

(12) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement signed between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen *acquis*, which fall within the area referred to in Article 1, point G of Decision 1999/437/EC read in conjunction with Article 4(1) of Decision 2004/860/EC ([4]) on the signing, on behalf of the European Community and on the provisional application of certain provisions of that Agreement,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2424/2001 is amended as follows:

1. the following sentence is added to Article 2:

([1]) OJ L 131, 1.6.2000, p. 43.
([2]) OJ L 64, 7.3.2002, p. 20.
([3]) OJ L 176, 10.7.1999, p. 31.
([4]) OJ L 370, 17.12.2004, p. 78.

▼C1

‘The development comprises the preparation of technical integration into SIS II, in particular of the Member States which have acceded to the European Union in 2004.’;

2. the following Article is inserted:

‘Article 4A

1. Without prejudice to the Commission's responsibility for the development of SIS II, the central unit of SIS II shall be located in Strasbourg (France) and the back-up central unit in Sankt Johann im Pongau (Austria) during the development of the system.

2. France and Austria shall provide the appropriate infrastructure and means to host the central unit and the back-up central unit of SIS II respectively during the development of the system.

3. The national authority providing for the infrastructure and means referred to in paragraph 2 may receive a Community grant for the preparation and maintenance of the site or for providing other services necessary for hosting SIS II during its development.’;

3. in Article 7, the second subparagraph is replaced by the following:

‘It shall expire on 31 December 2008.’

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.