

Schengen: migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II). Regulation

2008/0078(CNS) - 03/09/2008 - Legislative proposal

The Council has agreed upon a revised version of the proposal for a Council **Regulation** on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II).

The new version is based on a compromise reached between Member State delegations. The text should now be examined by the European Parliament.

Two main amendments have been made to the proposal, they concern :

- **Article 3, paragraph 1: comprehensive test:** the amendments are the result of informal discussions between the Presidency and the Commission in order to take account of concerns expressed by certain Member States at the last meeting of the “Schengen Acquis” Group while maintaining the global schedule for SIS II, approved by the Council on 6 June 2008 (please refer to the Council activities of June 2008 : it is provided that the migration of SIS 1+ to SIS II is planned for **September 2009**;
- Article 11, paragraph 1: amendment of Article 92 of the Schengen Convention on the obligations as regards the **technical support function of the Central SIS II**.

Comprehensive test: in order to overcome potential problems due to the migration from SIS 1+ to SIS II, it is proposed to set up and test an interim migration architecture for the operations of SIS 1+ during a transitional period until the migration process has been completed. In the revised text, the comprehensive test shall only be carried out after the Commission has validated the SIS II tests referred to [Council Regulation \(EC\) No 189/2008](#) on the tests of the second generation Schengen Information System (SIS II). The comprehensive test shall be executed by the Member States participating in SIS 1+ and by the Commission. The comprehensive test shall follow a detailed schedule and detailed specifications defined by Member States participating in SIS 1+ acting within the Council in cooperation with the Commission. Moreover, the Commission and the Member States participating in SIS 1+ acting within the Council shall define the criteria for determining whether the level of performance of SIS II is at least equivalent to that achieved with SIS I.

Test on supplementary information: ‘test on supplementary information’ means functional tests between the SIRENE Bureaux, aimed to test the exchange of supplementary information. The test on supplementary information shall follow a detailed schedule and be based on technical specifications defined by Member States participating in SIS 1+ acting within the Council. Member States not participating in SIS 1+ may participate in the test on supplementary information.

Migration from SIS 1+ to SIS II: the revised text states that 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. 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. The migration of the national system from SIS 1+ to SIS II consists of the data loading of SIS II, when that 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 SIS to 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. The Commission shall assist in coordination and support of the common activities during the migration.

Main responsibilities for the development of SIS II: clarifications have been made concerning the responsibilities of the Commission and the Member States in the implementation of SIS II. These new provisions determine in particular the responsibility of the Commission which should remain responsible for the Central SIS II, its maintenance, development, its communication infrastructure and the converter which will allow for the successful exchange of SIS data between SIS 1+ and SIS II. Additional development of the Central SIS II should at all times include 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. As regards the Member States, they should remain responsible for their national systems (N.SIS II) and France 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. This particular position should result in a special role for France during final tests, as described by this Regulation, and migration from SIS 1+ to SIS II. 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. The Commission has the possibility to contract out to third parties, including national public bodies, tasks conferred upon it by this Regulation and tasks relating to the implementation of the budget. Data protection rules should be respected in accordance with the provisions of the Schengen Convention.

Amendment of the provisions of the Schengen Convention: additional amendments have been made to the Schengen Convention to take account of the changes made to the proposal. 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). In the revised text, the Council states that the technical support function of Central SIS II shall be located in Strasbourg (France) and a back-up in St. Johann im Pongau (Austria). France is and should remain responsible for the technical support function of SIS 1+.

It should be noted that during the migration, the provisions of Title IV of the 1990 Schengen Convention shall continue to apply to the Schengen Information System.

Comitology: new provisions have also been provided as regards decision-taking and comitology. Technical provisions are provided concerning the general purpose and the definitions associated with the SIS.

The proposed Regulation should expire as soon as the SIS II enters into force.

Lastly, the United Kingdom has maintained its parliamentary scrutiny reserve on this text.