

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

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This progress report describes the work carried out in the **second semester of 2009**, concerning the development of the second generation Schengen Information System (SIS II) and the migration from SIS 1+ to SIS II. It is presented to the Council and the European Parliament in accordance with Article 18 of Council Regulation (EC) No 1104/2008 and of [Council Decision 2008/839/JHA](#) on migration from the Schengen Information System (SIS 1+) to the SIS II.

Progress during the period under review: this period was dominated by implementing the orientations provided in the Conclusions of the Justice and Home Affairs Council of 4-5 June and 30 November 2009 respectively. The Council concluded, on 4-5 June, that the development of SIS II would continue on the basis of the current SIS II project by the main development contractor, and that an alternative technical solution to achieve SIS II (named "SIS 1+RE") would be retained as the contingency plan for a period necessary to back the project. The Council also agreed to **two project milestones** specifying the technical aspects of conditions and exit criteria which would have to be met in order to continue with the current SIS II project. The aim of these milestones would be to prove the stability, reliability and performance of the central SIS II and the proper functioning of vital core functionalities, such as data consistency and reliable message transfer, after significant and important development phases of the SIS II project. The related tests would start as soon as the Commission and the Member States had declared their readiness and the technical support function in Strasbourg (C.SIS) had confirmed that the SIS 1+ test tools were qualified and ready. The Council of 30 November concluded that the final deadline with regard to the accomplishment of the first milestone test would be 29 January 2010 at the latest. Subject to the outcome of the first milestone test, a two month period of reflection for the Council would commence on 30 January 2010, to assess the implications of the test. The Commission, in close cooperation with the Member States, put in place the necessary elements to follow the direction set in the Council Conclusions. Accordingly work was directed along three major tracks: (i) preparations for milestone testing; (ii) preparations for an alternative technical scenario; and (iii) preparations for entry into operation.

Preparations for milestone testing: technical preparations were initiated for the first of the two milestone tests, and they aimed to ensure that all prior conditions for carrying out this test had been met (conformity of national systems that would participate in the test, generation of test data, validation of test tools, adjustments to the settings of the central system and setting up the detailed test descriptions). By the end of 2009 eleven Member States had achieved a state of compliance and the SIS 1+ test tools were qualified and ready. The Council in June also invited the Commission to ensure that the milestones would be part of the deliverables under the contract for the current SIS II project and to reach an understanding with its contractors that non-compliance with these milestones would constitute resolute conditions with regard to the existing contracts. The respective contract amendment for the first milestone was signed between the parties on 13 October. This amendment notably incorporated a provision stating that the Commission would be entitled to terminate the contract, as of right, with immediate effect if the first milestone test for SIS II were deemed by the Council not to have been passed.

Preparations for an alternative technical solution: in order to prepare the ground for a possible switch to an alternative technical scenario for implementing the SIS II functionalities, should one of the

milestones be judged to have failed, exploratory negotiations with the French authorities were commenced. A key element of any delegation to France would concern the adoption of the legislative proposals to amend the migration instruments (proposal for a Regulation and a forthcoming proposal to incorporate aspects previously covered by the third pillar decision.)

Preparations for entry into operation: there was a broad consensus amongst SIS II experts on the absence of major flaws in the SIS II architecture. However, in terms of design and implementation, a number of recommendations were made to improve certain aspects of the system, such as performance, software scalability and ease of maintenance. In parallel to the preparations for the first milestone test, the Commission, Member States' experts and contractors worked together on assessing the technical requirements for ultimately delivering the software version which would be used in a "live" system. This work was undertaken through studies, workshops, prototypes ("proofs of concept") and discussion in the Global Programme Management Board (GPMB). The latter structure was established by the Commission to ensure enhanced management and coordination of the SIS II project and related activities, including ensuring consistency between the development of central and national systems. The Commission commenced several initiatives, with a view to producing enhanced specifications for the system. Additionally, developments in the use of the SIS by Member States have led to a situation where the number of alerts within the system has increased significantly. From the 22 million alerts originally foreseen, the latest estimates **predict 73 million alerts in the future.**

Management and financial implications: by the end of the reporting period the total budgetary commitments made by the Commission on the SIS II project amounted to approximately € 81.6 million. The corresponding contracts include feasibility studies, the development of the central SIS II itself, support and quality assurance, the SIS II network, preparation for operational management in Strasbourg, security, biometrics preparations and communication. Of this amount, around € 50.2 million had actually been paid at the end of December 2009. The main expenditure items were development (€ 24.3 million), the network (€ 14.6 million) and support and quality assurance (€ 6.3 million).

Preparations for migration: the Council Regulation and Council Decision governing migration to from SIS 1+ to SIS II (the migration instruments) lay down the tasks and responsibilities of the Commission and the Member States for preparing this migration, including further development and testing of SIS II. As the legal instruments currently in force contain an expiry date set for 30 June 2010, the Commission has tabled proposals to amend them, chiefly with a view to **extending the deadline for transferring data from SIS 1+ to SIS II.**

Main conclusions: during this period work was focussed on activities to follow up the orientations provided by the Conclusions of the Justice and Home Affairs Council in June and November 2009 respectively. The Commission has worked in close partnership with the Member States to implement the above-mentioned conclusions and has kept the **European Parliament informed of developments.** In particular, it has ensured that the legal, technical, organisational and contractual elements have been fully put in place to allow the main development contractor to run the first milestone test under positive conditions. In line with the orientations of the Council in June, the Commission integrated the first milestone into the main development contract. The Council, at its meeting on 30 November, set 29 January 2010 as a deadline for the accomplishment of the first milestone test. A sufficient number of Member States were able to demonstrate their compliance for taking part in this test.

If the first milestone test proves unsuccessful, the Commission agreed that it would support the Council in its reflection process on the further direction of SIS II by providing, in written form, the necessary financial and budgetary information. Exploratory negotiations with the French authorities were commenced for a possible decision by the Commission to discontinue the current SIS II project and proceed on the basis of an **alternative technical scenario** for implementing the SIS II functionalities, should one of the milestones be judged by the Council to have failed (see recent proposal [NLE/2009/0136](#) and [NLE/2010/0006](#)).

The priorities for the next reporting period are;

- milestone testing;
- providing the Council with appropriate input to feed into the two month period of reflection, should the milestone tests lead to unsatisfactory results;
- preparations for an alternative technical solution, should the Council invite the Commission to stop the current SIS II project;
- preparations for entry into operation.