COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

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to: Mr Javier SOLANA, Secretary-General/High Representative

Subject: Development of the second generation Schengen Information System (SIS II)
Progress Report January - December 2006


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COMMISSION OF THE EUROPEAN COMMUNITIES

COMMISSION STAFF WORKING DOCUMENT

ON THE DEVELOPMENT OF THE SECOND GENERATION SCHENGEN INFORMATION SYSTEM (SIS II)
Progress Report
January - December 2006
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1. **INTRODUCTION**

This is a progress report on the work carried out by the Commission in the first and second semesters of 2006 on the development of the second generation Schengen Information System (SIS II). This is presented by the Commission to the Council and the European Parliament in accordance with Article 6 of Regulation (EC) No 2424/2001 of 6 December 2001\(^1\) on the development of the second generation Schengen Information System (SIS II). The Council has mandated responsibility for developing SIS II to the Commission, assisted by the SIS II Committee\(^2\) composed of representatives of the Member States.

As outlined in previous progress reports, there is a clear and regular reporting method in the institutional framework which allows for the examination of the management at national and central levels of developments and risks across the entire project. A reporting structure developed in conjunction with the Member States is now being used in the various fora at which the SIS II project status is reported. This structure is also reflected in this report.

2. **PROJECT STATUS**

2.1. **Progress during the period under review**

The SIS II Project is divided into three phases. Phase 1 (Detailed Design) will deliver all the documents necessary to fully describe the SIS II from a technical perspective. The system will be developed and deployed during Phase 2 (Development). Finally, during Phase 3 (Migration and Integration) Member States will connect their national systems to the new SIS II central database. During this reporting period, all of the phase one documents were finalised and this phase was formally closed. Phase 2 also commenced. There was also substantial progress with works and installation at the national sites. However, as reported below, problems were encountered with the French site.

The target was to have the central system developed and tested by the end of October 2006. From then onwards the central system would have become available for testing with the national systems. In the first semester of 2006, it became evident that it would not be possible to keep to the schedule envisaged and that a delay in the implementation of the SIS II was unavoidable. In earlier stages of the project there had been a number of set backs due to court challenges relating to procurement procedures for the main contract under the remit of DG JLS and for the s-TESTA contract under the responsibility of Directorate General Enterprise. These left very little margin for subsequent delay in the project time schedule. The delay in the preparation by the French authorities of the host site for the central unit of the new system in Strasbourg announced in the first half of this year therefore triggered a delay in the main project schedule. There were also delays in many of the national SIS II projects, related in many cases to set-backs with the issuing or conduct of national public procurement procedures.

\(^1\) OJ L 328, 13 December 2001.
Throughout the summer, discussions took place with the Member States' Technical experts, with a view to agreeing on a feasible and realistic revised schedule for SIS II. This revised schedule was approved by the Justice and Home Affairs Council on 5 October.

The delay in the approval of the legal base has also caused difficulties for the development of SIS II, in particular for preparing the fundamental design documents for the development of the national and central systems. Originally there was a commitment from all stakeholders to seek a first reading agreement of the proposals for the legal base by June 2006, but this particularly challenging timeframe was not achieved.

In mid 2006, Portugal tabled the SISOne4ALL proposal for temporarily connecting the new Member States to the existing SIS 1+ system, with a view to facilitating the lifting of border controls. Given that a number of technical, financial, legal, organisational and management issues needed to be clarified before any decision could be taken on the future of this proposal, it was agreed by the JHA Council in October, that the Council would take a final position on whether to go ahead with this in December 2006. Throughout the last quarter, the Commission offered its support to the Member States in areas within its competence for considering the various aspects of this proposal.

The JHA Council of 4-5 December decided to go ahead with SISOne4ALL, while underlining that SIS II was an absolute priority. Nine Member States have declared their willingness to participate in this project (Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Czech Republic, Slovakia and Slovenia).

It is estimated that SISOne4ALL will cause a 6-9 month delay in making SIS II operational to existing users. There are also significant costs at stake. Provisional estimates made by the Commission in December 2006 indicate that the additional contractor costs for SIS II resulting from the implementation of SISOne4ALL could amount to €1.15 million for each month of delay. In February 2007, the Commission will report to the Council on the impact of SISOne4ALL on the schedule of SIS II.

During the second semester of 2006, a Project support office consisting of 5 experts from the Commission's technical support contractor was established with a view to improving project monitoring. This office became fully operational at the end of November 2006.

2.1.1. Development of the Central System

According to the revised schedule, the contractor was expected to produce by the end of November the following set of deliverables which define the system to be developed during Phase 1 of the project.

- Interface Control Document (ICD): The ICD describes how Member States can connect to and use the SIS II.

- Detailed specifications (DTS): This document contains the technical specifications which describe how the system is to be built and tested and how Member States will communicate with the central system.

- Both the ICD and Member States’ parts of the DTS are fundamental design documents for the development of the national and central systems and, as such, present a challenge in their development. During the period under report, the ICD and Member States’ parts of
The DTS were worked on intensively by Commission services, the main development contractor and the quality assurance contractor. Within the SIS II Committee framework the Member States were also closely involved in reviewing these documents and were also engaged in the development process through participation in ad hoc working groups on specific technical aspects. Phase one of the project was finally closed at the end of November, following timely delivery of the ICD/DTS according to the current version of the legal base.

It is intended that the documents will remain “living documents” to the extent needed to accommodate the operational evolution of the system and that this status will be accompanied by a corresponding change management procedure agreed with the Member States to allow for specific amendments.

2.1.2. Site Preparations

During the development phase, the SIS II will have its operational Central Unit (CU) located in Strasbourg, France and the Business Continuity Unit (BCU) will be located at Sankt Johann im Pongau, near Salzburg, Austria.

According to the original schedule for the project development, the central site was due to be available for delivery and installation of the SIS II equipment by June 2006. At a fairly late stage in the process, it became apparent that this target would not be met. Negotiations took place with the French authorities on the arrangements for hosting the SIS II, focusing intensively on addressing issues of site capacity which had become evident. Financing the necessary upgrade works was a principal point to be resolved and the Commission confirmed to the French authorities that a co-financing grant could be used. The grant request was received from France in May 2006. The necessary works at Strasbourg commenced on 2 June 2006 and the target date for completion of the works at the site in the revised schedule was 22 September 2006. By this date all upgrading works had been completed by the French authorities and the equipment and software had been delivered and installed. Preparations for the network are ongoing.

Discussions in various visits and contacts with the French authorities responsible for implementation indicated that decision-making power for SIS II issues at Strasbourg is not living fully up to expectations, due to the lack of a clear SIS II mandate from the French authorities at central level. The Commission services maintained regular dialogue with the French authorities, with a view to moving forward on outstanding issues, and at the end of the second semester, an agreement was close to being achieved.

No significant issues arose with the Austrian back-up site during the period under report. A range of construction works were required at this site prior to installing SIS II. The financial procedures were implemented for providing a grant for these works and the work was completed according to schedule at the end of 2006. Installation of hardware will commence early in 2007.

2.1.3. Network

The scope of the SIS II project includes the provision of a wide area communications network, meeting the requirements of availability, security, geographical coverage and level of service, to allow the national and central systems to communicate. It had been hoped to
conclude the award procedure and signature of the contract early in 2006, in order to have the network available for testing to begin in April 2006.

However, procedural issues arose in the contract evaluation process, including an action taken in the Court of First Instance by a disappointed bidder in the tender process, which necessitated the withdrawal and re-launch of the call for tender by Directorate-General Enterprise during the first semester of 2006. This new tender procedure went according to schedule and the framework contract was awarded on 29 September.

As a contingency measure Commission services prepared an alternative “plan B” scenario under which the old Testa II system without encryption would be used to provide a link between Member States and the central site, in order to perform the tests, in order to ensure that the project deadline would not be compromised. The plan B, developed in consultation with the Member States, was intended to be deployed if an excessive or other unforeseen delay were to arise in concluding the network contract. These contingency arrangements were successfully put in place during the first semester of 2006.

Work on plan B continued during the second semester, including the installation required for this option. In light of the progress with the new network contract, the Testa II network contract was cancelled at the end of 2006. Initial installation for the network will concentrate on the 2 central sites. Subsequent work will be planned after the re-scheduling due to SISone4ALL.

2.1.4. National Planning and coordination

The SIS II project is a joint project of the Commission and the Member States and can only be achieved if the national SIS II systems are developed and connected on time.

Each month a Working Group meeting for the Member States’ national project managers is organised by the Commission’s SIS II project team within the framework of the SIS II Committee. The purpose of these NPM meetings is to deal with detailed planning issues, risks and activities both at the central and national project levels. Commission services had developed, in consultation with the Member States, a reporting mechanism to provide regular detailed updates on the status of the national projects, with a view to having a clearer picture of their state of development. The Member States provide updates on progress in their national projects on a monthly basis within the SIS II Committee framework.

Each Member State reports progress on a set of key milestones for the national projects which are derived from the global project schedule. Some of the national project milestones depend solely on national factors and others are related to progress in the central project. The development of this reporting mechanism has enhanced the quality, consistency and usefulness of the information available.

Given the different circumstances that pertain in Member States, the state of progress of the national projects varies between them, with some being more advanced in their implementation than others. During the first semester of 2006, it became increasingly clear that a number of the Member States were facing difficulties with the public procurement procedures required for contracting out the development of the national systems. The SIS II Task Force will play an important role in monitoring developments in the Member States.
2.1.5. **Test plans**

The System acceptance phase will cover testing of whether the exchange of alerts functions as required in the central system and the Member States’ systems. These tests do not use real data and are not performed in an operational environment. Once these tests are concluded, the migration of current SIS I+ users to the SIS II will be able to start. The test plan elaborates in detail the approach and schedule for testing the compliance of the central system with its specifications and for ensuring that national systems and the central system exchange messages correctly.

The test plan was brought close to completion during the first semester of 2006. During the second semester, the Commission services and the Member States finalized this plan and the approach to be followed.

2.1.6. **Migration and Integration**

Detailed SIS II migration and integration scenarios for connecting the current and future users to the new system have been agreed with the Member States and they affect the schedule of the delivery of specific software (the so-called “adapter”) required to perform this migration. Activities in planning the migration and integration were ongoing with the contractor and have involved experts from Member States within the framework of working group sessions organised by Commission services.

A constraining factor has been the continuing development of the existing SIS I+ system, since development of the adapter under the current scenario requires the existing SIS I+ system to be stable. However, development of the SIS I+ continued during the period under report. The contractor, in collaboration with the Commission and the Member States' delegates brought the work on migration and integration plans close to completion during the first semester of 2006. This work was completed according to the foreseen schedule during the second semester in close co-operation with Member States' experts and has been accepted by the Commission.

2.1.7. **Legal proposals**

On 31 May 2005, the Commission adopted two legal proposals on “the establishment, operation and use of the second-generation Schengen Information System (SIS II)” and a third intended to allow access to specific SIS II data for the authorities in the Member States responsible for issuing vehicle registration certificates. Discussions on these texts continued intensively during the period under report. Taking account of the tight timeframe imposed by the Council for the development of SIS II, there was originally a commitment from all stakeholders to seek a first reading agreement of the proposals by June 2006. This particularly challenging timeframe was not achieved. At the end of October, COREPER reached an agreement on these proposals as amended by the Parliament in its report adopted on 25

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5 Proposal for a Regulation of the European Parliament and of the Council regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates – COM (2005) 237 final of 31.5.2005
October. Following the lifting of a number of national parliamentary reservations, the two proposals for regulations were adopted on 20th December 2006. The 3rd pillar proposal for a Council Decision was not adopted in 2006.

Discussions continued throughout the year on proposals for a Council Decision and a Council Regulation for prolongation of the Commission's mandate. On 13 December, the European Parliament voted with a large majority in favour of the Coelho report. The legal texts prolonging the Commission's mandate until the end of 2008 were finally adopted by the Council on 21 December and published at the end of December 2006.

2.2. Results expected during the next reporting period (January to June 2007)

The main priorities over the forthcoming months are as follows:

Work will continue with a view to ensuring final adoption of the remaining 3rd pillar proposal for the legal basis.

The Justice and Home Affairs Council has asked the Commission to present a revised timetable for SISII by February 2007, taking account of the consequences for the implementation of the SIS1forALL project, with the aim of minimizing the delay for SIS II as much as possible.

Further work will be carried out with a view to adoption of the Commission decisions on the SIS II Test plan, the design of the physical architecture of the Communication infrastructure for SIS II (network architecture), security requirements, the migration and integration plan and the comitology procedures for the implementation rules.

Preparations for operational management for SIS II will continue, including defining and implementing contractual arrangements with the development contractor and France.

Work will continue on the development of the central system and the deployment of the Central Unit and the Business Continuity Unit to St. Johann and the start of deployment to the Member States.

The Commission and the Member States will continue to examine the options for network replacement in the context of the SISone4ALL project, in light of the expiry of the SIS-NET

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contract in November 2008. The Commission and the Member States are due to report to the Council on this matter by February 2007 at the latest.

Work will commence on arranging for the roll-out of the necessary connections in the Member States for the s-TESTA network. The s-TESTA network is due to be ready for testing of the Central System by mid 2007.

2.3. Commission project management

2.3.1. Scope management

The technical specifications and the design of SIS II are based on the current functions of SIS and on further functionalities set out in the Council conclusions of 5 and 6 June 2003\(^9\), 14 June 2004\(^10\) and 5 October 2006.

Discussions on functions have continued within the framework of the Council working groups during the period under report, related particularly to the ongoing discussions on the SIS II legal basis. The Commission services repeatedly emphasised during the period the importance of establishing stability in the functionalities, in order to facilitate the timely finalisation of the technical design documentation (the ICD and DTS).

2.3.2. Planning and budget

The total appropriations for SIS II activities provided for in the 2006 General Budget amounted to €1,050,000. The originally scheduled activities remained within the budget forecast. In the framework of the revised schedule adopted by the Council on 5 October, a number of additional activities and features were added, including a significant increase in the time foreseen for testing. A complementary financing decision with a total budget of €4,950,000 covering these additional activities and features was adopted by the Commission on 8 December 2006. The resources for the latter were obtained via a transfer of appropriations within chapter 18 of the General Budget.

The main components of expenditure during 2006 were external assistance for development of the system and project management, preparation of the French and Austrian sites and audit and evaluation activities. In the last quarter of 2006, contract negotiations were held with the main contractor, with a view to concluding a contract amendment for the additional features covered by the above-mentioned re-scheduling. The procedures for awarding this contract were finalized in December 2006. By the end of the year, 79.9% of the 2006 appropriations had been committed and a carry-over of €300,000 was made. Budget appropriations for the SIS II have been secured until the end of the project.

2.3.3. Synergy with VIS

Synergy between the SIS II and the VIS has been achieved by having both projects combined in the same call for tender and sharing the same technical infrastructure. The JHA Council Conclusions of 19 February 2004 on the development of the VIS stipulate that the technical and financial impact on the connection between the SIS II and the VIS should be further assessed and implemented, if justified by synergy effects. The Council’s Article 36

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\(^9\) Conclusions adopted by the Justice and Home Affairs Council of 5 and 6 June 2003.

Committee concluded in October 2005 that connectivity between the SIS II and VIS should be established centrally after the systems become operational.

The Commission's proposal for a Council Decision on access to the VIS by Member State authorities responsible for internal security has been under discussion in the Council framework during the period under report.

2.3.4. Risk analysis

In accordance with best practice, the risks which have the potential to impact on the schedule or outcome of the project are identified, assessed and monitored on an ongoing basis.

A monthly risk analysis is performed by the main SIS II contractor to assess the risks related to the aspects of the SIS II project with which the contractor is entrusted (development of central system and national interface, provision of support and training services). These risks are constantly being reviewed by the Commission’s project team and the contractor, and with the Member States in the SIS II Committee framework.

In a similar fashion, Member States monitor the risks at national project level on an ongoing basis. The Member States identify the risks which they “own”, that is issues which arise within the confines of their national projects, and also the risks which they do not “own” entirely, that is, issues within their national projects which may depend on progress at the central level.

Commission services assess the overall risks to the project (global project risks), comprising the tasks of the main contractor, the national projects, procurement of network services, preparation of the operational sites and adoption of the legal instruments.

The Commission services have put in place actions to mitigate risks for matters within their competence. However, external factors are very prominent in the risk profile for this project, due to the complex nature and the number of stakeholders involved. The primary global project risks identified for each semester are described below.

**January-June 2006**

1. Delays arising in finalising the network services contract;
2. Delays in the preparation of the Strasbourg central site;
3. A risk related to the migration and integration of national systems, as the unavailability of one national system would impact on the entire project;
4. Possible changes to the functionalities of the system due to amendments of the proposed legal instruments on SIS II impacting on the system design;
5. The lack of room to accommodate set-backs remaining in the project planning for the development of the central part.

As outlined in this report the first two risks identified were realised and, as a consequence, the project was delayed.

**July-December 2006**
Delay to the SIS II project/timetable posed by the SISone4ALL, primarily due to the transfer of resources at Member State level from the SIS II projects to SISone4ALL.

A risk related to the migration and integration of national systems, as the unavailability of one national system would impact on the entire project; The lack of room to accommodate set-backs remaining in the project planning for the development of the central part (addressed via the re-scheduling in October).

Possible changes to the functionalities of the system due to amendments of the proposed legal instruments on SIS II impacting on the system design;

2.3.5. Communication

Commission services report regularly on the status of the SIS II project to the Member States representatives at the monthly SIS II Committee meetings.

In another process of regular progress reporting, a SIS II state of play is presented orally to the meetings of the Council SIS-SIRENE Working Group and also on a regular basis to the meetings of the senior level Article 36 Committee.

The Commission has also reported on the status of the SIS II to each meeting of the JHA Council Mixed Committee during the period.

2.3.6. Project management board

The Project Management Board for the SIS II was expanded during the previous reporting period to provide for participation by a representative of one of the Member States which joined the EU in May 2004 and also to include a representative of the C.SIS (the French Government entity which manages the current central SIS for the Member States). Therefore, in addition to Commission services and the project's contractors, the Project Management Board now includes representatives of the Presidency of the Council and four other Member States and, where relevant issues arise, a representative of the C.SIS. The Project Management Board met nine times during the period covered by this report (five times during the first semester and four times during the second semester).

2.4. SIS II Committee meetings

The Commission is assisted in the development of SIS II by the SIS Committee, in accordance with the management and regulatory procedures as prescribed in the Council Decision and Council Regulation of 6 December 2001. The Committee is comprised of delegates from the 25 EU Member States, Norway and Iceland. Switzerland has participated in the SIS II Committee meetings since 17 November 2004. Following the signature of the treaty of accession of Bulgaria and Romania on 25 April 2005, these two states have been invited to attend the SIS II Committee meetings as observers. Since October 2004, the SIS II Committee has also been competent for VIS issues, in accordance with Council Decision 2004/512. There were ten meetings of the SIS II Committee in the period under report (5 in each semester).

In addition to regular SIS II Committee meetings, working groups composed of SIS II Committee members or Member States’ experts are organised by Commission services to discuss detailed technical issues. These meetings generally focused on issues of concern to the
Member States and issues arising from specific project deliverables. 12 working group meetings were held during the reporting period (6 in each semester).

3. **COUNCIL MEETINGS**

Commission services take part in the meetings of the Council Working Groups responsible for the Schengen Information System. Commission services present an oral report on the progress of the SIS II project at Council Working Group level on a monthly basis.

Commission services also regularly inform the Article 36 Committee about the progress in the SIS II project. In successive reports to the Article 36 Committee during the period under report, in addition to reporting on the progress made in the technical implementation at central level, Commission services also reported the risks to the overall project schedule arising from the circumstances described above.

At the initiative of the Commission and the Presidency of the Council, the Council agreed to the establishment of a SIS II ad hoc high level group which met for the first time on 5 April 2006. In a detailed presentation to the ad hoc group, the Commission gave a clear indication to the Member States of the risk posed to the overall project schedule (in particular by the non-availability of the Strasbourg site, but also of the delay in agreeing the legal proposals and of lateness in the implementation of national projects) given that the margins for setbacks to the project schedule had been exhausted. The group met for the second time on 7 September. Discussions in this meeting focused exclusively on the central SIS II project. Agreement was reached on the rescheduling methodology and the revised timetable and there was a positive outcome concerning the prolongation of the Commission's mandate and extending it to cover the integration process.

The SIS II project was also discussed at the meetings of the JHA Council during the period under report. At the Council meetings in February and April, the Commission reported the high risks to the project schedule. At the June meeting of the JHA Council the Commission informed the Member States that the overall schedule would be delayed. During the second semester, the Commission continued to keep the Council informed of the risks to which the project is exposed and of the likely risks should it be decided to go ahead with SISone4ALL.

4. **SIS II TASK FORCE**

The JHA Council on 5 October agreed to the creation of the SIS II Task Force to assist the work of the Council, in cooperation with the Commission, on the management and coordination of the SIS II project. This Task Force reports to the presidency and will play an important role in monitoring developments with SIS II in the Member States. Two back office members of the Task Force have started work and a third member is due to start in 2007. The Commission has found a temporary solution for hosting the Task Force on its premises, and pending ongoing discussions on the administrative status of back office members.

5. **CONCLUSIONS AND PERSPECTIVES**

In the first half of the year significant advances were made with the technical design aspects of the project, particularly the technical specifications and the test and migration plans. There was also significant progress in re-issuing the network call for tender.
However, as a consequence of the delay in the main project schedule announced in the first semester of 2006, triggered by delays at the French site, the second semester was marked by the re-scheduling approved by the Council in October and the discussions on whether to implement the Portuguese SISone4ALL proposal for connecting new Member States to the existing system.

Major developments in the second half of the year include the finalisation of the Interface Control Document and the Detailed Technical Specifications. There was also significant progress with the procedures relating to the re-issued network call for tender, resulting in signature of the framework contract at the end of September and finalisation of procedures for the specific contract for SIS at the end of 2006.

The main priorities over the forthcoming period are as follows:

- To continue work with a view to ensuring final adoption of the remaining 3rd pillar proposal for the legal basis.

- To present a revised timetable for SIS II by February 2007, taking account of the consequences for the implementation of the SIS1forALL project

- To carry on the work with a view to adoption of the Commission decisions on the SIS II Test plan, the design of the physical architecture of the Communication infrastructure for SIS II (network architecture), security requirements, the migration and integration plan and to ensure progress with the comitology procedures for the implementation rules.

- To continue the preparations for operational management for SIS II

- To carry on the work for development of the central system and the deployment of the Central Unit and the Business Continuity Unit and the start of deployment to the Member States

- To ensure that the s-TESTA network is ready for testing of the central system

- The Commission and the Member States are due to report to the Council by February 2007 at the latest on options for network replacement in the context of the SISone4ALL project.
Annex 1: Indicative timetable of SIS II Committee and Working Group meetings,

**January to June 2007**

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