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NOTE

from : Presidency

to : Article 36 Committee

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Subject : Implementation of the February JHA Council Conclusions on SIS II

Delegations will find in annex a presidency paper on the implementation of the February JHA Council Conclusions on SIS II as of 20 March 2009.

Implementation of the February JHA Council Conclusions on SIS II

– Information as of 20 March 2009

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I – CURRENT SIS II PROJECT

(1) Endorses the implementation of a **SIS II analysis and repair plan** allowing the identification of all issues and their immediate solution, as well as the evaluation of the technical architecture, so as to ensure a stable and flawless SIS II system;

SIS II analysis and repair plan

Implementation measures

In a 4-month period lasting until the end of April 2009, a detailed analysis shall be carried out with the aim to identify all errors in the system, which led to the crisis of the project and which would prevent it from a proper completion.

A team composed of Commission and contractors' experts, quality assurance experts and Member States' experts shall review both architecture and code of the application.

Findings of the analysis shall go hand in hand with a repair of identified bugs in those parts of the project which are of an independent nature.

Member States' experts shall be present during the current SIS II testing in Strasbourg and shall monitor activities in order to help find the best testing practise and to improve cooperation between central and national systems. Dedicated testing forms an integral part of the plan. It is carried out continuously and to the extent necessary for identification of remaining bugs and verification of their repair.

At the end of this 4-month period, all information has to be gathered in order to enable an assessment foreseen by paragraph 6 of the Council Conclusions.

State of play

The SIS II analysis and repair plan was formally adopted by the Global programme management board (GPMB) and Commission in the first week of February 2009. Since then, implementation of the plan has been regularly reflected in weekly Global SIS II flash news, which also indicates fulfilment of the plan. All activities are under way and are being implemented according to the plan which is being continuously updated.

Use of the adapted SIS1+ test tool is foreseen during the testing in the repair and analysis period. This is very important from the Member States point of view.

GPMB Member States' experts take part in the realisation of the plan, monitor its implementation, help coordinate related activities and ensure involvement of Member States.

A team reviewing both architecture and code of the application has been set up. Member States are represented by experts from AT, DE, FR, IT and NL.

The results of the plan implementation reflecting state of play as of 10 February 2009 were summarized in a regular report submitted by the SIS II Task Force for CATS (doc. 6090/09).

So far, two Member States (DE and NO) have decided to send their experts to Strasbourg with the aim to provide assistance and at the same time monitor fulfilment of the repair plan directly in the central system.

The contractor is setting up a new version of the SIS II central application version 5.1, which should sort out a lot of identified bugs.

Detailed testing plan was elaborated. It enhanced the possibility of the Member States participation in testing as Member States could participate in specific parts of testing and thus possibly also limit related financial costs.

To be done

Implementation of the plan shall continue. The plan shall be continuously verified and updated if necessary, reflecting new activities needed for fulfilling the overall aim of the plan.

The new version of the SIS II central application should be set up by 16 March 2009. It shall be subject to extensive testing.

Participation of Member States in testing carried out in Strasbourg needs to be strengthened. The Presidency will invite the Member States to their increased involvement.

Key issues

1. Participation of Member States in testing in Strasbourg

More Member States' experts shall participate in testing in Strasbourg personally.

More Member States shall participate in prove of concept testing.

More Member States shall participate in prototyping testing.

(3) Welcomes the **review of the SIS II testing approach**, guaranteeing an **increased involvement of Member States** in test definition and management and facilitating an efficient use of financial and human resources;

Review of the SIS II testing approach

Implementation measures

Increasing of testing efficiency forms a necessary part of the plan. Therefore, the SIS II testing approach needed to be reviewed, while incorporating a layered approach and several other related measures.

The reviewed testing approach reflects conclusions of the Solution review group elaborated by Unisys, Accenture and Commission in cooperation with the Member States, and also conclusions of the Test Advisory Group.

New round of testing, based on the reviewed approach, started on 9 February and targets 6 priority areas of which testing shall be concluded by end of April 2009.

The 6 priority areas are as follows:

- bridge & sequencing,
- data consistency,
- guaranteed message & broadcast delivery,
- large volume functional test,
- robustness and
- performance.

The reviewed testing approach is being applied also to tests carried out in the framework of the SIS II analysis and repair plan.

State of play

The first targeted area – communication between central and national systems – was carried out between 9 and 20 February.

Several States (CH, CY, DE, LU, NL, NO, PL, PT and SE) are directly involved in testing. Both the Commission and members of GPMB have invited Member States to participate in testing.

The revised testing approach has proven its importance and highlighted the need for further testing. Detailed schedule for testing and more precise test documentation with test cases specification is currently under preparation.

To be done

Testing shall continue in the remaining priority areas.

Detailed test cases specification and refined schedule of the testing shall be done.

The way must be found how to allow Member States to test their national solutions properly so that Member States can improve their NS.SIS as well.

Key issues

2. Member States' experts participation

The current number of Member States involved in testing is rather small and needs to be increased.

More Member States is necessary for prototyping testing (only NL is participating now).

Only two Member States are currently sending their experts to Strasbourg.

II – SIS1+ EVOLUTION (Contingency plan)

(5) Welcomes the completion of a **feasibility study** serving as a basis for creating a workable **alternative technical scenario** for developing SIS II **based on SIS 1+ evolution** as part of a **contingency plan**;

Development of the alternative technical scenario

Implementation measures

The development of the current SIS 1+ into SIS II is based on the result of a feasibility study commissioned by SIS-TECH in December 2008 and discussed in January 2009.

Due to expiration of contract for maintenance of SIS 1+ and need for its renewal, a call for tender shall be prepared, approved by relevant working group and issued by the French authorities at the beginning of March 2009.

At the same time, having in mind the need to prepare for a possibility to implement the SIS II functionalities on the basis of the SIS 1+ evolution, an option allowing for realisation of this possibility shall be included in the call for tender.

Once all offers are received, they shall be assessed. The selected offer shall be used for completion of the report.

State of play

At its February meeting, the SIS-TECH WP approved that an option allowing for evolution from SIS 1+ to SIS II would be included in the call for tender concerning the SIS 1+ renewal.

Technical part of the call for tender was discussed and approved by the SIS-TECH WP at its meeting on 10-11 March 2009.

To be done

Impact on the legislation, financing, management and national development needs to be assessed in detail in case that ministers decide to implement the SIS II functionalities on the basis of this alternative scenario, and thus to activate the option included for this purpose in the call for tender.

Call for tender needs to be issued before 23 March 2009. All received offers will be assessed and results should be known shortly after expiration of 42 days period.

The final report shall contain all relevant items reflecting agreed criteria.

Key issues

3. Detailed clarification of all consequences of decision to implement the SIS II functionalities on the basis of the SIS 1+ evolution

All consequences of such a decision have to be clear and available before ministers take the decision. Should this not be the case, there is a high risk that some difficulties will come up at a later stage.

4. Timing

All consequences of such a decision have to be clear and available before ministers take the decision. Should this not be the case, there is a high risk that some difficulties will appear during a later stage. All technical, legal, contractual and financial issues will be dealt with in all appropriate instances.

III – GLOBAL PROGRAMME MANAGEMENT APPROACH

(2) Welcomes the implementation of a **global SIS II programme management approach** involving Member States within the framework of the SIS II Task Force established in accordance with the Council conclusions of 5 October 2006, working together with the Commission in compliance with their respective legally defined competencies and thus ensuring enhanced management and coordination of the SIS II project and related activities as a whole (including the contingency plan), as well as consistency between the central and national systems' developments;

Implementation measures

GPMB has been established as an informal forum facilitating smooth and immediate communication between the stakeholders.

State of play

Experts from 5 Member States (CZ, NL, NO, PT and SE) were nominated by the respective ministers to work within the SIS II Task Force (SISIITF) on a full-time basis acting as part of GPMB. Experts from 3 Member States (DE, FR, UK) participate part-time and take part in weekly GPMB meetings. On 9 March, the SISIITF was joined by AT expert mandated specifically in accordance with paragraph 6, and therefore working solely on preparation of the report.

GPMB Member States' experts are continuously monitoring the documents and all activities related to the project. They also take part in contractor meetings which provide for a possibility to monitor closely and influence all undergoing activities. Recommendations are given and flow of information is improving. Experts have already initiated a number of meetings which have contributed to solving problems of both projects.

Weekly meetings of GPMB are being held in the Council and Commission premises and are chaired in rotation by PRES and Commission representatives. Commission has agreed to reimburse travel and accommodation costs of Member States' experts participating in GPMB.

GPMB has already prepared:

- plan outlining activities to be carried out in the SIS II project until June 2009 (see GPMB SIS II flash);
- draft of new testing approach;
- structure of reports needed for comparing and assessing of both scenarios.

Works are under way focused on preparing a plan for tests and testing scenarios and review of the application code and architecture.

Presidency and the Commission in close cooperation with the SISIITF continue in preparing the report envisaged by paragraph 6 of the Council Conclusions.

Concurrently, support for preparation of the alternative scenario has been provided. An analysis of impacts on national solutions of Member States is being prepared.

On 12 March, experts from SE, PT and NL participated in the seminar focused on integration of 6 states, which was organised by Presidency.

To be done

The following documents shall be prepared:

- global schedule for the current SIS II project;
- test schedule in more details;
- documents required for parallel assessment of both technical scenarios;
- comparison report.

New testing approach shall be finalised and review of architecture and code of the application concluded.

GPMB shall continue close monitoring of all related activities.

Key issues

5. Confidence in the management of the project

Confidence in the management of the project is a key issue.

IV – COMPARISON AND ASSESSMENT OF BOTH SCENARIOS

(6) Requests that as soon as possible, but at the latest by May 2009, a **report containing an in-depth assessment and comparison of both scenarios**, in the light of the criteria set out in the Annex, be submitted to the Council by the Presidency and the Commission, in close cooperation with the SIS II Task Force and in consultation with the appropriate instances.

As regards the alternative scenario, this report should be based on detailed input timely provided by the relevant Council preparatory bodies;

(7) Resolves, as soon as possible, but at the latest at its meeting on 4-5 June 2009, on the basis of the report referred to in paragraph (6) and the analysis criteria as retained in the Annex to the present Council Conclusions, inter alia,

- the **calendar for entry into operation of SIS II**,
- the **calendar for integrating Ireland, the United Kingdom, Cyprus, Bulgaria, Romania and Liechtenstein into the SIS**, assuming that all requirements are fulfilled,
- **budgetary impacts and technical soundness**,
- **possible legal implications**,

- to assess the progress made on SIS II development,
- to examine in case of the alternative scenario, the ability to realise the objectives of SIS II set out in the legal framework governing the establishment, operation and use of SIS II, on the technical basis of SIS 1 + evolution,
- to set out a technical solution which would allow the participation in the SIS of additional countries in accordance with their declared calendar and to decide on the further direction of this project;

Report containing an in-depth assessment and comparison of both scenarios

Implementation measures

One report thoroughly assessing and comparing both scenarios shall enable ministers to take the final decision and choose a scenario which will in the best way ensure completion of the SIS II project.

This report shall complete activities launched after the agreement at the informal JHA Council in Prague and shall reflect all findings gathered since January 2009.

The report shall include response to all tasks assigned by paragraph 7 of the Council Conclusions, including the commitment vis-à-vis states waiting for their integration into SIS.

State of play

Presidency and the Commission in close cooperation with the SISIITF are preparing the structure of the report. Drafting of the report have already started.

On 12 March 2009, the Presidency organised a seminar for 6 states preparing for their integration into SIS (UK, IE, CY, BG, RO, LI). The seminar provided detail information on possible technical solutions of the SIS II development and generally discussed all main aspects of the future integration of these states including timeframe, technical, legal and budgetary issues.

Due to very high priority of integration into SIS, LI, BG and RO expressed their interest of using the SISone4ALL project if SIS II did not allow their integration on time. UK and IE expressed that under certain circumstances some kind of interim solution could be used (NS.SIS II with convertor to SIS 1+) which would enable integration into SIS1+ if it was apparent that SIS II was not possible to be used in accordance with their political will. BG proposed to convene a seminar focused mainly on the practical use of the SISone4ALL project for integration of BG and RO including budgetary aspects, and asked about the possibility of covering of additional costs by the Commission.

To be done

Detailed schedule and process of elaborating the report is to be outlined.

Key issues

6. Timing

The report needs to be presented to ministers at the JHA Council on 4-5 June 2009, which will require an utmost engagement and efforts of all stakeholders.

V – TRANSPARENCY

(9) Invites the **Commission to fully inform the European Parliament and the Council on a regular basis about the expenditure figures related to the central SIS II project and the measures taken to ensure the complete financial transparency;**

(10) Invites the Presidency and the Commission **to fully inform the European Parliament about the problems related to SIS II and the way forward.**

Implementation measures

EP is an important player in the whole process. Its consent was needed for adopting the SIS II legal instruments (co-decision) and the extension of the mandate for the Commission for the development of the SIS II (currently valid until June 2010) was adopted in consultation procedure with EP.

EP requires full compliance with the current SIS II legislation in case any technical solution for completion of the SIS II project is chosen. Therefore, legal compliance of the back-up plan with the SIS II legal framework has to be ensured.

When the EP approved a report on migration from SIS 1+ to SIS II in September 2008, the rapporteur Mr. Coelho highlighted two more issues agreed by all political groups: firstly, the EP should be regularly informed about the development of the project; secondly, the mandate given to the Commission must have a deadline and a rule should be included so that the EP is consulted again, if the process has a delay of more than one year.

State of play

The European Parliament was informed in light of paragraph 10 of the Council Conclusions.

During the EP Plenary Session held on 11 March in Strasbourg, the Presidency and the Commission answered various oral questions put by the rapporteur, Mr. Carlos Coelho and the representatives of the main EP political fractions. The aim of the debate was to clarify the situation in the SIS II area in all its aspects and to deliver to EP a comprehensive picture of the current state of affairs related to the SIS II project and its perspective.

The Presidency assured the EP about its commitment to the transparency and about its dedication to this priority and in principle technical issue. While basing itself on the recently adopted SIS II Council Conclusions, the Presidency provided Members of the EP with the relevant information requested, focused especially on the explanation of the Presidency strategy and its implementation, respecting also the concerns raised by the EP.

In addition to its view on the aspects touched by the Presidency, the Commission contributed with the information on those aspects falling under the scope stemming from its capacity as a project manager (expenditures, relations with the contractor, technical details).

To be done

Presidency and Commission keep the EP informed and regularly updated on the latest state of play in development of SIS II.

Procedure should be decided especially in terms of the approaching elections to the EP due in June 2009.

As promised at SIS/SIRENE working group the Commission will (in order to meet the expectations raised by the paragraph 9) of the Council Conclusions) provide the Member States with the written information about the financial issues raised by Member States.

Key issues

7. Informing the EP vis-à-vis the approaching European elections.

VI - DRAFT CALENDAR FOR THE IMPLEMENTATION PLAN (JAN-JUNE 2009)

| March 2009 | April 2009 | May 2009 | June 2009 |
|---|--|--|---|
| <p>10-11/03: SIS-TECH</p> <ul style="list-style-type: none"> approval of technical part of the call for tender <p>12/03: seminar for 6 states</p> <ul style="list-style-type: none"> discussion about different technical/timeframe possibilities allowing for integration into SIS <p>16/03: SIRENE</p> <ul style="list-style-type: none"> SIS II state of play – information from COM Alternative scenario – information <p>19/03: FoSISII</p> <ul style="list-style-type: none"> Implementation of the Council Conclusions on SIS II - discussion <p>24/03: CATS</p> <ul style="list-style-type: none"> Implementation of the Council Conclusions on SIS II - information <p>*****</p> <p>By 24/3: Issuance of the call for tender</p> | <p>3/04: SIS-TECH</p> <ul style="list-style-type: none"> impact of the alternative scenario on the national SIS I and SIS II projects alternative scenario assessment report network related issues legal consequences <p>8/04: SIRENE</p> <ul style="list-style-type: none"> SIS II state of play – information from COM and the PRES discussion on related issues <p>16-17/04: SIS-TECH</p> <ul style="list-style-type: none"> alternative scenario assessment report comparison report alternative scenario network related problems legal consequences <p>23/04: FoSISII</p> <p>28/04: CATS</p> <ul style="list-style-type: none"> information <p>*****</p> <p>By 30/4:</p> <ul style="list-style-type: none"> detailed analysis of architecture and programme application code completion of testing in all 6 priority areas | <p>11/05: SIS-TECH</p> <ul style="list-style-type: none"> Alternative scenario Call for Tender assessment Update of the assessment report using information from CFT Comparison report Legal consequences <p>14/05: FoSISII</p> <p>19-20/05: CATS</p> <ul style="list-style-type: none"> Information and discussion <p>21-22/05: SIS-TECH</p> <ul style="list-style-type: none"> Network for SIS 1+ and for alternative scenario Comparison report Council preparation <p>28/05: SIRENE</p> <ul style="list-style-type: none"> SIS II state of play – information from COM and the PRES <p>*****</p> | <p>12/06: SIS-TECH</p> <p>17/06: CATS</p> <p>24/06: SIRENE</p> |
| | <p>25/03: COREPER II JHA Council (6/7 April)</p> <ul style="list-style-type: none"> SIS II – state of play | <p>27/05: COREPER II poss. extraordinary JHA Council</p> | <p>03/06: COREPER II JHA Council (4/5 June)</p> <ul style="list-style-type: none"> Decision about future direction of the SIS II |