



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 26 May 2003

9808/03

LIMITE

**SIRIS 47
CATS 34
ASIM 31
COMIX 330**

NOTE

from :	Presidency
to :	COREPER/Member States meeting within the Council/Council
No. prev. doc.:	7178/4/03 REV 4 SIRIS 28 CATS 16 ASIM 16 COMIX 141
Subject :	development of SIS II

1. In 2001 the Council adapted Council Regulation (EC) N° 2424/2001 and Council Decision 2001/886/JHA on the development of SIS II. As requested, the Commission has carried out a feasibility study on the SIS II. The services of the Commission are planning to launch the first phase of the call for tender procedure in August 2003. This planning is in line with the scheduled implementation of the second generation of the SIS by 2006.
2. In order to be able to respect the above planning, it is necessary that the Council discusses and adopts the conclusions set out in chapter II and III of the annex concerning the functional requirements and the architecture. They will determine the technical conditions for the SIS II and as such they need to be included in the technical specifications of the call for tender.
3. As set out in chapter IV of the annex, it is also necessary
 - * to start a discussion within the Council and its preparatory bodies on the location, management and financing of the SIS II as well as
 - * to study the organisational implications of the chosen architecture within the national systems of the Member States, together with the financial impact of that architecture .

4. The document in annex is based on discussions in the Article 36 Committee of 14 April 2003, and in the SIS/SIRENE working group on 28 March and 12 May 2003. The Article 36 Committee meeting on 15 and 16 May in Kastoria delivered a favourable opinion on the document.

5. On this basis COREPER is invited to request the Member States meeting within the Council to adopt formally
 - the proposals concerning functionality and architecture of the SIS II
 - the instructions for the Council Working groups to start discussions on location, financing and management of the SIS II and to study the impact on the Member States.as set out in annex.

Council Conclusions on SIS II

I. Introduction and summary

With a view to ensuring that the second generation of the SIS is operational by 2006, to allow for additional Member States to participate to the SIS as well as to enhance the use, functionalities and the technical capacities of this system, the call for tenders for developing SIS II needs to be started in autumn 2003.

The current timetable according to the Commission and the results of the feasibility study is the following

- June 2003 – Definite list of functionalities and decision on the architecture,
- August 2003 - Launch of the call for tender of SIS II,
- June 2004 – Signature of the contract for the detailed design and the development of SIS II and subsequent draft of the detailed design,
- January 2005 – Start of SIS II development,
- Spring 2005 – Start of Schengen States/Member States national system adaptation,
- Autumn 2006 – Start migrating current Contracting Parties,
- End 2006 – Ready for integration of new Contracting Parties (the issue of whether acceding countries could integrate in parallel with present Parties is still under discussion).

This timetable will be permanently updated according to the evolution of the project, with a view to respect the deadline of end 2006. A special meeting of the SIS II Committee on 21 May 2003 has discussed and checked the feasibility of this timetable.

It is therefore necessary that the Council discusses and adopts the conclusions set out in chapter II and III concerning the functional requirements and the architecture: as they will determine the technical conditions for the SIS II, they need to be included in the technical specifications of the call for tender.

II. Functional requirements

It has been clear from the earliest conception of SIS II that this system should be a flexible tool, that will be able to adapt to changed circumstances and fulfil, within a reasonable time and without major additional costs and efforts, user requests made during its lifecycle.

The conclusions set out in point II.1 concern the technical implications of the functional requirements and will be included in the call for tender for SIS II. However, this does not affect the need for political and legislative decisions in order to implement these new requirements.

II.1: General functional requirements for SIS II:

Following up on its conclusions of 20 June 2002¹, the Council concludes the following: (a) The SIS is a hit/no hit system allowing for information exchange with a view to policing the free movement of persons as well as maintaining public security, and in particular assisting national authorities in the fight against trans-national crime, in the context of the EU objective to maintain and develop the Union as an area of freedom, security and justice.

(b) In order for the SIS to maintain and enhance its efficiency, SIS II must allow, in addition to the functionalities set out in existing provisions, for:

- the addition of new categories of alerts, both on persons and on objects (including where necessary the possibility that certain alerts be automatically deleted after a certain event/date);
- the inter-linking of any alerts, ensuring that this does not change the existing access rights to the different categories of alerts²;
- the addition of new fields in the alerts and the modification of existing fields (including changing the optional character of a field to mandatory or vice versa);
- the modification of the duration of the alerts;
- new authorities to get access to the SIS (including where necessary the possibility to give partial access or access with a purpose different from the original one set in the alerts);
- the storage, transfer and possible querying of biometric data, especially photographs and fingerprints.

¹ See doc. 9773/02 SIS 43 CATS 34 COMIX 390.

² As agreed by the Council on 20 June 2002 (cf. doc. 9773/02 SIS 43 CATS 34 COMIX 390).

II.2: Detailed requirements

(a) In view of the fact that full to wide-ranging agreement exists on the following requirements, the Council requests the relevant working groups to establish in a timely manner so that they are implemented in the first release of SIS II, where necessary in the form of legislative texts,

- the list of what links can exist between which types of alerts;
- which fields will be included and/or modified in alerts on issued documents;
- which additional information and/or fields, if any, will be included in (certain) alerts;
- the (practical) conditions for storing photographs and fingerprints on wanted persons;

(b) The Council takes note of the fact that at the moment a certain interest exists on the following proposals, but also the need for more study on their feasibility, usefulness and practical implementation. The Council therefore invites the relevant working groups to discuss these requirements and, where and when they find sufficient support, to submit them to the Council.

- how, in view of the conclusions of Tampere and of the EU action plan to combat terrorism , should the purpose of the system be changed or extended, and notably
 - which authorities should acquire (an extended) access to the SIS and what purpose they can use this access for: the study should include the possibility for some authorities to use the SIS data for purposes other than those for which they were originally introduced in the SIS
 - the legislative implications this might have, most importantly concerning data protection
 - the technical impact this might have (including that at the national level)
 - the need for ensuring that the efficiency of the current system is maintained and improved;
- which new categories of persons should be introduced in the SIS, and notably:
 - minors precluded from leaving the Schengen area
 - violent troublemakers;
- which new categories of objects should be introduced in the SIS under Articles 99 and/or 100, and notably
 - other vehicles
 - works of art
 - animals
 - luxury items
 - any easily identifiable objects;

- which, if any, of the SIRENE forms must be included in the SIS database;
- what other biometric data can be stored in the SIS and what use, if any, can be made of the biometric data stored in the SIS;
- what intelligence use, if any, can be made of the records made according to Article 103;
- what modifications, if any, are necessary regarding the period an alert can be kept in the SIS;
- what data should be recorded under Article 103.

It is understood and follows from the conclusions under point II.1 that the SIS II should have, from the beginning, the technical capacity to implement the requirements set out in this chapter.

III. Architecture

Based on the recommendations of the SIS II feasibility study, the opinion of the SIS II Committee thereon, as well as the opinion of the relevant Council Working Groups after having examined the different possible architectures,

the Council concludes that:

- the call for tender for SIS II shall consist of a core system and a uniform national interface in each Member State;
- the national interfaces will be delivered as a Ready-made Turnkey Solution (RTS) and will not contain the SIS data¹;
- it shall be possible for the Member States which do not wish to maintain a national copy of the SIS database, to query in an automated manner the SIS database kept in the core system. The national copy of the SIS database is maintained by the countries for their own account and at their own risk;
- the core system shall ensure the availability, integrity and continuous update of the SIS data, both for updating the national copies of the SIS database and for the purposes of allowing queries on the database
 - a contingency system shall therefore be set up at a different location
 - the communication infrastructure shall therefore have the necessary availability guarantees;

¹ The contractor may, however, suggest that SIS data will be included in the national interfaces, if it considers that this solution provides greater flexibility, availability and performance.

- the core system shall contain the alerts introduced pursuant to Articles 95 to 100 of the Schengen Convention, as adapted where applicable, and in accordance with the provisions of Article 94,
- automated queries on the SIS database shall be done, where necessary, on the national copies of the SIS database or on the core system via the national interfaces;
- SIS data shall be inserted in the core system via the national interfaces;
- the core system and the national interface will have a sufficiently high standard of security applying where possible an internationally recognized standard of security;
- the technical specifications of the call for tender for SIS II shall respect the above conclusions.

The Council requests that in due time, the necessary legislative provisions reflecting the principles underlying the current conclusions be prepared for adoption.

IV. Location / management / financing

The respective Council working groups must:

* prepare Council conclusions on the location, management and financing of the SIS II as soon as possible and in due time for adoption by the Council at the latest by May 2004;

* study the organisational implications of the chosen architecture within the national systems of the Member States, together with the financial impact of that architecture.

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