

Procedure file

Basic information		
CNS - Consultation procedure Decision	2008/0077(CNS)	Procedure completed
Schengen: migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II). Decision		
Amended by 2010/0006(NLE) Repealed by 2012/0033A(NLE)		
Subject 7.10.02 Schengen area, Schengen acquis		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		28/05/2008
		PPE-DE COELHO Carlos	
	Committee for opinion	Rapporteur for opinion	Appointed
	BUDG Budgets	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	2899	24/10/2008
	Justice and Home Affairs (JHA)	2783	05/06/2008
	Justice and Home Affairs (JHA)	2863	18/04/2008
European Commission	Commission DG Justice and Consumers	Commissioner BARROT Jacques	

Key events			
18/04/2008	Debate in Council	2863	Summary
20/05/2008	Committee referral announced in Parliament		
05/06/2008	Debate in Council	2783	Summary
03/09/2008	Legislative proposal published	12059/1/2008	Summary
15/09/2008	Vote in committee		Summary
16/09/2008	Committee report tabled for plenary, 1st reading/single reading	A6-0351/2008	
23/09/2008	Debate in Parliament		
24/09/2008	Results of vote in Parliament		

24/09/2008	Decision by Parliament	T6-0441/2008	Summary
24/10/2008	Act adopted by Council after consultation of Parliament		
24/10/2008	End of procedure in Parliament		
08/11/2008	Final act published in Official Journal		

Technical information

Procedure reference	2008/0077(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
	Amended by 2010/0006(NLE) Repealed by 2012/0033A(NLE)
Legal basis	Treaty on the European Union (after Amsterdam) M 031-p1-aa; Treaty on the European Union (after Amsterdam) M 030-p1; Treaty on the European Union (after Amsterdam) M 034-p2c
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/62021

Documentation gateway

Supplementary legislative basic document	COM(2008)0196	16/04/2008	EC	Summary
Committee draft report	PE409.545	27/08/2008	EP	
Legislative proposal	12059/1/2008	03/09/2008	CSL	Summary
Amendments tabled in committee	PE412.162	11/09/2008	EP	
Committee report tabled for plenary, 1st reading/single reading	A6-0351/2008	16/09/2008	EP	
Text adopted by Parliament, 1st reading/single reading	T6-0441/2008	24/09/2008	EP	Summary
Commission response to text adopted in plenary	SP(2008)6073	17/10/2008	EC	
Follow-up document	COM(2009)0555	22/10/2009	EC	Summary
Follow-up document	COM(2010)0221	06/05/2010	EC	Summary
Follow-up document	COM(2010)0633	05/11/2010	EC	
Follow-up document	COM(2011)0391	29/06/2011	EC	Summary
Follow-up document	COM(2011)0907	20/12/2011	EC	
Follow-up document	COM(2012)0334	22/06/2012	EC	
Follow-up document	COM(2012)0587	11/10/2012	EC	Summary
Follow-up document	COM(2013)0305	27/05/2013	EC	Summary
Follow-up document	COM(2013)0777	02/12/2013	EC	Summary

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex
Final act	
Decision 2008/839 OJ L 299 08.11.2008, p. 0043 Summary	

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

PURPOSE: to establish the legal framework governing the migration from (SIS 1+) to the second generation Schengen Information System (SIS II).

PROPOSED ACT: Council Decision.

BACKGROUND: the Schengen Information System (SIS) was first established in 1990 as an information exchange network, servicing fifteen EU Member States plus Iceland and Norway. Initially it acted on an intergovernmental basis. Its purpose: to act as an information exchange network to allow the Member States to obtain information on certain categories of persons and properties (mostly vehicles) upon the lifting of internal restrictions. Its remit covers the free movement of people within the EU as well as judicial co-operation between the authorities in criminal matters. SIS is vital to the proper functioning of an internal space in which borders have been lifted and where common borders operate.

In 2001, prior to enlargement, the Council agreed to update and modernise the SIS network to take account of an enlarged Schengen geographical area. The new system, SIS II, will be developed, operated and managed by the Commission with funding for its operations stemming from the EU's budget as opposed to Member State contributions. The legal act confirming this developments is Regulation (EC) No 2424/2001. (See [CNS/2001/0818](#)).

Whilst waiting for SIS II to be completed, the Council has prepared a transitory version capable of assuming the same functions of the future SIS II and based upon the original SIS, namely SIS 1+.

With SIS II close to completion it is now time to prepare for a transition phase whereby SIS 1+ users can migrate onto SIS II. Preparing the legal structure for this migration process is the purpose of this proposal. It should be noted that the legal structure of SIS II has already been in place since 2006 with the adoption of two legislative acts, namely: Regulation (EC) No 1987/2006 [COD/2005/0106](#); and Council Decision 2007/533/JHA [COD/2005/0103](#).

CONTENT: the purpose of this proposal is:

- to establish the legal framework governing the migration from (SIS 1+) to the second generation Schengen Information System (SIS II);
- to prepare a comprehensive test, demonstrating that the level of performance of SIS II is at least equivalent to that achieved with SIS 1+; and
- to regulate the test on exchange of supplementary information.

Interim Migration architecture:

The proposal amends the Schengen Convention by setting up an interim migration architecture for the operations of SIS 1+ during a transitional period until the migration process has been completed. To this end, the proposal defines an interim Schengen Information System architecture and lays down the tasks and responsibilities for its development as well as the tasks and responsibilities during the migration process. The technical architecture will allow the current central system of SIS 1+ to remain in operation during a transitional period. Beyond the availability of SIS 1+ and the Central SIS II, a technical tool (referred to as a 'converter') will allow for the successful exchange of SIS data between SIS 1+ and SIS II. This is to be used for a very limited period of time only.

Some elements of the interim architecture will be made available by the Member States, others by France acting on behalf of the Member States, and others by the Commission. The Commission will have the option of contracting out the execution of certain tasks to, amongst others, national public bodies. The Commission and the Member States must closely collaborate in the development and operation of the technical elements for the SIS interim architecture.

Migration to the SIS II:

With France offering support, all Member States using SIS 1+ will be asked to migrate to SIS II using the interim migration architecture. The migration will follow a schedule defined by the Member States and France will make the SIS 1+ database available to SIS 1+ users.

Maintenance and development:

The proposal covers all maintenance and further development activities of the Central SIS II, the communication infrastructure and the national systems (N.SIS II) that will prove necessary during the period of its application. Under the terms of the proposal the Commission will maintain responsibility for the Central SIS II and the communication infrastructure, whilst the Member States will maintain responsibility for N.SIS.II.

Personal data:

The Commission will be responsible for ensuring that every access to and all exchange of personal data within Central SIS are recorded for

the purpose of checking whether or not the search is lawful, monitoring the lawfulness of data processing and ensuring the proper functioning of Central SIS II and of the national systems, data integrity and security.

Costs:

The total financial envelope set aside for this proposal amounts to EUR 9.350 million for the year 2009. The costs arising from activities at SIS 1+ level, including supplementary activities of France, acting on behalf of SIS 1+ Member States, will be borne in line with Article 119 of the Schengen Convention. This article provides that the costs of installing and operating the technical support function of SIS 1+, including the cost of lines connecting the national sections of the Schengen Information System to the technical support function, are borne jointly by the Member States. The cost of installing and operating the national section of the Schengen Information System, on the other hand, are to be borne by each Member State individually.

Legal base: The legal bases for this Decision are: Articles 30(1) (a) and (b); 31 (1) (a) and (b) and 34 (2) (c) of the TEU. These concern:

- operational cooperation between the competent authorities of the Member States in relation to the prevention, detection and investigation of criminal offences; and
- the collection, storage, processing, analysis and exchange of relevant information.

This proposal deals with facilitating and acceleration cooperation between the competent ministries and judicial or equivalent authorities of the Member States, including, where appropriate, cooperation through Eurojust. For the purposes of this proposal a Council Decision is considered the most appropriate instrument in view of the need to apply common rules to the processing of data in the system. A framework Decision would not be appropriate given that the proposal involves no approximation of the laws of the Member States. A parallel proposal for a ?Regulation? is being presented alongside this one. (See: [CNS/2008/0078](#)).

Territorial application: The United Kingdom, Ireland, Iceland, Norway, Switzerland and Liechtenstein will be taking part in the adoption of this Decision.

Entry into force: On a final point, the present Decision needs to be adopted by October 2008 at the latest in order to ensure the continuity of preparations and the timely execution of activities covered.

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

The Council took note of a report on the development of the SIS II project.

According to the SIS II time schedule, Compliance Tests for all Member States should be completed by 3 October 2008 at the latest.

After the enforcement of the Schengen Association Agreement associating Switzerland with the implementation of the provisions of the Schengen acquis on 1 March 2008, the Swiss Government declared its readiness for the Schengen evaluation process. The Slovenian Presidency welcomes Switzerland's commitment to giving the highest priority to the SIS II project.

The Council also confirmed the conclusions of a report on the open issues relating to SIS II and took note of the Commission proposals on migration from SIS 1+ to the second generation Schengen Information System (SIS II).

Finally, the Commission confirmed that, on the basis of the open issues report, it will present a detailed schedule for SIS II implementation at the June 2008 Justice and Home Affairs Council.

It should be noted that the Council meeting on 28 February adopted a number of conclusions regarding the development of the second generation of the Schengen Information System (SIS II), inter alia, an additional mechanism, supporting the SIS II development in the Member States until the start of operations. The Council also invited the Slovenian Presidency to report to the Council in April 2008 on open issues relating to the detailed SIS II schedule, on the basis of a report prepared by the Friends of SIS II, the mechanism which was, pursuant to the Council conclusions, established immediately.

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

The Council took note of the current state of play and of a new schedule for implementing the second generation of SIS (SIS II). In accordance with the schedule, migration from SIS1+ to SIS II is planned for September 2009.

This schedule will allow all sides (Schengen states, non-Schengen states and the Commission) to prepare their planning for the further development and start of the operations of the SIS II.

The schedule was afterwards adopted by the Council without discussion.

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

The Council has agreed upon a revised version of the proposal for a Council Decision 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.

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

The Committee on Civil Liberties, Justice and Home Affairs adopted the report drafted by Carlos COELHO (EPP-ED, PT) approving the draft Council Decision on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II).

Two amendments, adopted under the consultation procedure, concern the following points:

- the Commission shall submit by the end of every six-month period, and for the first time by the end of the first six-month period of 2009, a progress report to the European Parliament and the Council concerning the development of SIS II and migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II);
- the Decision should expire no later than 30 June 2010.

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

The European Parliament adopted, by 450 votes to 25 with 31 abstentions, a legislative resolution amending the draft Council Decision on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II). The report had been tabled for consideration in plenary by Carlos COELHO (EPP-ED, PT) on behalf of the Committee on Civil Liberties, Justice and Home Affairs.

The amendments, adopted under the consultation procedure, concern the following points:

- a new Article on reporting states that the Commission shall submit by the end of every six-month period, and for the first time by the end of the first six-month period of 2009, a progress report to the European Parliament and the Council concerning the development of SIS II and migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II);
- the Decision should expire no later than 30 June 2010.

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

PURPOSE: to establish the legal framework governing the migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II).

LEGISLATIVE ACT: Council Decision 2008/839/JHA on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II).

BACKGROUND: the Schengen Information System was established at the same time as the Schengen Convention (1990) as a compensatory tool for the gradual removal of border controls and an essential element for the free movement of persons in an area without internal borders, the Schengen area. Initially acting on an intergovernmental basis, SIS consists of an information exchange network to allow the Member States to obtain information on certain categories of persons and properties (mostly vehicles) and has gradually been integrated into the EU framework.

Operational since 1995, it quickly became necessary to develop the functionalities of SIS to enable it to use advanced technologies. As a result, as of 2001 the Council conferred on the Commission the task of developing a second generation Schengen Information System, or SIS II, through a specific legal framework ([Decision 2001/886/JHA](#) and [Regulation \(EC\) No 2424/2001](#)), and providing that expenditure for this development should stem from the general EU budget.

Whilst waiting for SIS II - which can take account of an enlarged Schengen geographical area - to be completed, the Council has prepared a transitory version capable of assuming the same functions of the future SIS II and based upon the original SIS, namely SIS 1+.

As this transition phase is coming to an end, the migration of SIS 1+ users to SIS II is now necessary. To enable this migration to take place, an interim architecture and test-run are essential, in order to ensure the uninterrupted functioning of SIS during the migration phase. This Decision makes provisions for this (as does the corresponding Regulation ? see below).

Following the migration, the legal framework of SIS II, which has been in place since 2006, will take over from the legal framework adopted here in [Regulation \(EC\) No 1987/2006](#) and [Council Decision 2007/533/JHA](#) on the establishment, the operation and the use of SIS II.

Specific legal character of the provision: the Decision is based on Article 30(1), points a) and b), Article 31(1), points a) and b), and Article 34(2), point c) of the TEU. Given that SIS II falls under the first and third pillars, a parallel Council Regulation based on Article 66 of the TEU complements this Decision.

CONTENT: in the framework of the migration from SIS 1+ to SIS II, this Decision defines the tasks and responsibilities of the Commission, France and other Member States participating in SIS 1+ in terms of:

- the maintenance and continuation of the development of SIS II;
- a comprehensive test of SIS II;
- a test on supplementary information and testing of a converter (a system to move from one system to another);
- the establishment and testing of a provisional migration architecture;
- the migration from SIS 1+ to SIS II.

Main activities: an interim SIS migration architecture shall be set up and a test of that architecture shall be performed by the Commission together with France (which ensures the technical support function of Central SIS II) and the other Member States participating in SIS 1+. The Commission and the Member States participating in SIS 1+ shall perform the migration from SIS 1+ to SIS II, whereas the Member States participating in SIS 1+ shall perform a test on the exchange of supplementary information. The comprehensive test shall be executed by the Member States participating in SIS 1+ and by the Commission. In this context, there are provisions to define the respective responsibilities of the Commission and the Member States in terms of supporting the implementation of the migration.

Costs: the costs arising from migration, the comprehensive test, the test on supplementary information, maintenance and development measures at Central SIS II level or concerning the communication infrastructure shall be borne by the general budget of the European Union. The costs arising from migration, testing, maintenance and development of the national systems shall be borne by each Member State concerned. The costs arising from activities at SIS 1+ level, including supplementary activities of France, acting on behalf of the Member States participating in SIS 1+, shall be borne in accordance with the Schengen Convention.

Comprehensive test: the Decision defines the different stages needed to carry out the comprehensive test as well as the responsibilities of the Member States and the Commission in this respect. There are also provisions for planning the test on supplementary information.

Interim migration architecture: the Decision provides for the establishment of an interim SIS migration architecture. It provides, in particular, the

technical terms for the migration from SIS 1+ to SIS II. The migration should take place by 30 September 2009.

The Decision also contains provisions to formalise cooperation between the Member States and the Commission with a view to implementing all the activities covered by the Decision. Lastly, a series of provisions focus on the necessary modifications to the Schengen Convention, alongside the adoption of this Decision. During the migration, provisions under Title IV of the Schengen Convention shall continue to apply to SIS.

Reports: the Commission shall submit to the European Parliament and the Council a twice-yearly report on the implementation of this Decision (and for the first time at the end of the first half of 2009).

Territorial provisions: the Decision shall apply to Iceland, Norway, Switzerland and Liechtenstein as countries associated with the Schengen acquis. It shall also apply to the United Kingdom and Ireland.

Entry into force and applicability: the Decision shall enter into force on 11 November 2008. In any case, it shall expire no later than 30 June 2010.

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

This progress report describes the work carried out by the Commission in the first 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 second generation Schengen Information System (SIS II).

This report also constitutes a test status report.

Project status: an analysis and repair period for SIS II was conducted between January and April 2009. This process was triggered by a failure of the main development contractor to pass the Operational Systems Test (OST) in December 2008. During the analysis and repair period a large number of known issues and bugs were repaired and an in-depth technical architecture review was performed. Solutions were either designed or implemented, leaving nonetheless a few issues pending. In parallel and in the framework of the Council an alternative technical scenario for developing SIS II based on SIS 1+, known as "SIS 1+ renewal and evolution" (SIS 1+ RE), was explored as a contingency plan.

The Council on 26-27 February requested that the Presidency and the Commission, in close cooperation with the SIS II Task Force, and in consultation with the appropriate instances, submit as soon as possible, but at the latest by May, a report containing an in-depth assessment and comparison of both scenarios. The report in question concluded that both the current project and the alternative SIS 1+ RE scenario are, under certain conditions, technically feasible and have the potential to realise the objectives of SIS II set out in the legal framework governing its establishment, operation and use.

Based on this report, the Council concluded on 4-5 June that the development of SIS II will continue on the basis of the current SIS II project and that SIS 1+ RE will be retained as the contingency plan for a period necessary to back the project. The Council also agreed to two project milestones. The aim of these milestones is 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 first milestone is scheduled to occur after the performance tests of the system, foreseen for the fourth quarter of 2009. The second milestone is to take place, at the earliest, in summer 2010, after the implementation of central system functional testing. The alternative solution will be kept as a contingency plan until the tests defined in the milestones are accomplished.

Testing: before January 2009, the list of pending bugs was above an acceptable level. The software version deployed in March achieved the correction of most bugs leaving only a small number of bugs assigned to central SIS II, the majority of the latter being resolved in a later software version installed and tested in May. By the end of the period, to a point where significant progress had been made on all issues, it was clearly identified how much time and money would be needed to finalize the entire project. This process provided the Commission with an estimate of the time and financial means needed to complete the project.

Management and financial implications: to date, the total budgetary commitments made by the Commission on the SIS II project amount to approximately EUR 72.5 million. Of this amount, around EUR 41 million had actually been spent at the end of June 2009. Approximately EUR 7.1 million was paid, primarily for the network (EUR 3.3 million) and monthly recurring costs. In addition, about EUR 4.8 million had been committed (i.e. 12% of the total appropriations for SIS II activities provided in the 2009 General Budget). This lower-than-forecast figure represents the fact that the ordering of new services and products was postponed pending the resolution of technical problems encountered in the development and new Council orientations for the project.

Main conclusions: the various intensive testing and in-depth analysis processes performed during the analysis and repair period led to the resolution of a large number of known issues and bugs. A few issues are however still pending. Furthermore, the in-depth architecture review performed between March and April 2009 established that the SIS II architecture and overall conception were sound, although improvable.

The Conclusions of the 4- 5 June JHA Council provide orientations for the future of the SIS II project and support the continuation of the current technical solution for SIS II. They also set out the technical milestones for testing this solution in stages, whilst prudently keeping a contingency plan in reserve.

The Commission intends to introduce an optimal collaborative project management structure to reflect the stage which the project has reached. This development will allow Member State experts to be even more closely associated with project management for SIS II.

The necessary elements to add new impetus to the SIS II project have therefore been put in place. Still, SIS II remains a challenging project which is not exempt from significant risks. In this regard, the first milestone test, scheduled for the fourth quarter of 2009, will be a crucial step to probe the viability of the technical solution under development.

Next steps: the Council Conclusions of 4-5 June invited the Commission to, ?table and immediately implement an enhanced IT management structure and approach for the SIS II project?. Under these circumstances, the following measures are foreseen:

- testing: the first milestone tests are scheduled for the fourth quarter of 2009. Preparatory work has started accordingly. To fulfil the

requirements laid down in the Council Conclusions of 4-5 June 2009, the first milestone tests will involve eight Member States, three of which will act as back-ups. The tests run since April 2008 highlighted some shortcomings in the current test plan. To address this problem, the Commission will design, together with experts from the Member States and other users, a new test plan based on a global approach to testing, which would guarantee full involvement of Member States and users. This directly reflects the desired new management approach for the project as a whole. Such a global approach is expected to both enhance the relevance of the tests and to speed up the test phases;

- global test preparations (GT): the aim of the Global Test (GT) is to demonstrate that the central SIS II, the communication infrastructure and the interactions between central SIS II and the national systems (N.SIS II) work in accordance with the technical and functional requirements set out in the SIS II legal instruments. The tests will also demonstrate that the central SIS II, the communication infrastructure and the interactions between the central SIS II and the national systems (N.SIS II) can work in accordance with non-functional requirements such as robustness, availability and performance. Technical discussions are under way as to how the test results can best be evaluated;
- migration development: the development of the converter for migration will continue during the next reporting period. Some test activities should also start during this next period;
- security and data protection: bilateral meetings between European Data Protection Supervisor staff and the Commission services continue to take place on a regular basis to discuss issues related to SIS II.

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

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 from July to December 2009. 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 second generation Schengen Information System (SIS II).

This report also constitutes a test status report.

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 resolutive 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.

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

In accordance with Council Regulation (EC) No 1104/2008 and Council Decision 2008/839/JHA on migration from the Schengen Information System (SIS 1+) to the SIS II, this progress report describes the work carried out in the second semester of 2010, concerning the development of the second generation Schengen Information System (SIS II) and preparations for migration from SIS 1+ to SIS II.

The report states that, following a period of almost two years of technical difficulties, the Conclusions adopted at the JHA Council of 7-8 October 2010 provided a clear, realistic and widely-shared roadmap for the SIS II project's finalisation. Thanks to the joint efforts of all stakeholders, the significant technical and political uncertainties over the future of the SIS II project that characterised the beginning of 2010 have progressively been addressed in the course of the year. This intensive work culminated with the successful outcome of the first milestone test, the consensual definition of final requirements for the system to go live and the conclusion of the corresponding contractual framework. These positive developments all contributed to bringing the SIS II project back on track with a clear and shared vision on the remaining phases of the project, as well as a realistic schedule and an adequate budgetary plan to complete the work outstanding. Closing a

parenthesis of almost two years of difficulties, this new momentum provides a framework within which all stakeholders will need to make the necessary efforts to ensure the finalisation of the SIS II project.

Contractual framework for finalising the project: on 15 September 2010, the Commission and the main development contractor reached agreement on the contractual framework for finalising the project. The main features of this agreement are the following:

- Technical requirements: the Commission and the contractor agreed on all definitive requirements for the SIS II system to go live, in full compliance with the consensus reached with Member States' experts. One of the chief upgraded features of the system concerns its capacity, which is about five times bigger than originally envisaged (from 15-22 million alerts in the initial contract to 70-100 million alerts now required). The high performance requirements of the system have been maintained, so as to meet all the operational needs of its future end-users. It is important to note that the core obligations stemming from the SIS II legal instruments remained unaffected by the revised requirements.
- Schedule: the global schedule, announced to the June 2010 Council, was confirmed and became an integral part of the contract. The further development and extensive testing of SIS II will be carried out over a period of 30 months. The system will thus be ready for entry into operation during the first quarter of 2013. The short term focus, which will last until the second quarter of 2011, will be the adaptation of both the central and national systems to the updated requirements. To that purpose, a new Interface Control document (ICD), which is the basic technical reference document for the development of the central and national components of the SIS II, was issued in October and the hardware upgrade was delivered to the main and back-up sites at the end of the year. The subsequent phase will be devoted to testing activities to ascertain the proper functioning of SIS II as a whole. This will take approximately one year and will culminate in the second milestone test in 2012. The final phases of the project will consist of the 'comprehensive test' (a test campaign provided for in the SIS II legal instruments) and the actual data migration. The entry into operation of the system is to take place during the first quarter of 2013.
- Budget: the budget of the negotiated procedure for completing the development and testing of SIS II was set at EUR 34.95 million. More specifically, out of the EUR 34.95 million, EUR 22.02 million was allocated to development (including testing and migration) and EUR 12.93 to hardware upgrades (justified by the system's increased capacity and the need for additional testing environments that allow development and testing tasks to be carried out in parallel). Development costs are in line with the budget estimated in the Commission comparative report of June 2009 (EUR 21.74 million, without hardware upgrade). Global costs will be kept within the budgetary envelope agreed for SIS II until 2013.
- Preparations for migration: in order to successfully perform the migration from SIS 1+ to SIS II an interim migration architecture will be

put in place. Due to the period of technical and political discussion over the SIS II project, which lasted from the failure of the operational system tests in December 2008 until the successful first milestone test in March 2010, migration activities were placed, to a certain degree, on hold. With the clarity gained during the second half of 2010 these activities regained their position of importance. All the previous work on migration has been reviewed to align it with the refined requirements.

Financial implications: by the end of the reporting period the total budgetary commitments made by the Commission on the SIS II project, since 2002, amounted to EUR 133 170 429. 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, communication and experts' mission expenses. Of this amount, EUR 68 152 710 had actually been paid between 2002 and the end of December 2010. The main expenditure items were development (EUR 33 435 295), the network (EUR 20 371 388) and support and quality assurance (EUR 8 124 387).

European Parliament: the Commission continued to keep the European Parliament closely informed on the state of play on SIS II on the basis of correct, verifiable and up-to-date facts and data. The announcements by the Committee on Budgets to hold funds allocated to the migration to the SIS II in reserve pending successful testing and a comprehensive audit, were followed up during the 2011 budget procedure. On 15 December, the European Parliament put the appropriations for SIS II in the reserve for the 2011 budget. Parliament set out the conditions for lifting the reserve: (i) the presentation by the Commission of a concrete and realistic schedule for the further development of the SIS II, as well as an overview of the budgetary implications; and (ii) full access to the service contract signed between the Commission and the service provider for the development of the SIS II system to both the Parliament and the Council. The report notes that two thirds of appropriations for both commitments and payments have been released in January 2011.

In order to satisfy the first condition described above, the Commission provided, in November, a detailed overview of progress to members of relevant Parliamentary Committees in the context of a technical briefing. Extensive budgetary information, covering both past and future budgetary commitments and payments, was circulated by the Commission. Furthermore, the Commission expressed its readiness to share the requested contractual information in a confidential environment (to protect the contractor's legitimate business interests). This meeting also offered the opportunity for discussing practical ways of handling the budgetary issue, ensuring that Parliament could demonstrate its role of control and overview without impeding progress on the project and the processing of invoices.

Further meetings with MEPs regularly took place, a letter was sent by Commissioner Malmström to the Chairman of the LIBE Committee of the European Parliament (and to rapporteurs) on the main outcomes of the October JHA Council. The report on the schedule and budgetary plan was forwarded to the chairs of both LIBE and BUDG committees, and presentations on the state of play of SIS II have been made in the LIBE Committee.

Priorities for the next reporting period: the initial focus, which will last until the second quarter of 2011, will be the upgrading of both the central and national systems to comply with the updated requirements. The subsequent phase will be devoted to testing activities to ascertain the proper functioning of the SIS II as a whole. This will take approximately one year and will culminate in the second milestone test in the first quarter of 2012. The final phases of the project will consist of the 'comprehensive test' (a test campaign set out in the SIS II legal instruments) and the actual data migration. The entry into operation of the system is to take place during the first quarter of 2013.

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

In accordance with the requirements 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, the Commission presents a progress report describing the work carried out in the first semester of 2012, concerning the development of the second generation Schengen Information System (SIS II) and preparations for migration from SIS 1+ to SIS II.

Overview of progress during the period under review: following the testing of the national and central systems' components in the previous semester, the focus of activity concentrated in the first half of 2012 on intensive testing of the central system and its increasing interaction with the national systems. The preparations for the final stages of the project, namely the completion of the Comprehensive test and the actual migration of data, advanced considerably during the reporting period.

The successful result of the second Milestone test executed between 2 and 7 May by the Commission, involving eleven Member States, proved the maturity of the Central System and demonstrates the progress achieved in the implementation of the project.

Adherence to the global schedule has been safeguarded, notwithstanding challenges stemming from demanding testing activities carried out in parallel both at central and national level:

- several Member States took advantage of the extended schedule to complete their Compliance tests - extended (CTE) national campaigns. As the successful completion of this testing phase constitutes to be a prerequisite for participating in the Comprehensive test, the remaining issues at national level have been progressively dealt with by Member States and the Commission as a matter of urgency;
- the unavailability of qualified and validated SIS 1+ test tools that France was due to deliver impacted the tests at the central level, in particular the preparation of the second Milestone test. The related risk of delay to the overall schedule was averted, after due consultation with the Member States, through the use of the SIS II test tools. These latter tools, already foreseen for use during the Milestone 2 test, were fully qualified and validated in full transparency towards the Member States. The availability of one of the two SIS 1+ test tools was eventually achieved within the framework and for the purpose of the Comprehensive test;
- upon the confirmation of the unavailability of the originally foreseen principal test manager (i.e. the Member States' SIS 1 contractor), an expert from one of the Member States took over this role after being appointed by the appropriate Council working party. Following an invitation from the Presidency, the Commission undertook to implement a contractual solution to provide technical support to the Member States' test manager.

Such challenges required close cooperation between the Commission, the experts from the Member States within the Global Programme Management Board (GPMB) and the SIS-VIS Committee. Overall, the generally constructive approach of the stakeholders ensured that the

project remained on track, in terms of time and budget.

The second Milestone test (M2): the highlight of the reporting period was the execution of the second Milestone test. This test was the second extra checkpoint included in the testing schedule of the project at the request of the JHA Council in June 2009. In essence, the second Milestone test demonstrated the stability of the SIS II Central system under operational conditions. The Milestone's objective (i.e. to prove the stability, reliability and performance of the Central System) was met. The entry, execution and exit conditions were satisfied. All twelve success criteria were passed.

SIS II budget: by the end of the reporting period, the total budgetary commitments made by the Commission on the SIS II project since 2002, amounted to EUR 149 811 765. 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, communication and experts' mission expenses.

Of this amount, EUR 109 899 337 had actually been paid between 2002 and the end of June 2012. The main expenditure items were development (EUR 62 364 845), the network (EUR 27 379 985), support and quality assurance (EUR 11 207 827) and preparation for operational management in Strasbourg and Sankt Johann im Pongau (EUR 7 279 228).

Additional financing for Member States' national development: in order to support the completion of national projects development through the European External Borders Fund (EBF) a significant reallocation of resources towards SIS II national projects was undertaken within the framework of the 2011 programming for the EBF. The Community Actions part of the EBF has been made available to eight Member States with constraints to accommodate their extra needs in their annual programmes for 2011.

These projects commenced at the end of 2011 and are due to be completed in the late summer or early autumn of 2012.

European Parliament: part of the appropriations for the SIS II project in the EU General Budget is held in reserve by the European Parliament. The Commission keeps the European Parliament informed on the state of play of SIS II. In addition to fulfilling the reporting obligations stemming from the SIS II legal instruments by means of the SIS II Progress Report¹⁰, in line with the Council Conclusions of 5 June 2009, the Commission provided on various occasions the European Parliament representatives with updated information on financial, contractual and scheduling matters and the status of the project. The Commission responded to a parliamentary question on SIS II related matters.

Risk management: the Commission closely monitors the risks in the SIS II project with the support of its Quality Assurance contractor. For each identified risk, a mitigation plan is established specifying the mitigation measures to be taken to manage the risk. The list of identified risks is being kept up to date every week and is presented to and discussed with the Global Programme Management Board on a monthly basis.

The main risks during the reporting period were the following:

- the delays in the Compliance Tests Extended (CTE);
- the (un)availability of a fully qualified SFR tool;
- the resource shortages at C.SIS side;
- the limited time remaining for contingency in the migration schedule;
- the possible delay of the migration legal instrument recast.

During the next reporting period, July to December 2012, there will be seven principal areas of activity:

- the finalisation of CTE testing at national level;
- the completion of the Comprehensive test;
- the adoption of the SIS II migration instruments recast;
- the non-functional Converter System Solution Test 2 (SST2);
- the SIRENE functional tests;
- the limited and global migration rehearsal;
- the adoption of a Commission Implementing Decision on the SIRENE Manual and other implementing measures for SIS II.

The intensive preparations for the last major testing rounds and subsequent data migration have culminated with the validation of the second Milestone test and the start of the comprehensive test. All challenges encountered during these final testing phases of the project were addressed successfully, thanks to the over-riding cooperative approach between Member States and the Commission, allowing the SIS II project to remain on track for the planned go-live in the first quarter of 2013. With considerable progress achieved in terms of maturity of the system, the ground has been prepared for three key actions to be taken during the rest of 2012 in order to prepare for the migration between SIS1+ and SIS II. These are the completion of the comprehensive test, the SIRENE Functional test and the adoption of the migration instruments.

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

In accordance with Council Regulation (EC) No 1104/2008 and Council Decision 2008/839/JHA, the Commission presents a progress report describing the work carried out in the second semester of 2012, concerning the development of the second generation Schengen Information System (SIS II) and preparations for migration from SIS 1+ to SIS II.

Overview of progress during the period under review: the report states that considerable progress has been made in the development of the central system and in that of the majority of national systems. As a result, almost all the technical preparatory steps leading up to the actual migration of data were finalised in this reporting period. The paper describes the problems encountered. It notes that Finland announced

delays in its national SIS II project, stating that its national system would not be ready before February 2013, but a mitigation solution has been found that relies on the temporary installation by Finland of an existing and proven technical solution, known under the acronym SIB.

The European Parliament has lifted the reserve of part of the credits for the SIS II project in the 2012 EU General Budget.

The second Milestone test (M2): the M2, executed in May 2012, proved the stability, reliability and performance of the Central System under operational conditions.

The Comprehensive test: the SIS II Central System demonstrated good and stable performance throughout the Comprehensive test. At national level, about half of the Member States had to rerun the Comprehensive test either fully or partially and with few exceptions they managed to do that successfully within the contingency period. Eventually, 25 Member States passed the Comprehensive test, although six test rounds instead of four were needed to reach this result. Two Member States (Poland and Switzerland) remained to rerun one test case and another two (Denmark and Finland) needed to rerun the entire test phase. The expected completion of the Comprehensive test, at the start of 2013, will mark an end to the series of test campaigns aiming at reaching the maturity of the entire system.

Migration from SIS 1+ to SIS II: the report recalls that the Commission proposed in May 2012 an amendment to the legal framework governing the actual data migration (the migration instruments) (please refer to [NLE/2012/0033A](#) and [NLE/2012/0033B](#)), and the recast entered into force on 30 December 2012, thus securing the legal framework for a technically optimised migration process and a possibility of extra financial support to the national projects in relation to migration activities.

With regard to technical preparations, the report notes that the converter was successfully tested against both SIS1+ and SIS II and the interoperability tests were completed on 11 December 2012, ahead of schedule. The Commission continued working closely with the Member States in writing the Migration Manual.

SIS II budget: by the end of the reporting period, the total budgetary commitments made by the Commission on the SIS II project since 2002, amounted to EUR 167 632 518. Of this amount, EUR 128 372 295 had actually been paid between 2002 and the end of December 2012. The main expenditure items were development (EUR 70 792 838), the network (EUR 30 375 617), support and quality assurance (EUR 12 612 386) and preparation for operational management in Strasbourg and Sankt Johann im Pongau (EUR 9 309 334).

Additional financing for Member States' national development: the Community Actions part of the [European External Borders Fund](#) (EBF) has been made available to eight Member States. Most projects have been completed by the end of 2012.

Furthermore, the Commission has made all the necessary arrangements to launch a call for proposal allowing Member States to apply for the additional contributions under the recast migration instruments at the beginning of 2013. In total, EUR 13 million has been made available and EUR 715 000 has been fixed as upper limit per Member State (to be co-financed 25 % from national resources).

Accordingly, the SIS II project is now about to reach its final stage, which is the actual migration of data between SIS 1+ and SIS II. The timely transition to SIS II, including the adoption of a decision on the switchover date, represents the over-riding priority for the following reporting period (January June 2013).

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

This report presented to the European Parliament and the Council 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 as recast (so called migration instruments). This is the last report of this kind and it describes the work carried out from January 2013 until May 2013 concerning the development of the second generation Schengen Information System (SIS II) and the migration from SIS 1+ to SIS II.

Overview of progress during the period under review: building on the steady progress made in the development of the central system and the national systems, all the preparatory steps leading up to the actual migration of data from SIS1+ to SIS II were finalised during this reporting period. The migration process was successfully completed with the switch-over to the new system on 9 April 2013 and the smooth operation of the system during the subsequent intensive monitoring period.

Testing activities: as a follow up to the series of tests executed in the course of 2012 in order to ascertain the proper functioning, performance and interaction of the national systems and the central system, a handful of Member States, due to insufficient results in some of the tests, executed the remaining necessary re-runs in January 2013. Finland faced a major technical set-back in the development of its national system and opted for a plan B based on an alternative technical solution.

Comprehensive test: the Comprehensive test represented both a technical and a legal precondition for the SIS II entry into operation³ and therefore involved the testing of all the key SIS II components the Central System, all the national systems and the network. The majority of the Member States had already completed this final testing campaign successfully in the second half of 2012 as originally scheduled. However, due to problems faced at national level by five Member States, additional re-runs beyond the dedicated timeslot were necessary. Eventually, all the Member States concerned managed to pass the remaining re-runs in the second week of January 2013. The SIS II Central System as well as the communication infrastructure demonstrated good, stable performance throughout these reruns of the Comprehensive test.

Migration from SIS 1+ to SIS II: the report recalls that the Commission proposed to amend the legal framework concerning the migration of information (migration instruments ([2012/0033A \(NLE\)](#) and [2012/0033B \(NLE\)](#)). The legal framework established for the final stage of the SIS II project was consolidated at the end of the previous reporting period by the recast of the migration instruments applicable as of 30 December 2012. This ensured a legally sound and technically optimised migration process and a possibility of extra financial support to the national projects in relation to migration activities.

Following the completion of the SIRENE functional test, the Commission declared the successful completion of a comprehensive test of SIS II, which shall be conducted by the Commission together with the Member States, and the preparatory bodies of the Council validated the proposed test result and confirmed that the level of performance of SIS II is at least equivalent to that achieved with SIS 1+ and that the

Working Party on Schengen Matters on 6 February 2013 declared, with the Commission, that the objectives of the comprehensive test had been met. All prerequisites stipulated by the SIS II legal basis being met, the Justice and Home Affairs Council of March 2013 adopted two Council Decisions fixing the date of application of the SIS II legal basis for 9 April 2013, meaning in practice the SIS II go-live date.

Switch-over from SIS 1 to SIS II: between 28 March and 9 April, the SIS 1+ and SIS II system, including all national copies, were kept perfectly synchronised: any new SIS 1+ message would update the SIS 1+ central database, be converted, then update the SIS II database and the national copies.

Portugal was the first Member State being ready to send a SIS II alert at 10:51 local time, more than one hour ahead of schedule. At that very moment, the SIS II legal basis entered into force.

SIS II budget: by the end of June 2013, the total budgetary commitments made by the Commission on the SIS II project since 2002, amounted to EUR 171.2 million. Of this amount, EUR 136.5 million had actually been paid between 2002 and the end of June 2013. The main expenditure items were development, the network, support and quality assurance and preparation for operational management in Strasbourg and Sankt Johann im Pongau.

Additional financing for Member States' national development: the national development projects of the last eight Member States in need of extra cofinancing through the European External Borders Fund (EBF) were completed in this reporting period. In addition, the Commission has made available a further sum of EUR 13 million with an upper limit of EUR 715 000 per Member State (to be co-financed 25 % from national resources). Finally, nine Member States were granted a financial facility for their migration related activities for a total maximum amount of EUR 4 million.

Future priorities: following the SIS II entry into operation, the core priority is to keep it fully operational, in particular by treating the SIRENE offices as a high priority, both in terms of adequate staffing and appropriate technical support and ensuring the resilience of the SIS II to potential security breaches.

Conclusions of the different implementing reports since 2009: the SIS is at the heart of Schengen cooperation. Being a state-of-the-art IT system, SIS II is a key tool for the functioning of the Schengen area in terms of security and free movement of persons.

It overall development was undeniably very demanding. Building such complex system whilst meeting the high expectations of its users and satisfying evolving requirements proved to be both technically and politically very challenging and consequently more time-consuming than initially foreseen.

Despite various challenges the SIS II project remained henceforth on track both time-wise and budget-wise. The successful performance of the two Milestone tests confirmed the robustness and performance of the Central System as well as the underlying key architectural and technical choices. This was then followed by the final phases of testing and the actual migration of data from SIS 1 to SIS II, all of which were completed successfully.

Accordingly, the SIS II was accomplished in this reporting period and entered into operation on 9 April 2013 and has since been functioning smoothly.