COUNCIL OF
THE EUROPEAN UNION

Brussels, 1 September 2006

12379/06

LIMITE

SIRIS 158
COMIX 710

NOTE

From:	Commission delegation
To:	SIS/SIRENE Working Group/Mixed Committee (EU-Iceland/Norway/Switzerland)
	Ad hoc high-level group on the SIS II
Subject :	Global rescheduling of the SIS II

Delegations will find annexed a Commission staff working paper on the subject mentioned above.

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Global SIS II rescheduling

Commission staff working paper

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Background

The Commission was mandated with the technical development of the second generation Schengen Information System (SIS II) from 1 January 2002 by a Regulation and a Decision of the JHA Council of 6 December 2001.[1] The technical limitations of the existing SIS gave rise to the need for the SIS II in order to facilitate the extension of the Schengen area of free movement in the EU to the Member States that joined in May 2004. It was also considered important to develop new functionalities and to take advantage of better technology to improve the EU's capacity to pursue its policies on free movement and the fight against crime.

The functional requirements for the SIS II were defined in the Council Conclusions of 5-6 June 2003 and 14 June 2004. On this basis and following a feasibility study the Commission proceeded to issue a call for tender and the award of a contract for the development of the SIS II. The contract was signed in October 2004 with a consortium comprised of Steria France and HP Belgium as the main development contractor.

The start of operations for the SIS II was planned for 2007 in line with the Hague Programme in order to facilitate the lifting of internal border controls with the Member States that acceded to the EU on 1 May 2004 consistent with the Schengen evaluation process.

Current status

The Commission has reported regularly on the state of play of the project to the SIS II Committee and within the Council framework up to the level of the JHA Council. The current issues facing the project are, therefore, well known to the Member States and the associated States. At recent meetings of the SIS II Committee (1 June 2006), the Article 36 Committee (8 June 2006) and in the margins of the JHA Council of 24 July, the Commission reported the inevitability of a delay arising in the start of operations of the SIS II and the potential for an impact of this delay on the target for lifting internal border controls with the recently acceded EU Member States. The reasons for the delay are threefold: the margins for delay built into the global project schedule have been exhausted, site preparation was delayed and adoption of the legal basis was also delayed.

Following the award of the contract for the development of the SIS II a disappointed bidder in the process sought and obtained a suspension of the contract award in the Court of First Instance in

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[1] Council Regulation (EC) 2424/2001 of 6 December 2001 relating to the development of the second generation Schengen information system (SIS II) (OJ L328, 13.12.2001, p. 4.) and the Council Decision 2001/886/JAI of 6 December 2001 concerning the development of the second generation Schengen information system (SIS II) (OJ L328, 13.12.2001, p. 1.).

November 2004. This suspension obliged the Commission to cease development work with the main development contractor. The suspension was only lifted three months later allowing the work to continue.

A delay was also experienced in the process of awarding the call for tender for a communications network (s-Testa network services) for the SIS II. When the award was finally made in December 2005 a disappointed bidder sought and obtained a suspension of the contract award in the Court of First Instance in January 2006. In order to avoid a lengthy court process the Commission withdrew the original call for tender and issued a new call for tender, aiming now to have the operational network in place in May 2007.

An essential element of the system development is establishing the functionalities. A political orientation had been given by the Council in its conclusions of 5-6 June 2003 and 14 June 2004 but needed to be translated in legal instruments both in the first and the third pillar. The discussions in the Council framework have led to some adaptations as regards the functionalities. In addition, the European Parliament has an important role to play in the legislative process.

It had been intended to have the legal instruments adopted by June 2006 but this has not proved possible. Even if significant progress has been made in the preparation of the SIS II legal instruments, negotiations are still ongoing within the Council framework and with the European Parliament. Therefore, it has not been possible to be definitive as yet on the final functionalities to be set out in the Interface Control Document (ICD) and the Detailed Functional Specifications (DTS). The SIS II functionalities are translated into technical design instructions in the SIS II ICD and DTS. The development of the ICD and the DTS by the main development contractor has also experienced delays. However, unless it can be agreed to work on the basis of currently known requirements, it will be necessary to postpone continuation of development work until such time as the legal instruments are adopted.

The cumulative effect of these various elements was to exhaust the margins for delay that had been built into the Commission's project planning with the result that there remained no further room for manoeuvre.

In line with the conclusions of the Council it is intended to host the central unit of the SIS II in Strasbourg at the C.SIS site for the development phase. Installation of the SIS II equipment at the site was due to have begun in early June at the latest in order to keep to the project schedule and, therefore, allow the system to become operational in March 2007. Despite intensive efforts on the part of the French authorities and Commission services to address financing aspects for essential works at the site, the necessary works were postponed and only commenced in early June. The planning elaborated by the French authorities for these works indicate that the site will be ready on

22 September at the latest, about 17 weeks beyond the schedule envisaged initially. This delay is one element among others that had the potential to set back the project schedule.

An additional aspect to consider is the provisions in the proposed SIS II Regulation on the entry into force of the system and validation of the test result. This requires two Council interventions: 1) the relevant Council working groups would validate the SIS II test result and 2) following this there would be a Council Decision (of the 15 current users of the SIS I+) on migration. This dual process will add an unknown time period.

The way forward

Building on the discussions that have taken place to date in the various fora concerned with the SIS II, three fundamental options going forward were identified.

Option 1: Implement SISI++

In parallel with the SIS II development, this option would entail rolling out an updated version of the SIS I+ which would enable new users to connect to it, although it would have limitations as to functionalities. This would be a temporary approach until the SIS II is available with its added scalability and flexibility features.

It might have budgetary and resources impact on the national projects especially in the new Member States, who are preparing for SIS II and would likely have to re-launch their calls for tender. Furthermore, funding of this option is not foreseen in the budget of the European Union and the costs would have to be borne out of Member States' budgets.

There would also be a time delay in order for C.SIS to carry out the upgrade of SIS I+ to SIS I++. The possible timeframe for such a scenario is likely to exceed even a delayed implementation of SIS II.

In the current circumstances this option would not appear to be advantageous. Given the scope of the impacts involved in this option a feasibility study would be essential. Any decision on carrying out such a feasibility study is a matter for the Member States.

Option 2: Run SIS I+ and SIS II at the same time

This option would involve the creation of a live link between SIS I+ and SIS II and running both systems at the same time (current users on SIS I+/new users on SIS II).

The main advantage is that the risk of a current user not being ready on time would be avoided.

Technically, it would raise significant challenges, particularly with the use of the adapter and consequent technical dependencies. This option would entail entering into largely uncharted

territory and would, therefore, require a feasibility study.

From a legal point of view, this option would endanger the adoption of the SIS II legal instruments as it would imply to define a new (very complex) legal regime allowing operating both systems simultaneously.

It is impossible to predict the exact impact of this option in terms of delay but the combined legal and technical difficulties would point to it being very significant. Given these factors the overall benefits offered by this option are hard to see.

Option 3: Continue with the development of SIS II

Commission services concentrated their efforts on the evaluation of this option. The purpose of the exercise, carried out in consultation with the experts from the Member States and associated States, was to reduce to the maximum extent the delay in bringing the SIS II into operation, keeping in mind the need to provide a functional and efficient quality system.

Although Commission services would prefer Option 3, none of the options is excluded at this time. However, many questions would need to be addressed with regard to options 1 and 2. Further investigation of these options would require at least 3 months of study (e.g. requesting and carrying out a feasibility study on their technical aspects). Therefore, only option 3 is developed in this paper.

Prerequisites for continuation with the development of SIS II

There are a number of prerequisite conditions which are fundamental to ensuring that a realistic rescheduling can be made:

- Commitment by stakeholders – all stakeholders must commit to and adhere to the revised schedule in order to have any chance of achieving it.
- The timely provision of the SIS II communication networks for test and operational purposes.
- Site readiness – availability of a central operating location for the SIS II in September 2006 and for the back-up central CS-SIS by end-November 2006.
- Availability of the SIS I+ test data for migration activities of SIS II by September 2006.
- Stability in the functionalities – it is absolutely essential to establish a baseline for the SIS II functionalities and stability on technical specifications as soon as possible. This requires an agreement on the SIS II legal instruments by the end of September.

The first four prerequisites are self-explanatory; the last requirement is set out in more detail below.

Prerequisite: Stability in functional requirements

The development of the central parts of SIS II is being finalised but, in parallel, discussions on functionalities are still taking place in the European Parliament and Council. Without establishing a

baseline for requirements neither the Member States nor the Commission is in a position to proceed with development.

It is essential that a baseline is established by Commission services and the main development contractor at the earliest possible date, on the basis of the functionalities as currently known, the SIS II legal instruments and the input of the Member States experts to the development of the system design documents.

In order to facilitate this approach, Commission services have developed a "feature list" which will set out the functional requirements that will be included in the ICD and DTS. This was produced in August 2006 and sent to the Member States for consideration by the National Project Managers at the end of August for finalisation as soon as possible thereafter.

The "feature list" will be used as a means to verify that the next release of the ICD and DTS addresses the range of issues which are currently required, including features resulting from Member States comments on the design. This approach will allow Commission services and the Member States to arrive at stable versions of the ICD and DTS.

After this baseline has been established, only modifications resulting from the SIS II legal instruments will be made to the specifications, via the agreed change request procedure. However, if needed, the system can be adapted to include other features after SIS II has gone live.

In addition, Commission services in consultation with Member States' experts are developing an additional procedure to fix errors and discrepancies between ICD releases and providing this information in the form of updates to the Member States.

The schedule set out in Section 7 is based on this process for establishing a baseline in the functional requirements for the development period.

Should it not be possible to finalise the functional requirements in particular on the basis of agreed SIS II legal instruments, it would have serious consequences for the project: it would be impossible to predict a realistic timeline for project completion; costs for the Community budget and the Member States would be increased given the longer project development time.

Actions being implemented by Commission services

There are certain actions which can already be taken or planned by Commission services in order to mitigate delays to the greatest possible extent, to improve the testing arrangements for the Member States and to better focus limited resources.

Start testing with Testa-II and ENS networks

Some limited testing can be started before the s-Testa network becomes available using the Testa-II and ENS networks which will be available from October 2006.

Provision of extra test environment and test tools to MS

Member States will be provided with an additional test environment and compliance tests to test their national system against the central system prior to the commencement of formal tests. This has the potential to speed up the time required for testing and will help to ensure that Member States can meet test deadlines. Although this implies extra costs for the Community budget, it will be offset by reduced costs for the Member States.

With the project now moving into its second phase (system development) Commission services, as had been the original intention, will now further reinforce the monitoring of the development by the establishment of a specific development monitoring mechanism.

The key indicators for the monitoring activities will relate to the following:

- <u>Delivery process</u> (whether deliveries are made on time; whether a delivery will not need more than two review cycles from the Support and Quality Assurance Contractor (one for fine-tuning, one for acceptance).

- <u>Communication</u> (whether agreements and actions are executed on time and with expected results. Measurement of this will be done through the management of action lists (maintained via a standardised method, such as an extranet tool).

- <u>Change control</u> (whether all changes that are brought about are done so by following the proper procedures).

- <u>Change request formulation</u> (whether the submitted Change request is clear and does not give rise to discussions (other than scope, which means it must be escalated).

- <u>Risk and Issue management and control</u> (whether risks and issues are reported and followed-up in such a way that no event happening to the project will lead to a situation that was not in some way anticipated).

- <u>Resource planning</u> (whether agreed tasks are executed on time and with the expected results).

- <u>Schedule monitoring</u> (whether there is slippage of the schedule; whether every milestone that is on the schedule or contractual is on time).

<u>Improvement of project management documentation and communication</u>

Global reporting on the project and communication will be stepped up for all activities. COM will set in place a forum where MS, Commission and contractors can exchange ideas, questions, scenario's etc. On top of this COM will provide a development monitoring and issue tracking infrastructure that allows a real time reporting of the progress of the development, the issues management and the quality of the development through a continuous build and control process.

Changes made in technical documents will be documented following a change management procedure that has been agreed with the Member States.

Depending on the availability of Commission's resources, more frequent communication on activities made at central level will be done in the form of a bi-weekly or monthly newsletter and an increase of the bilateral contacts between Member States and Commission services.

Further options

In the course of discussions with the national project experts many possible options and actions aimed at reducing the delay in the project schedule were suggested and considered. In addition to what has been outlined above in the primary options and the actions already being taken and planned, the following are also put forward for consideration.

<u>Simplify Council validation procedures at the end of tests</u>

Simplification of the Council validation procedures at the end of the testing phase would allow time to be gained in the schedule. It could consist in providing for one Council decision with a target date for migration on condition that a) Commission services have declared successful completion of a comprehensive test of the SIS II central part and on the national part based on the Member States' notifications and b) the Council's preparatory bodies have validated the SIS II test results. This option should be carefully analysed from a legal and procedural point of view.

In addition, in order to facilitate the validation procedure, the same criteria should be used by the Commission and the preparatory bodies of the Council to validate the test results.

<u>Member States to allocate extra staff resources to the Commission's SIS II team from September 2006 to end PSAT</u>

Further to an earlier request to the Member States made in July 2005 to the SIS-TECH, CATS and SCIFA, the Commission invites Member States to share their expertise and to allocate, on a temporary basis, resources to Commission services to work on the SIRENE manual and SIRENE functionality testing and to assist in overall test coordination.

<u>Project coordination</u>

In order to underpin the implementation efforts in the Member States the SIS II Ad hoc high level group could introduce co-ordination measures across the national projects. All delegations feel the need for co-ordination measures across all SIS II related projects.

<u>New schedule</u>

The postponement of the works at the Strasbourg site and the unfortunately incorrect assumption of having the finalising agreement on the SIS II legal instruments by June 2006, combined with the fact that no further margins for delay remained in the project schedule, have triggered a delay in the availability of the SIS II beyond March 2007. If the prerequisites set out in Section 4 are met, the revised schedule for SIS II technically available is as indicated in the Annex.

In addition, the procedure introduced as regards the validation of the tests and the entry into force of the SIS II legal instruments will add at least 10 weeks. In the opinion of Commission services there is room for manoeuvre to somewhat reduce this delay by choosing Option 6.1.

Commission services can only provide an estimate of the start of operations as the establishment of this date is within the responsibility of the Council after validation of the tests by the preparatory bodies of the Council. No estimation can be given for the opening of the borders for which a calendar will have to be established by the Council.

SIS II Global schedule, executive summary

Draft version 30 Aug 2006

ID	Task	Critical	Assumptions and dependencies	Start	End	Lead resp.
1	**System development (Central and NS)**					
1.1	Agreement on requirements for finalising the technical specifications (ICD/DTS)	**Yes**	Depends on agreement between Council and EP on SIS II legal instruments		17/10/2006	COM/MS
1.2	Stable technical specifications (ICD/DTS)	**Yes**	Assuming no major discrepancies between the agreed SIS II legal instruments and the Pres compromise –status June 2006- and that the provision on data amnesty has little or no impact on SIS II design		30/11/2007	COM
1.3	Central system developed	**Yes**	Depends on stable technical specifications (ICD/DTS)		15/03/2007	COM
1.4	NS-SIS developed and internally tested (min 6 MS currently connected to SIS 1+ ready for compliance tests)	**Yes**	Depends on stable technical specifications (ICD/DTS)		18/07/2007	MS
1.5	NS-SIS developed and internally tested (all MS currently connected to SIS 1+ ready for compliance tests)	**Yes**	Same as for 6 MS; necessary for Provisional System Acceptance Tests (PSAT)		16/10/2007	MS
1.6	NS-SIS developed and internally tested (all new MS ready for		Depends on stable technical specifications (ICD/DTS)		20/09/2007	MS

compliance tests)

2	**Legal preparation and necessary comitology decisions under Commission development mandate**					
2.1	Agreement on SIS II legal instruments in Council and Parliament	**Yes**	**MAIN ASSUMPTION**		17/10/2006	Council/EP
2.2	Commission Decision on measures necessary for the development of SIS II (e.g. network architecture, detailed technical specifications, test plan).			18/10/2006	03/01/2008	COM/MS
3	**Site preparation** **Strasbourg**					
3.1	Site Preparation Central Unit (CU) completed				22/09/2006	FR/COM
3.2	Deployment CU (Hardware and Software installations)	**Yes**	Depends on site readiness; CS developed	25/09/2006	18/05/2007	COM
	St Johann					
3.4	Site Preparation Backup Central Unit(BCU) completed				28/11/2006	AT/COM
3.5	Deployment BCU	**Yes**	Depends on site readiness; BCS developed	29/11/2006	18/05/2007	COM

4 **Network s-TESTA**

4.1	Call for tender, Contract Signature	**Yes**	Assuming no problems with call for tender		25/10/2006	COM
4.2	Decision milestone for launching alternative plan for setting up a network (if necessary)		In case s-Testa call for tender fails		15/01/2007	COM
4.3	Network ready	**Yes**	Assuming normal time for contract execution; needed for MS test environment readiness	25/10/2006	18/05/2007	COM

5 **SIS II Tests**

5.1	Factory Acceptance Tests (FAT)		Central system developed	16/03/2007	26/04/2007	COM
5.2	System Solution Tests (SST)	**Yes**	Depends on CU and BCU availability; CU-BCU network availability (s-TESTA or ENS network); CU and BCU deployed	17/05/2007	31/07/2007	COM
5.3	Test environment available for MS (playground)		Depends on BCU availability	21/05/2007		COM
5.4	Compliance Tests (CT) 6 SIS 1+ MS done	**Yes**	Depends on NS-SIS developed and tested for the 6 MS; Test environment for MS made available; network availability (Testa II or s-TESTA); SST acceptance by COM	8/08/2007	7/09/2007	MS
5.5	Operational System Tests (OST)	**Yes**	Depends on network availability (Testa II or s-TESTA); 6 MS have passed the compliance tests	10/09/2007	26/11/2007	COM/MS

5.6	Compliance Tests (CT) All SIS 1+ MS done	**Yes**	Depends on NS-SIS developed and tested for the remaining 9 SIS 1+ MS; Test environment for MS made available; network availability (Testa II or s-TESTA)	10/09/2007	6/12/2007	MS
5.7	Compliance Tests (CT) All new MS done		Depends on test environment availability	20/09/2007	12/06/2008	MS
5.8	Provisional System Acceptance Tests (PSAT)	**Yes**	Depends on all SIS1+ MS and central system ready; s-TESTA network availability	7/12/2007	21/01/2008	COM/MS
5.9	Technical SIRENE tests connectivity and exchange of forms		Depends on network availability	21/05/2007	29/06/2007	COM/MS
5.10	SIRENE tests - all SIS 1+ Users (SIS II global end to end tests)	**Yes**	Depends on SIRENE completion; PSAT completed	22/01/2008	3/03/2008	COM/MS
5.11	SIRENE tests - all Users done (SIS II global end to end tests)		Depends on finalised migration		15/07/2008	COM/MS
6	**Entry into force (To fix the date from when the new legal framework enter into force/go life)**					
6.1	Commission Decision adopting necessary implementing measures for operational use of SIS II (rules on alerts in SIS II and on the protocols and technical procedures for the National Systems to ensure CS-SIS/N.SISII compatibility)	**Yes**	Assuming SIS II legal instruments formally adopted, finalised and validated Detailed Technical Specification (DTS) and Interface Control Document (ICD) followed by a positive opinion in the new SIS II Committee	11/05/2007	31/08/2007	COM/MS

6.2	Adoption of SIRENE manual by the Commission		Assuming the SIS II legal instruments formally adopted, new SIS II Committee established, positive opinion in this Committee and adoption by the Commission	11/05/2007	31/08/2007	COM/MS
6.4	SIS 1+ MS notify COM that they have made the necessary technical and legal arrangements to process SIS II data and exchange supplementary information	**Yes**	National preparations completed		4/03/2008	MS
6.5	COM declares successful completion of a comprehensive test of the SIS II	**Yes**	Depends on the result of the tests performed by COM and SIS 1+ MS notification of technical and legal readiness		28/03/2008	COM
6.6	Preparatory bodies of the Council have validated the proposed test result	**Yes**	Depends on validation of the test results; depends on Council working groups work - A duration of 20 working days is assumed		25/04/2008	Council
6.7	Date of application of the SIS II legal instruments to be fixed by Council	**Yes**	**MAIN ASSUMPTION - To be fixed by the Council -** A duration of 10 weeks for Council procedures after COM has declared successful completion of SIS II test is assumed		6/06/2008	Council
<u>7</u>	**<u>Operational management preparations</u>**					
7.1	Pre-Interim period activities (establishment)			30/06/2006	16/03/2007	COM

7.2	Op-team established and prepared for tests	**Yes**	Assuming availability of HPS and CS.SIS resources	16/03/2007	Slack until 8/08/2007	COM
7.3	Operational management established for interim period	**Yes**			6/06/2008	COM
8	**Migration**					
8.1	CS Synchronisation (including BCS in Austria)		Assuming all test activities finalised; Go live date fixed by the Council	30/04/2008	29/06/2008	COM
8.2	NS.SIS II Initialisation			30/04/2008	29/05/2008	COM/MS
8.3	Switchover Rehearsal (Migration Test)			27/05/2008	30/05/2008	COM/MS
8.4	Ready for Switch over SIS 1+ to SIS II for SIS 1+ MS				2/06/2008	COM/MS
9	**Migration Completed (Go live) with SIS 1+ MS**	**Yes**	Go live date fixed by the Council (see 6.7)		**6/06/2008**	Council
10	**Technical Integration of new users**					
10.1	Central preparations for integration tests		Assuming a completed migration (see 6.7)	-	1 Month after migration	
10.2	Compliance tests of new users		Assuming the availability of parallel test environments	-	7 Days per MS in parallel with old MS (see 5.7)	
10.3	Integration test		Assuming compliance test completed	-	2 Days per MS (sequential)	
10.4	SIRENE tests completed			-	6 Weeks for 12 MS (see 5.11)	
10.5	Technical integration		Assuming SIRENE tests completed; 3 month	See 5.11	3 months after	

		duration based on 12 new users		the start date of technical integration (Oct 08)	
11	**Integration of new users completed (technically ready for operational decision)**	Assuming 12 new users have finalised technical integration	-	-	Council