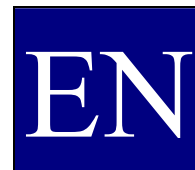




**COUNCIL OF  
THE EUROPEAN UNION**



## **Council conclusions on the further direction of SIS II**

*2946th JUSTICE and HOME AFFAIRS Council meeting  
Luxembourg, 4 June 2009*

The Council adopted the following conclusions:

"The Council of the European Union,

1. *Recalling* the Conclusions of the Council of 26-27 February 2009 on SIS II<sup>1</sup>,
2. *Reaffirming* that the entry into operation of the second generation Schengen Information System remains an absolute priority and requires a joint effort and close cooperation of the Member States and the Commission,
3. *Taking note* of the results of the repair and analysis period in the current SIS II project, while highlighting positive contribution of the SIS II Global Programme Management Board (GPMB),
4. *Taking note* of the results regarding the elaboration of an alternative technical scenario for developing SIS II based on SIS 1+ evolution (SIS 1+ RE) as part of a contingency plan,

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<sup>1</sup> 6896/09 JAI 109 SIRIS 31 COMIX 173.

# **P R E S S**

5. *Welcoming* the submission of the Report by the Presidency and the Commission on the further direction of SIS II, containing an in-depth assessment and comparison of both scenarios, in the light of the criteria set out by the Council in its Conclusions on SIS II of 26-27 February 2009 (10005/09 CATS 50 SIRIS 70 SIS-TECH 52 COMIX 410 + ADD 1), addressing in particular the following aspects:
  - (a) calendar for bringing the SIS II into operation,
  - (b) calendar for integration of Ireland, the United Kingdom, Cyprus, Bulgaria, Romania and Liechtenstein into the SIS,
  - (c) expenditures for the EU budget and for the Member States,
  - (d) technical feasibility and corresponding risks,
  - (e) possible legal implications,
6. *Bearing in mind* the implications of the discontinuation of the current SIS II project, inter alia the contractual implications as set out in the Report referred to in paragraph 5,
7. *Notes*
  - (a) the completion of the SIS II repair and analysis period, during which a considerable number of known issues and bugs have been fixed and solutions have been either designed or implemented to remedy them, while some other outstanding issues remain and need to be implemented taking into account recommendations and opinions given by the appropriate bodies;
  - (b) the ability of the alternative SIS 1+ RE scenario to realise the objectives of SIS II set out in the legal framework governing the establishment, operation and use of SIS II provided it is integrated into the SIS II legal framework;
  - (c) that both technical solutions provide for the possibility to integrate additional countries into the SIS, either after their completion or until then by using SISone4ALL in order to meet their declared calendar.
8. *Recalls* that the current instruments to develop and migrate to SIS II, set out in Council Regulation (EC) No 1104/2008 and Council Decision 2008/839/JHA ("Migration Instruments") will expire on 30 June 2010.
9. *Decides* that the development of SIS II will continue on the basis of the current SIS II project and that the SIS 1+ RE will be retained as the contingency plan for a period necessary to back the project until the tests defined in the milestones as laid down in the Annex are accomplished. In this regard,
  - (a) *agrees* to two milestones specifying the technical aspects of conditions and exit criteria which must be met in order to continue with the current SIS II project;
  - (b) *invites* the Commission to ensure that these milestones are 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 constitute resolute conditions with regard to the existing contracts;

- (c) *invites*:
    - the Presidency to inform the Council about the results of the tests set out in the milestones on the basis of the assessment carried out jointly with the Commission and the SIS II Task Force, and the Global Project Management Board (GPMB);
    - the Commission jointly and in full agreement with the SIS II Task Force and the GPMB, to validate the results of these tests;
  - (d) *resolves* in case tests demonstrate non-compliance with the milestone requirements, to decide to invite the Commission to stop the current SIS II project and to continue with the SIS II development on the basis of the SIS 1+ RE technical solution, unless the Council decides otherwise, within two months and on the basis of comprehensive financial and contractual information;
  - (e) *stresses* the need, in that case, for a rapid integration of SIS 1+ RE into the SIS II legal framework, thus allowing for financing of its development from the EU budget including the possibility of delegating the budget implementation to national public sector bodies and immediate development.
10. *Urges* the Member States to finalise their SIS II national developments and pursue the necessary testing activities of their national SIS II with the central SIS II.
11. *Invites* the Commission:
- (a) to continue implementing necessary developments stemming from the analysis and repair period and the architecture review, including the proof of concept;
  - (b) to table and immediately implement an enhanced IT management structure and approach for the SIS II project, along the lines indicated in 10237/1/09 REV 1 CATS 57 SIRIS 74 COMIX 435, building upon the experience of and the lessons learned from the global SIS II programme management approach established by the Council Conclusions of 26-27 February 2009, which:
    - ensure utmost transparency, insight and increased participation of the Member States in order to best fulfil the needs of the project at its current stage of development and testing which require increased Member States involvement,
    - meeting the requirements of managing large scale IT-projects, reflect the common will of all Member States to give a fresh impetus to the project while being compliant with SIS II legal instruments, as it is considered by the Council as a key element in the project,
    - to this end further integrate GPMB into the whole management structure;
  - (c) to submit as soon as possible, but by October 2009 at the latest, appropriate legislative proposals to amend the Migration Instruments.
12. Reiterates the invitation to the Commission to fully inform the European Parliament and the Council on a regular basis about the expenditure figures related to the central SIS II project and the measures taken to ensure the complete financial transparency.
13. Invites the Presidency and the Commission to keep the European Parliament fully informed about the latest state of play in the development of SIS II."
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