



**COUNCIL OF  
THE EUROPEAN UNION**



## **Council Conclusions on SIS II (Schengen Information System)**

*2927th JUSTICE and HOME AFFAIRS Council meeting  
Brussels, 26 and 27 February 2009*

The Council adopted the following conclusions:

Following the exchange of views at the informal JHA ministers meeting held on 15 January 2009 in Prague, and referring to the Note of the Presidency as set out in 6067/09, the Council,

*Reaffirming* that the rapid entry into operation of SIS II remains the absolute priority,

*Taking note* of the status of the current SIS II project in which a number of problems persist and of the Commission's view that all outstanding issues can be resolved without a major re-design of the SIS II application,

- (1) *Endorses* the implementation of a SIS II analysis and repair plan allowing the identification of all issues and their immediate solution, as well as the evaluation of the technical architecture, so as to ensure a stable and flawless SIS II system;
- (2) *Welcomes* the implementation of a global SIS II programme management approach involving Member States within the framework of the SIS II Task Force established in accordance with the Council conclusions of 5 October 2006, working together with the Commission in compliance with their respective legally defined competencies and thus ensuring enhanced management and coordination of the SIS II project and related activities as a whole (including the contingency plan), as well as consistency between the central and national systems' developments;

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- (3) *Welcomes* the review of the SIS II testing approach, guaranteeing an increased involvement of Member States in test definition and management and facilitating an efficient use of financial and human resources;
- (4) *Regrets* the fact that, given the time required to resolve outstanding issues, the date for migration from SIS 1+ to SIS II, set for September 2009, is no longer realistic;
- (5) *Welcomes* the completion of a feasibility study serving as a basis for creating a workable alternative technical scenario for developing SIS II based on SIS 1+ evolution as part of a contingency plan;
- (6) *Requests* that as soon as possible, but at the latest by May 2009, a report containing an in-depth assessment and comparison of both scenarios, in the light of the criteria set out in the Annex, be submitted to the Council by the Presidency and the Commission, in close cooperation with the SIS II Task Force and in consultation with the appropriate instances. As regards the alternative scenario, this report should be based on detailed input timely provided by the relevant Council preparatory bodies;
- (7) *Resolves*, as soon as possible, but at the latest at its meeting on 4-5 June 2009, on the basis of the report referred to in paragraph (6) and the analysis criteria as retained in the Annex to the present Council Conclusions, *inter alia*,
  - the calendar for entry into operation of SIS II,
  - the calendar for integrating Ireland, the United Kingdom, Cyprus, Bulgaria, Romania and Liechtenstein into the SIS, assuming that all requirements are fulfilled,
  - budgetary impacts and technical soundness,
  - possible legal implications,
  - to assess the progress made on SIS II development,
  - to examine in case of the alternative scenario, the ability to realise the objectives of SIS II set out in the legal framework governing the establishment, operation and use of SIS II, on the technical basis of SIS 1 + evolution,
  - to set out a technical solution which would allow the participation in the SIS of additional countries in accordance with their declared calendarand to decide on the further direction of this project;
- (8) *Urges* the Commission and Member States to cooperate fully in order to achieve these common goals;
- (9) *Invites* the Commission to fully inform the European Parliament and the Council on a regular basis about the expenditure figures related to the central SIS II project and the measures taken to ensure the complete financial transparency;
- (10) *Invites* the Presidency and the Commission to fully inform the European Parliament about the problems related to SIS II and the way forward.

**Analysis Criteria For Decision Making On Alternative SIS II Scenarios****(1) Political and Legal Criteria:**

- (a) Time factor
  - Schedule for bringing a system into operation, all functionalities at least as legally required
  - Short term (2009), medium term (mid 2010) and long term (up to 2012) perspectives
- (b) Integration schedule for Member States which do not participate in SIS 1+ (UK, IE, BG, RO, CY, FL) – *dates per Member States to be specified*
- (c) Project credibility
  - Proper functioning of the Schengen information exchange
  - Added value to the internal security of the area of freedom, security and justice
- (d) Compatibility with the SIS II regulatory framework (including governance and responsibilities)

**(2) Financial criteria:**

- (a) Expenditures for the EU budget and for Member States (individually and jointly)
- (b) Investment protection - "reusability" of investments already dedicated to the development of SIS II and preparation for its operation
- (c) Total cost of ownership
- (d) Contractual implications for the Commission and for Member States

**(3) Technical criteria:**

- (a) Technical feasibility and corresponding risks (including migration)
  - (b) Capacity to integrate all functionalities required for SIS II (new types of alerts, logging, security, ...) and biometric search functions
  - (c) Robustness, adequacy and reliability of each solution (network and system stability and system architecture)
  - (d) Absence of negative impact on bringing VIS into operation
  - (e) Impact on continuity of operations
  - (f) Project management
  - (g) Compatibility with already developed SIS II national systems
  - (h) Compliance with security requirements"
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