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signed by Ms Patricia BUGNOT, Director

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to: Mr Javier SOLANA, Secretary-General/High Representative

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June 2004 Progress Report

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COMMISSION OF THE EUROPEAN COMMUNITIES

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**COMMISSION STAFF WORKING PAPER**  
**ON THE DEVELOPMENT OF THE SECOND GENERATION**  
**SCHENGEN INFORMATION SYSTEM (SIS II)**  
**June 2004 Progress Report**

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**TABLE OF CONTENTS**

1.	Introduction .....	- 3 -
2.	Project status .....	- 3 -
2.1.	Key issues for the period under review .....	- 3 -
2.2.	Progress .....	- 3 -
2.3.	Commission Project Management .....	- 6 -
2.4.	SIS II Committee Meetings .....	- 6 -
2.5.	Data Protection .....	- 7 -
3.	Impact of other Institution's Activities .....	- 7 -
4.	Conclusions and perspectives .....	- 8 -
5.	Annex 1: Timetable from January to June 2004 .....	- 9 -
6.	Annex 2: Programme up to December 2004 .....	- 10 -

## **1. INTRODUCTION**

This is a progress report on the work carried out by the Commission in the first half of 2004 on developing the second generation Schengen Information System (SIS II). It also sets out the timetable for future activities.

It is the fourth report presented by the Commission to the Council and the European Parliament in accordance with Article 6 of Regulation (EC) No 2424/2001 of 6 December 2001<sup>1</sup> on the development of the second generation Schengen Information System (SIS II)<sup>2</sup>.

The Council has mandated responsibility for developing SIS II to the Commission, assisted by the SIS II Committee<sup>3</sup> composed of representatives of the Member States.

## **2. PROJECT STATUS**

### **2.1. Key issues for the period under review**

The key issues for the development of SIS II for the period under review are detailed in the last progress report.<sup>4</sup>

It has to be recalled that the schedule for SIS II is particularly tight, in view of the importance of having an operational system in place in March 2007. Any delay in one stage of the planning would inevitably lead to postponement of the launch of the system. Furthermore, it is important to stress that the modification of the national systems is a matter for the Member States and that SIS II can only become operational if all of the parties involved devote the necessary resources to the project.

### **2.2. Progress**

#### *2.2.1. Achievements in the period under review (January to June 2004)*

##### **2.2.1.1. Call for tender for the development and implementation of SIS II**

The call for tender was issued in December 2003. The deadline for submission of tenders for the development and implementation of SIS II was 31 March 2004. The Commission received a sufficient number of tenders – all from major names in the IT industry – to consider that the call for tender will be very competitive.

As indicated in the call for tender documents, tenders will be evaluated on their technical merits. Proposals which reach a threshold value of at least 75% on the technical evaluation will be benchmarked. The benchmark consists of a demonstration of key functions of SIS II and a proof of concept. Finally, for those companies reaching at least 50% of the possible

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<sup>1</sup> OJ L 328, 13 December 2001.

<sup>2</sup> For the first report see the Commission staff working paper of 18 February 2003 on the development of the second generation Schengen Information System (SIS II), SEC (2003) 206. The second report is included in the Commission's Communication of 13 December 2003, COM (2003) 771 final.

<sup>3</sup> Article 2 of Decision 2001/886/JHA and Article 2 of Regulation No 2424/2001.

<sup>4</sup> Commission Staff Working Paper on the development of the second generation Schengen Information System (SIS II) – Activity Report July – December 2003 – SEC(2004) 499.

score, a financial evaluation will be performed. The complete evaluation is scheduled to be finalised by the end of August.

#### 2.2.1.2. Functions and architecture

As indicated in the previous progress report, the Commission has prepared, in close cooperation with experts from Member States, documents which contain detailed technical specifications of the future system. One of the documents is a data dictionary which specifies the data that the central system should be able to process. Another document, called use cases, describes the services that will be offered to SIS II users.

These documents have been extensively discussed in the framework of the SIS II Committee and in the working groups of the Council dealing with SIS II (SIS/SIRENE and SISTECH). Discussions on the documents were completed by the end of June<sup>5</sup>.

The data dictionary and the use case documents are “living” documents that will serve as a basis for further development. They will be handed over to the successful contractor for the development of SIS II, as a basis for further work on the detailed specifications and design of SIS II.

#### 2.2.1.3. Feasibility Study on Stolen cultural goods in SIS II

Council conclusions of 5/6 June 2003<sup>6</sup> cite the search for Stolen Cultural Goods as one possible future functionality of the SIS II. In agreement with the Member States represented in the Europol working group on stolen goods at the end of December 2003, the Commission launched a study on the feasibility of the possible addition of alerts on stolen cultural goods as a new function in SIS II. The Commission services will transmit the final report with its recommendations to the Council and the European Parliament as soon as it becomes available.

#### 2.2.1.4. Location

Stringent requirements as regards the system availability require two sites: one operations centre location and a second one to host the Business Continuity system for SIS II. In November 2003, Commission services visited the second site in Austria and considered it as suitable for hosting the Business Continuity system for SIS II.

The Council has adopted conclusions on the location of the central part of SIS II in Strasbourg and the Business Continuity system in Salzburg (Austria)<sup>7</sup>.

#### 2.2.1.5. National planning

Successful implementation of SIS II also requires that the Member States prepare linking the National Systems with the central system. Commission Services have launched a first assessment on the status of national preparations. The results of this first assessment were

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<sup>5</sup> Conclusions adopted by the General and Foreign Affairs Council of 14 June 2004 – Document 10125/04 – SIRIS 69

<sup>6</sup> Conclusions of Justice and Home Affairs Council of 5/6 June 2003 – Document 9845/03

<sup>7</sup> Conclusions of Justice and Home Affairs Council of 20 April 2004 – Document 8694/04

communicated to the SIS II Committee of 23 June. This report will be updated as soon as significant new information becomes available.

#### 2.2.1.6. Call for Tender for Assistance

A call for tender has been prepared and launched for the selection of a contractor who will assist the Commission in the acceptance procedure and in-depth quality checks of SIS II project deliverables. The same contract will also be available to cover specific assignments in relation to the development and implementation of both SIS II and VIS.

The contract notice was published in the OJ of 5 April 2004<sup>8</sup>. The deadline for answers was May 17. The contract will be awarded shortly after signature of the contract for the development and implementation of SIS II.

#### 2.2.2. *Results expected in the next period (July to December 2004)*

##### 2.2.2.1. Call for Tender

During the next six months, the call for tender procedure for the development and implementation of SIS II will be completed. It is envisaged that the contract with the successful bidder will be signed in September 2004.

Once the contract has been signed, the contractor's first task will be to develop a project master plan - a timeframe for the whole SIS II project. This master plan should also address the approach to migration and integration. The contractor will also start working on the design of the SIS II. This design phase is planned to last until March 2005 and will deliver all the necessary documents which fully describe the SIS II from a technical perspective. Then, on the basis of these technical requirements, the actual development of the system will be launched.

One of the most important documents the contractor will have to deliver during the development phase is the Interface Control Document, which describes the way Participating Countries can connect and use the SIS II. The timely delivery and acceptance of this document by the end of the design phase will be of crucial importance to Member States as they will need to have their national call for tenders for the adoption of their systems based on this document.

##### 2.2.2.2. Study on synergies between SIS II/VIS

During the period under review, the Council gave the mandate to the Commission to develop the VIS (Visa Information System)<sup>9</sup>.

In order to reduce the total cost for development and implementation for both SIS II and VIS, Commission services will endeavour to maximise the synergies between both systems. A study was commissioned in May to identify all possible synergies. The results of this study should become available before the end of the year and should be taken into consideration for the further development of SIS II.

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<sup>8</sup> OJ 2004/S77-065228. JAI B3-2004-01 'customer assistance' - Contract notice (5-4-2004)

<sup>9</sup> The Council Decision 2004/512/EC of 8 June 2004 establishing the VIS.

### 2.2.2.3. Legal proposals

As indicated in its work program, the Commission plans to submit the proposals concerning the SIS II legal basis by the end of 2004. However due to the amount of proposals to be submitted at that moment, a slippage in this deadline cannot be excluded.

## 2.3. Commission Project Management

### 2.3.1. Project Management Board

Following common practice in the development of large-scale IT systems, a Project Management Board was set up in October 2002 to represent and share in-house knowledge from other Commission services<sup>10</sup> (see third progress report). Throughout the reporting period the Project Management Board has met a total of 6 times.

### 2.3.2. Project Management Team

Throughout the reporting period, the project management team has been reinforced with additional human resources. However full cruising speed will not be reached until 2005.

### 2.3.3. Assistance to the Project

Current technical assistance is provided by an external contractor until April 2005. To cover the volume of work required for the assistance in the context of the development and implementation of SIS II, a new contract is necessary. For this purpose the call for tender referred to in section 2.2.1.6 has been issued. This project assistance will ensure that an independent external quality evaluation is performed regularly and will provide the possibility to call on additional support when needed.

### 2.3.4. Risk Analysis

A risk analysis log is updated on a regular basis and communicated to the SIS II Committee. The definition of functionalities as described above has significantly reduced the overall project risk.

The major risks to be managed for the moment are (1) the risk of not reaching an agreement within due time on the migration and integration scenarios, (2) implementation of functional requirements in addition to the ones identified in June 2004, which would increase total project duration. Risks are managed by taking the appropriate risk mitigation measures and by authorising changes to requirements only after a thorough evaluation of the impact on the project.

## 2.4. SIS II Committee Meetings

The SIS II Committee is composed of representatives of the Member States of the European Union. Iceland and Norway take part in these meetings as observers. Since 1 May, the delegations of the 10 new Member States, which before that date attended as observers, have become full members.

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<sup>10</sup> Commission Staff Working Paper on the development of the second generation Schengen Information System (SIS II) – Activity Report July – December 2003 – SEC(2004) 499.

The Committee follows the management or regulatory procedure depending on the measures at stake, as prescribed in the Council Decision and Council Regulation of 6 December 2001 on the development of SIS II. The Committee has held 5 meetings over the past half year.

Expert Support groups created within the framework of the SIS II Committee last autumn to work on the data dictionary and use cases worked until April. With the assistance of these groups, the Commission has developed the initial version of the data dictionary and use case documents, which have been discussed within the SIS II Committee and the Council working groups dealing with SIS II.

## **2.5. Data Protection**

In its Communication of 11 December 2003 on the development of the Schengen Information System and possible synergies with the Visa Information System, the Commission underlined the need to have regular consultations with the competent authorities on data protection issues.

During the reporting period, the report of the Joint Surveillance Authority<sup>11</sup> was transmitted to the Commission and formal as well as informal contacts, mainly with the secretariat of the JSA, took place. One of the major requirements identified in this report is the existence of a legal basis for SIS II which would accurately describe the project objectives and scope, and contain the necessary guarantees on data protection. As mentioned above, in accordance with its work program, the Commission intends to propose such draft legal instruments.

## **3. IMPACT OF OTHER INSTITUTIONS' ACTIVITIES**

The division of responsibilities between the Council and the Commission<sup>12</sup> is such that a large number of decisions essential to the development of SIS II, such as the functions<sup>13</sup>, types of access<sup>14</sup> and the location of the future system, have to be taken at Council level.

The Commission takes part in the meetings of the Council groups responsible for the Schengen Information System. It keeps the Council regularly informed about the development of the system and answers questions raised by the Member States.

On the 14 June, the Council adopted conclusions on SIS II<sup>15</sup>. Those conclusions define the requirements of SIS II, and include:

- (1) the functions offered by the current SIS,
- (2) the functions set out in the recently-adopted Council Regulation concerning the introduction of some new functions for the Schengen Information System, and for the fight against terrorism<sup>16</sup> ;

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<sup>11</sup> Authority inaugurated according to article 115 of the Schengen Application Convention.

<sup>12</sup> See addendum of 29 January 2002 to the minutes of the Council (Justice, Home Affairs and Civil Protection) of 6 and 7 December 2001 (14997/01 ADD 1).

<sup>13</sup> List of existing links between alerts, fields to be included or altered in alerts relating to documents, additional information and/or field to be included for certain alerts, practical conditions for storing photographs and fingerprints of the wanted persons.

<sup>14</sup> New authorities that will have access to the system.

<sup>15</sup> General Affairs and External Relations Council of 14 June 2004 - Document 10189/04 (Press 195)



(3) and the draft Council decision on the same subject.

The Council conclusions of 14 June also indicate that the SIS II should provide the functions described in chapter II.1(b) of the Council conclusions of 5-6 June 2003 and define the additional specifications, for links between alerts and the insertion of biometric data (photographs, and fingerprints).<sup>17</sup>

In addition, they ask for the technical possibility to store the information described in Article 8 of the Framework Decision on the European Arrest Warrant and the surrender procedures between Member States. Information contained in forms “A” and “M” in relation to extradition procedures and information related to misused identity should be provided in SIS II. Furthermore, the technical possibility should also exist in SIS II to include a new category of alerts on minors to be precluded from leaving the Schengen Area, as well as the exchange of information on stolen and lost passports with the relevant Interpol database.

#### **4. CONCLUSIONS AND PERSPECTIVES**

The Commission has undertaken the necessary steps for the timely development and implementation of the SIS II project. Over the last six months no additional delay has been incurred.

The next major milestone is the conclusion of the contract for the development and implementation of SIS II. The months after contract signature will be devoted to the design of SIS II and require a tight control of the contractor’s work.

Further potential synergies for the development and implementation of SIS II and VIS will be identified.

It is important to remember that the success of the SIS II project does not depend solely on the Commission but on all the parties involved in this ambitious project. This calls for a high degree of mobilisation at all levels, particularly as regards the national preparations by the countries that will participate in the new system.

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<sup>16</sup> Council Regulation No 871/2004 of 29 April 2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L162, 30.4.2004, page 29)

<sup>17</sup> The Council conclusions of 14 June 2004 indicate in particular that “each alert must have a legal basis before a link can be made”, that “links should not contravene any legal provisions” and that “each link must have clear operational requirements, respecting the principle of proportionality and be based on a clearly defined relationship”.

**5. ANNEX 1: TIMETABLE FROM JANUARY TO JUNE 2004**

<b>Date</b>	<b>Description</b>
13 January	Meeting of the SIS II support group
14 and 15 January	Meeting of the SIS II support group
16 January	Meeting of the SIS II support group
27 January	Meeting of the SIS II Committee
4, 5 and 6 February	Meeting of the SIS II support group
24 February	Meeting of the SIS II Committee
2, 3 and 4 March	Meeting of the SIS II support group
30 March	Meeting of the SIS II Committee
31 March	Deadline for submission of tenders for the development of SIS II
March	Issue of invitation to tender for technical assistance to the SIS II project
Spring	Indications from the Council on the detailed requirements and locations for SIS II
29 April	Meeting of the SIS II Committee
23 June	Meeting of the SIS II Committee

**6. ANNEX 2: PROGRAMME UP TO DECEMBER 2004**

<b>Date</b>	<b>Description</b>
July – August	Evaluation committee to select contractor
23 September	Meeting of the SIS II Committee
September	Selection of SIS II contractor
End of September – early October	Workshop with successful contractor for development and implementation of SIS II Discussion of migration and integration scenarios
20 October	Meeting of the SIS II Committee
17 November	Meeting of the SIS II Committee
14 December	Meeting of the SIS II Committee
December	Commission adopts legal basis for SIS II