



**COUNCIL OF
THE EUROPEAN UNION**

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OUTCOME OF PROCEEDINGS

of : the Council (Justice and Home Affairs)

on : 4-5 June 2009

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Subject : Council Conclusions on the further direction of SIS II

On 4-5 June 2009 the Council (JHA) adopted the attached Council Conclusions on the further direction of SIS II.

Concerning the decision mentioned in paragraph 9(d), the Council notes that all Members of the Council agree, without prejudice to the legal basis applicable at the date of that decision, that the informal opinion of a qualified majority will be accepted by all Members of the Council.

COUNCIL CONCLUSIONS ON THE FURTHER DIRECTION OF SIS II

The Council of the European Union,

1. *Recalling* the Conclusions of the Council of 26-27 February 2009 on SIS II¹,
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,
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,

¹ 6896/09 JAI 109 SIRIS 31 COMIX 173.

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 resolutive 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.

SIS II Project Milestones

In general, the aim of the milestones is to prove the stability, reliability and performance of the central system 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 tests defined for the milestones will be performed at the most suitable time defined on the basis of the SIS II global schedule. The tests will start as soon as the Commission and the Member States declare their readiness and C.SIS confirms that the SIS 1+ tools are qualified and ready.

There are two milestones foreseen.

In case of both milestones, the test is considered as passed, when no no-go criteria is identified and when no test is declared as inconclusive. Any test declared as inconclusive will be repeated until it fails or passes. A test is also declared as inconclusive if external events occur, that lead to the violation of the defined test conditions.

The detailed test description (standard ICT (information and communication technologies) procedure) will be established by the appropriate body, respecting the parameters set up hereinafter.

First milestone

To take place after the performance tests of the system (foreseen for the 4th Quarter 2009) based on the current ICD (interface control document) implementation (version 2.5.3 and emergency patches).

Aim of the Test

- To prove the stable, reliable and performant functioning of the system under operational conditions for a time period of 72 hours.
- To prove, that the vital core functionality, data consistency, works without any problems and interruption as foreseen according to the contractual requirements.

The central system must demonstrate to work 72 hours continuously under operational conditions. Every message has to be acknowledged according to the specifications, the SLA (service level agreement) and contractual requirements.

Five Member States are interacting with the central system (with an adequate number of back-up Member States); the rest (10) is replaced by simulators from different countries.

At the end of the tests, after collecting all reporting data, a complete data consistency campaign is performed.

Entry Criteria

Comission declares its readiness.

Member States declare their readiness, which means that each Member State has uploaded 15 Mio records in its database and has performed a full DCC (data consistency campaign) on the 15 Mio records. In addition, all Member States have successfully passed the compliance tests (100% compliance).

Throughput metrics are defined for the participating Member States according to an average CUD (create, update, delete) rate of 3 CUD/sec and 100 standard queries per second.

Rules are defined for reserve Member States or simulator to enter the test at any moment to compensate the load of failing Member States.

The test must be performed in production environment and with operational tools.

For validation, the amended SIS 1+ tools and HPS and/or Unisys test tool will be used. All test tools have to be qualified.

Testcase description

The CS.SIS and NS.SIS will be loaded with 15 Mio alerts, 2 Mio flags and 1 Mio links.

The test is performed over all existing categories and will contain production-like data based on the daily statistics of SIS 1.

Full database consistency is applied with all NS-SIS before the start of the tests.

Traffic is started with at least 5 Member States simultaneously. The rest (10 Member States) is replaced by simulators. Traffic has to be generated from all systems either from a real system or from simulators.

The Traffic rate is set to an average rate considered as nominal traffic (3 CUD/second on average; minimum 2 CUD/sec not going over the contractual limit of maximum 10 CUD/sec and 100 standard queries per second minimum 50 and maximum 250 standard queries per second) with average distribution of categories (according to the daily statistics from C.SIS) and running over 3 days without any interruption.

Full database consistency is applied after 3 days of test with all NS-SIS.

The CS shall be configured in such a way that the traffic has to be processed without any unexpected behavior.

Exit criteria

The test is considered as passed, when no no-go criteria is observed and when the test is not declared as inconclusive. Any test as inconclusive will be repeated until it fails or passes.

No-Go criteria (in case one of these criteria arise the milestone is considered as not passed)

- missing messages appear (validated by the test tools);
- message inversion occurs during the transfer between the national and the central queues;
- a message is not acknowledged according to the conditions described in the specifications and SLA;
- the Central System refuses an alert with error message 9000.01 and no consistent explanation can be provided by the contractor.

Inconclusive Tests

A test is considered as inconclusive, if external events (including blocking or crashing of the central data base) occur, that lead to the violation of the defined test conditions.

If a Member State fails, it will not be replaced by a simulator but by a back-up Member State.

If four Member States fail, the test is considered as inconclusive. The milestone test is not considered as failed.

The date of the second milestone is relative to the finalization of the first milestone. If a delay due to problems in Member States occurs, this lays in the responsibility of the Member States and will be taken into consideration for defining the actual kick-off date of the 2nd milestone.

If the traffic rates defined above are not respected by more than half of Member States the test has to be considered as inconclusive. It is reminded that the generated traffic should reflect the operational behavior of the SIS as a whole.

Second milestone

To take place at the earliest in summer 2010, after the implementation of ICD 3.0, as part of the CS functional testing as planned in the global schedule.

Aim of the Test

- To prove the stable, reliable and performing functioning of the system under operational conditions for a time period of 5 days (120 hours).
- To prove that the vital core functionality, data consistency, works without any problems and interruption as foreseen according to the requirements.
- To prove that implementation of ICD 3.0 was successful.

Entry Criteria

Development of new specifications (ICD 3.0) with Proof of concepts (POC) is finished and the system has passed successfully technical acceptance. No regression is observed on the central site.

At least 7 Member States are finished with their implementation and have succeeded qualification and compliance tests. The rest (up to 24 Member States) will be replaced by simulators from different Member States.

Testcase:

The same as for milestone 1, but with 50 Mio records and during 5 days. The average traffic rate is set to a rate considered as high traffic (significantly higher than for the first milestone, to be further defined depending on volumetrics). A full data consistency campaign is applied after 5 days of test running.

Exit criteria

The test is considered as passed, when no no-go criteria is observed and when the test is not declared as inconclusive.

No-Go criteria (in case one of these criteria arise, the tests stop immediately, the milestone is considered as not passed)

The test is definitely failed, when

- missing messages appear (validated by the test tools);
- message inversion occurs during the transfer between the national and the central queues;
- a message is not acknowledged according to the conditions described in the specifications and SLA;
- the Central System refuses an alert with error message 9000.01 and no consistent explanation can be provided by the contractor;
- the central database is blocked or crashes and does not fail-over;
- a memory leak appears.

Inconclusive Tests

A test is considered as inconclusive, if external events occur, that lead to the violation of the defined test conditions.

If a Member State fails, it will not be replaced by a simulator but by a back-up Member State.

If four Member States fail, the test is considered as inconclusive. The milestone test is not considered as failed.