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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**ON THE DEVELOPMENT OF THE VISA INFORMATION SYSTEM (VIS) IN 2010
(submitted pursuant to Article 6 of Council Decision 2004/512/EC)**

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1. INTRODUCTION

The Commission, in accordance with Article 6 of Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System¹, herewith submits to the Council and the European Parliament the seventh progress report on the development of the Visa Information System (VIS)². The report covers the work carried out by the Commission between January and December 2010.

2. LEGAL FRAMEWORK FOR THE VIS

On 5 April 2010, the Visa Code³ became applicable. The Visa Code repealed the Common Consular Instructions, which had been previously amended in order to establish a legal framework for the collection of biometric identifiers. The Visa Code also includes provisions on the organisation of the reception and processing of visa applications.

On 4 May 2010, the Commission adopted a Security Plan for the operation of the Visa Information System⁴. This Decision shall become applicable as of the date determined by the Commission in accordance with Article 48(1) of Regulation (EC) No 767/2008, i.e. the date that VIS will start operations, and shall expire when the Management Authority takes up its responsibilities.

No other legal instruments concerning the VIS were adopted in 2010.

3. PROGRESS DURING THE PERIOD UNDER REVIEW

3.1. Development of the Central System

Work towards the successful completion of the System Solutions Tests (SST) – the second of four major test campaigns of the central system – continued in the first half of the reporting period. Extensive discussions took place with Member States on the corrective measures proposed by the Main Development contractor (MDC) at the end of 2009, when it became clear that the contractor was unable to meet all original requirements of the Service Level Agreement (SLA) during SST. A revised SLA was agreed in June 2010 and ensures that operations can begin as planned and be sustained until the completion of the regional deployment.

The specifications defining the communication between Member States and VIS were adapted on some individual aspects following the tests carried out so far. The Interface Control Document (ICD) 1.85 was released in March 2010, implementing agreements with Member States on search services. After minor updates the final version 1.87 was delivered to the Member States in September 2010. These are the technical specifications used by Member

¹ OJ L 213 of 15.6.2004, p. 5.

² For the sixth report, see the Report from the Commission to the Council and European Parliament on the development of the Visa Information System (VIS) in 2009, COM(2010) 588 final of 22.10.2010.

³ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243 of 15 September 2008, p. 1.)

⁴ Commission Decision 2010/260/EU of 4 May 2010 on the Security Plan for the operation of the Visa Information System (OJ L 112 of 5 May 2010, p.25)

States to develop their own national systems in order to be able to connect to the VIS. The Detailed Technical Specifications (DTS) version 1.46 was delivered in March 2010. The final version 1.48 was made available to the Member States in September 2010.

Following the successful completion of the SST, testing of the system with the involvement of Member States began in August 2010 and was still ongoing as of the end of the reporting period. Due to this shift in the planning of tests, the December 2010 target date for the start of operations of the VIS could no longer hold. A revised schedule leading to the start of operations in June 2011 was communicated to the JHA Council on 7 October 2010 and to the European Parliament⁵ (see section 3.6).

3.2. Development of the Biometric Matching System (BMS)

The development of the BMS, which will provide fingerprint matching services to the VIS, was completed in 2010 with the close of the Provisional System Acceptance Tests (PSAT). Throughout the reporting period the system has been supporting the VIS SST and Operational System Tests (OST) without encountering any issues. Member States continued to use the software kits provided by the BMS contractor in their fingerprint capturing devices. Some Member States significantly improved fingerprint quality as a result of pilot projects in consulates. After the final tests with the operations team, scheduled for May 2011, have been completed, the system will be ready to be operated and to go-live.

3.3. VIS Mail communication mechanism

Significant progress was achieved throughout 2010 with the testing and connection of Member States to the VIS Mail communications mechanism and only a few Schengen countries still need to be tested. Additional features to the Central Mail Relay were implemented during this reporting period (statistics and reporting, advanced anti-virus capability). For the most part, VIS Mail Expert Group participants agreed that the mechanism had been sufficiently tested and proved to be operational in accordance with the basic requirements.

During this reporting period, a significant amount of time and effort in this group was spent on the drafting of the specifications for VIS Mail Phase 2. In this phase, which will start two years after the start of VIS operations, VIS Mail will incorporate the functionality of the Schengen Consultation Network and as such, the drafting of the related specifications is complex and time-consuming. However, good progress has been made and the drafting is expected to finish according to schedule.

3.4. Site Preparations and Network

Throughout 2010, staff members at the Central Unit and Backup Central Unit in Strasbourg and Salzburg respectively, were trained on the use and maintenance of VIS. Bulgaria was connected to the sTESTA network during 2010, while work in Romania progressed. The main activities related to the network during the reporting period were (a) to secure the operations of the optional "failover mechanism" from the primary site to the backup site and (b) to test the VIS Mail Relay (see section 3.3). The "failover mechanism" allows Member States with a backup national system to ensure the continuity of operations in case the national system fails.

⁵ Letter from Commissioner Malmström to Mr Lopez Aguilar, Chairman of the LIBE Committee (EP), 12 October 2010.

The "failover exercise" was successfully completed in three Member States in 2010, bringing the total number to eight. The exercise will continue for those Member States that are interested in implementing this solution.

3.5. Member States' National Planning

Apart from the availability of the central VIS, the key dependency for the system becoming operational is the progress of national projects. The state of progress varies between the Member States, due to different circumstances at national level.

Through the monthly reporting mechanism developed in the framework of the Friends of the VIS (see section 6), all Member States consistently reported their progress as being on time to achieve the targeted milestones.

As regards compliance testing with Member States and development of most national systems, the VIS project made further progress during the reporting period. By the end of the reporting period, 23 out of 25 current Member States and Schengen countries had completed their compliance tests as initially planned.⁶ Compliance tests remain to be executed only by a few participating countries which have been allocated slots for this purpose in the first part of 2011.

While the information communicated by Member States indicated that all national systems would be fully developed by the time the central system is delivered, a number of uncertainties regularly appeared during the various reporting exercises (see section 5.2) concerning preparations both at consular and border levels.

It should be noted that one Member State which had encountered serious contractual difficulties in 2009 was finally able to start developing its national system in 2010. Compliance testing for this Member State was foreseen in January 2011.

In order to assess the consular preparations in the first region of deployment (North Africa), a mission was organised to Cairo in December 2010. The purpose of the mission was to obtain "on-site" information about the level of preparedness in Member State consulates, especially as regards their capacity to collect and transmit biometric data of visa applicants to the VIS. During the visit the Presidency and the Commission met with Member States in a Local Schengen Cooperation meeting and took the opportunity to visit local consular installations. It appeared that technical training sessions and communication efforts need to be intensified. For this reason, missions of this type will be further organised in 2011 in other cities throughout North Africa.

3.6. Rescheduling the VIS

The late yet successful completion of the System Solutions Test inevitably led the Commission and Member States to reassess the global project schedule. This exercise was carried out on the basis of a realistic assessment of both the ability of the Commission's contractor to deliver the central system and the readiness of Member States to prepare their national deployment at consulates and external borders. It also includes some margin in case new, unforeseen issues arise.

⁶ Liechtenstein had also technically completed its compliance tests, but does not yet apply the Schengen *acquis*.

After a presentation to the National Project Managers (24 June 2010), the Friends of the VIS (7 July 2010) and during a meeting of the Strategic Committee on Immigration, Frontiers and Asylum (22 July 2010), the following new global schedule was communicated to the JHA Council on 7 October 2010 and to the European Parliament⁷:

- Operational System Tests (OST): 23 August 2010 – 14 February 2011
- Provisional System Acceptance Tests (PSAT): 23 March 2011 – 15 June 2011
- Central system readiness for operations: 24 June 2011.

At the end of the reporting period, the project is in line with the new global schedule.

4. INFORMATION CAMPAIGN

A contract between the Commission and a contractor specialising in information and communication was signed on 20 December 2010 to carry out the design and printing of information material for the VIS. The external contractor, in cooperation with the Commission, will design, print and translate leaflets, posters and other information material to be used by Member States and the Commission for relevant purposes prior to the start of operations of the VIS and thereafter. Member States will be consulted on the text and design of the materials at critical stages. This is planned for the first half of 2011.

5. PROJECT MANAGEMENT

5.1. Planning and budget

The total available commitment appropriations for the VIS in 2010 amounted to €30,3 million. Due to the delays encountered during the SST, parts of the project activities originally planned for 2010 were postponed to 2011, resulting in a corresponding shift of commitments: 63,06% of the total VIS appropriations were committed and 85,10% of payment appropriations had been paid by the end of the reporting period. The budget line for the VIS is 18.02.05.

VIS Commitment and Payment appropriations 2010

Available commitment appropriations	Consumed	Total %	Available payment appropriations	Consumed	Total %
€30.327.909,00	€19.124.611,00	63,06%	€27.619.392,52	€23.503.936,08	85,10%

A recovery order for the contractual penalties of €7.6 million for the delays incurred by the SST in 2009 was issued in March 2010.

⁷ Letter from Commissioner Malmström to Mr Lopez Aguilar, Chairman of the LIBE Committee (EP), 12 October 2010.

5.2. Risk management

The methodology for risk management remained unchanged during the reporting period. Each month the Commission identifies the most important risks in the project (at central and national level) and presents them to Member States at the monthly VIS National Project Managers' meetings. In this task, the Commission is assisted by its Quality Assurance contractor.

As in the previous year, risks were also discussed in the context of the Friends of the VIS. The Commission worked together with the Presidency to assess the main risks and to categorise them according to their impact on the project. Actions are identified for each risk in order to mitigate them. The Commission also maintains a high-level register and follows up the implementation of actions.

At the end of 2010, the most critical risks identified were the following: (i) delay in completing the Operational System Tests according to the revised schedule, (ii) Member States' preparations for their participation in the Provisional System Acceptance Tests, (iii) Delays in some Member States with consular and border preparations for the start of operations and (iv) delays in Operational Management preparations. For all risks, mitigation actions are identified and the Commission, Member States, and the Main Development Contractor work closely together to limit the impact of these risks on the overall project.

6. FRIENDS OF THE VIS

The Friends of the VIS met seven times during the reporting period – three times under the Spanish Presidency (2010/I) and four times under the Belgian Presidency (2010/II). The high-level informal meetings provided a forum in which discussions could be held transparently on all VIS-related matters. The agenda was set by the Presidency in coordination with the Commission and the General Secretariat of the Council. The topics generally included an update by the Commission on the VIS state of play, results from the reporting mechanism on national progress and a report on risks.

In the first half of 2010, Member States were requested to send updated replies to a questionnaire prior to each meeting of the Friends of the VIS. The questions covered general technical preparation concerning the development of their national system, consular preparations for rollout in the first regions and border preparations in relation to checks against the VIS with and without biometric verification. More specific questions on training and other milestones were also included in the questionnaire. However, several Member States did not provide clear dates for achieving the specific milestones, which did not allow the Presidency and the Commission to have a complete picture of progress in all Member States.

Therefore, an updated questionnaire was introduced in the second half of 2010, focusing exclusively on the first region of deployment and external border crossing points. Again, replies received were sometimes unclear, especially as regards border preparations. Consequently, at the end of the reporting period, the Presidency requested Member States to submit national border deployment plans, allowing for thorough monitoring of the situation at each Member State's external border crossing points. This time, results were more satisfactory. The incoming Presidency has decided to continue using this reporting mechanism in 2011.

7. CONCLUSION

The year was characterised by the successful completion of the second major testing phase of the central system (the SST) and the start of the third phase (the OST) involving seven Member States.

At national level, most Member States have made significant progress with the development of their national systems throughout the year. At the end of the reporting period, all countries report that they will be ready to connect to the VIS by June 2011. Intensive monitoring will therefore continue in 2011 as well as "on-site" visits to consular posts in the first region of deployment to monitor the administrative preparations by Member States.

A new global schedule was presented to the JHA Council in October 2010, which foresees the technical readiness of the VIS for starting operations in June 2011. All stakeholders in the project have reiterated their commitment to working closely together towards the entry into operation of the VIS and to addressing the risks outlined in section 5.2.

In parallel, the Commission has informed the LIBE Committee of the European Parliament on a regular basis regarding the development and state of play of the VIS project and will continue to do so in the future.

8. ANNEX: VIS WORKING GROUPS

8.1. SISVIS Committee

There were no meetings of the SISVIS Committee in the VIS formation⁸ in 2010. The Committee will remain responsible for VIS-related comitology work in 2011.

8.2. VIS National Project Managers (NPM) meetings

During the reporting period, ten expert group meetings for the Member States' National Project Managers (NPM) were organised by Commission services in order to discuss the status of the VIS project, detailed technical issues, planning issues, risks and activities at central and national project levels.

8.3. Test Advisory Group (TAG)

The TAG, an advisory working group of the SISVIS Committee (VIS formation) met quite frequently or held conference calls during the reporting period due to the intensive testing activities. The TAG ensures that a structured process is used to address and resolve testing-related issues and advises on the completion of VIS testing campaigns. The group's participants make recommendations on the testing of VIS during all test phases, especially those in which Member States participate directly.

8.4. VIS Mail Expert Group (VIS MEG)

The group met on a monthly basis throughout the reporting period with the aim to support the implementation of the VIS Mail communication mechanism.

The work of the Commission and the Member States on VIS Mail is carried out in cooperation with the Network Contractor and is supported by the Support and Quality Assistance Contractor.

⁸ Set up by Article 51(1) of Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II).