

Visa information system VIS: establishment, information exchange between Member States

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This report on the activities undertaken by the Commission in **2009** on the development of the Visa Information System (VIS) is the sixth of its type to be presented by the Commission to the Council and the European Parliament in accordance with Article 6 of Council Decision 2004/512/EC establishing the VIS.

Its main conclusions may be summarised as follows :

Main progress made in the period covered (2009):

- **compliance testing:** as regards compliance testing with Member States and development of most national systems, the VIS project progressed smoothly. By the end of 2009, compliance testing had been completed with 22 out of 25 current Schengen Associated States at a 100% success rate. Compliance tests remain to be executed only by a few Member States before the final testing phase in 2010. However, the **tests related to VIS at central level in 2009 proved to be challenging**. The technical development of the VIS and Biometric Matching System (BMS) entered the second of four testing phases in April 2009 – the Systems Solutions Test (SST). The Main Development Contractor (MDC) failed to meet the exit criteria for the first attempt to carry out the test, which led to a second and third test campaign during the reporting period. The delay with the SST affected the start of the subsequent testing phases involving the Member States. In parallel, other factors also impacted the re-scheduling of the project, including a significant delay at national level for at least one Member State;
- **timetable:** due to the events described above, the **December 2009 target date** for start of operations of the VIS **could therefore no longer hold**. After a presentation to the "Friends of the VIS" and Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) in November 2009, the following new global schedule was presented to the JHA Council on 30 November 2009:
 - Start of Operational Systems Test (OST) - February 2010 ;
 - Provisional Systems Acceptance Test (PSAT) - September 2010 ;
 - central system readiness test - October 2010 ;
 - **start of operations of VIS - December 2010;**
- **legal framework for the VIS:** in 2009, the legal instruments required before the VIS begins operations, namely the amendments to the Schengen Borders Code and the Common Consular Instructions⁸, were adopted and published in February and May 2009, respectively. The use of the VIS should entail a systematic search in the VIS using the visa sticker number in combination with a verification of fingerprints. Several Commission Decisions related to the VIS were adopted under the comitology procedure during the reporting period. One outstanding legislative instrument concerning security in the VIS remains to be adopted in 2010;
- **budget:** the total available commitment appropriations for the VIS in 2009 amounted to € 38.3 million. The main components of expenditure during 2009 were the preparation of additional features for biometrics, external assistance for project management and quality assurance,

exploitation costs for the development and testing phases, and changes to the VIS (due mostly to Member State change requests). 74.65% of the total VIS appropriations were committed and 76.53% of payment appropriations had been paid by the end of the reporting period. The Commission notified the main contractor of the **launch of penalties, as from 15 June 2009**, due to its incapacity to run the SST successfully, on time, and within contractual obligations. The total amount of the penalties is to date **€ 7.6 million**

- **risk management:** the methodology for managing risks in the project changed somewhat during the reporting period. At the end of 2009, the most critical risks identified were the following: i) failure to deliver VIS in time for technical, legal or contractual reasons and the possible reputational impact, ii) difficulties in resource and financial planning at central and national levels due to additional delays to the VIS start of operations, iii) the risk of not achieving the original performance requirements, and iv) lastly, the contractual impact of SIS II on the VIS. 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 project. Despite the mitigation actions taken by the Commission, it was evident that the originally agreed performance level requirements would not be achieved by the Main Development Contractor; therefore, it was expected that the problems related to the Systems Solutions System would continue into 2010.

Conclusions: during the reporting period (January – December 2009) four implementing measures for VIS were adopted by the Commission, including the Decision determining the first regions for the start of operations of the VIS. The year was characterised by intensive testing, during which the vast majority of Member States successfully completed their compliance tests, a precondition for entering the final test phase before VIS enters into operations. At central level, the technical development of the VIS entered the second of four testing phases in April 2009, the Systems Solutions Test. At this stage, the Main Development Contractor encountered a series of technical problems, both functional and non-functional, which relate to the performance of the system.

At national level, one Member State has reported significant contractual problems with the development of their national system. These problems will not allow this Member State to connect to the VIS before December 2010. A new global schedule was presented to the JHA Council in November 2009, which would lead to a planned go-live of the VIS in December 2010. All stakeholders in the project have reaffirmed their commitment to working closely together towards the entry into operation of VIS. 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.