



Council of the
European Union

Brussels, 1 October 2019
(OR. en)

12429/19

LIMITE

**FRONT 248
COSI 195
DAPIX 268
SIRIS 133
SCHENGEN 32
VISA 195
COPEN 365
COMIX 422**

NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Implementation of Interoperability
- Exchange of views

Delegations will find in annex a note from the Commission services on the above subject.

Information note – Implementation of interoperability

Following agreement by the co-legislators, the two Regulations on interoperability¹ entered into force on 11 June.

Implementing these Regulations – and making interoperability operational for new EU information systems (Entry/Exit System (EES), European Travel Information and Authorisation System (ETIAS) and European Criminal Records Information System for Third-Country Nationals (ECRIS-TCN)) and existing systems (Schengen Information Systems (SIS), Visa Information System (VIS), and Eurodac) – will require that work advances for each individual system.

Interoperability will largely build on technical components that are or will be developed for the new EU information systems and which will be upgraded to provide for the purposes of interoperability. In this context, work on the EES and ETIAS – currently in their development phase – is crucial, as most of the interoperability components will be developed in parallel. It also requires close cooperation between eu-LISA (as the Agency responsible for the design and development), Member States and the Commission.

¹ Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA; Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816.

In parallel, work on the secondary legislation, including both implementing and delegated acts, has already started. In order to achieve the implementation deadlines of interoperability, six of these acts must already have stable texts by the end of this year. The Commission, together with eu-LISA, will do its utmost to produce the texts for discussion in the Interoperability Committee and expert group, and we look for support from Member States in order to succeed.

National preparations

As indicated by the European Council, it is of the utmost priority not to lose any time in the design, development and implementation of the new systems and interoperability, and to ensure that no Member State falls behind the others. Considering the political importance and complexity of this project, it is advisable that this implementation process is constantly accompanied and monitored by the political level – within the Commission as well as within the Member States.

In support of this, the Commission, in October 2018, initiated a tour of capitals to discuss the state of preparation of Member States, to identify problems and bottlenecks, to try to draw lessons, and to identify possible solutions and support measures. The tour of capitals is entering its final phase with visits planned for October and November. The Commission has benefited from these meetings with a view to sharing recommendations to support the implementation process.

Main preliminary outcomes

Coordinating and cooperating across all the different national authorities involved in projects, such as those dealing with EES/VIS/ETIAS at operational level, presents a challenge. This can be heightened when those authorities belong to different ministries. While not necessarily straightforward, full coordination across ministries is absolutely necessary given the political importance of getting the new IT architecture up and running. This would benefit from high-level support.

The existing national operational teams report to their respective hierarchies; their direct management is, therefore, well aware of the situation. There is much to be gained from ensuring this reporting – from all authorities involved – regularly reaches ministerial level. Such close involvement of ministers, as promoted repeatedly by Commissioners Avramopoulos and King, will be key to ensuring that the new architecture is implemented as scheduled.

Procurement and resources present challenges. In certain cases, procurement procedures in view of EES preparations are not yet launched. In terms of resources, for both budget and personnel, we learned that, in some cases, there was not yet a secured budget allocation, and sometimes not even an identification of funding needs. Actions should be taken to ensure that this is planned and continually monitored to identify ways forward. For example, regarding human resources, we strongly suggest to identify the cases where the teams responsible for the various systems need to be reinforced with additional resources.

Some critical issues that could impact the implementation deadlines have been identified. The Commission is aware of this and, together with the EU Agencies, will be in close contact with competent authorities, including at senior level. Several visits, including officials at both senior and technical level, are planned to support the Member States concerned and to help them identify the appropriate measures to fix these issues. The Commission is similarly aware of its own responsibilities in respecting the deadlines and expediently working on implementation and to follow-up on the development of systems and components. As part of this, on 5 March 2019, the Commission convened a Forum on implementation of the new architecture for EU information systems for borders and security. Looking ahead, the Commission is preparing a ‘Train the Interoperability Ambassadors’ seminar, tentatively planned for early next year, to ensure that all involved can be reached so that implementation is fully achieved in the timeline.

Next steps

The Commission plans to hold another high-level Forum (provisionally scheduled on 15 November) as a follow-up to the one that took place on 5 March. In this Forum, the Commission will inform Member States of the latest developments, including presenting a scoreboard, prepared with the information gathered through the tour of capitals and also various governance bodies, and proposed future actions. This monitoring mechanism will be taken forward in close cooperation with the eu-LISA Management Board and with the European Border and Coast Guard Agency.
