Council of the European Union

NOTE

From:	Presidency
To:	Delegations
Subject:	Implementation of interoperability

With a view to the Justice and Home Affairs Council meeting of 7 and 8 October 2021, delegations will find in annex information on the above subject, based on information provided by the Commission services.

In order to frame the exchange of views on this topic, the Presidency would like to invite Ministers to consider the following issues as regards the implementation of the Entry/Exit System and the Schengen Information System:

– identify measures taken at national level to ensure overall coordination and reporting between political and technical level;

– indicate where support from Commission and eu-LISA would be needed as a matter of priority (e.g. assistance with national procurement procedures, modifications to national IT systems, timely allocation of human and financial resources, training, testing, etc.).

Implementation of the interoperability architecture of EU information systems, with particular focus on the Entry/Exit System and the renewed Schengen Information System

The purpose of this note is to inform Ministers of the state of play in the implementation of the new architecture for EU information systems for borders, migration and security and their interoperability.

*The **main highlights** are the following:*

- *The **new IT-architecture** is the cornerstone of establishing one of the most modern border management systems in the world, which is fit for purpose.*

- *The testing of the Entry/Exit System is about to start. The testing of the renewed Schengen Information System started in August 2021. All tests must be successfully completed and all Member States must be ready before the Commission can decide that the systems can enter into operation. However, the **timely implementation** of the Entry/Exit System in May 2022 and the renewed Schengen Information System in February 2022 **is however currently at risk**.*

- *The **main shortcomings** concern the **Entry/Exit System** for which delays in the delivery of the central system by 1 month is causing a shift in the testing schedule and reducing the time available to correct possible defects in time for entry into operation. In addition, some Member States still face considerable risks of delays, mostly due to delayed procurement procedures. A delay by one will bring delays for everyone. A delay in the entry into operation of the Entry/Exit System has also knock-on effects on other EU information systems, in particular the **European Travel Information and Authorisation System**.*

- *There is also a **high probability that the deadline of end of 2021** for finalising preparations for the **renewed Schengen Information System will not be met** due to the complexity and volume of the tests to be executed with all Member States and EU agencies. It is important to ensure sufficient time for testing in order not to jeopardise the continuous operation of the Schengen Information System and cooperation between SIRENE Bureaux, cornerstones for the security in the Union. In addition, some Member States are facing (important) delays at national level to prepare their systems to connect to the renewed Schengen Information System.*

- ***The Commission services are of the strong opinion that the target date** for full implementation of all systems and their interoperability should **remain unchanged: end-2023**.*

- *The Commission services and eu-LISA will continue close contacts with contractors and Member States and **stand ready to support the Member States** as appropriate and possible. Member States confronted with delays should speed up their national preparation, allocate additional resources where necessary and ensure they complete informal tests before formal testing starts. All Member States should also do the utmost to complete formal testing according to the agreed planning. It is the responsibility of technical experts in Member States to inform the political level of the additional needs required to succeed in these tasks.*

This note is a follow-up to the note that he Commission services sent to the Justice and Home Affairs Council in June 2021. It provides updated information on the state of play of the development of the Entry/Exit System and the renewed Schengen Information System as well as the implementation of the Interoperability Regulations.

The Commission services emphasised in their last note to the June JHA Council that Member States have to ensure in particular that the necessary procurement procedures are launched in time, that the necessary modifications of the national IT systems are done in a timely manner, that the required human and financial resources are allocated as a matter of priority, and that training and testing take place according to the timeline.

The Commission services recall that since March 2019 it has convened a series of high-level Interoperability Forums on the implementation of the new architecture for EU information systems for borders, migration and security. These have brought together Member States and Schengen associated countries, EU agencies, other bodies, as well as observers from the European Parliament and the Council. These meetings, in particular using replies to questionnaires and summarising these in a scoreboard, serve to raise awareness among all stakeholders. The Commission services are also using the Rapid Alert process to effectively monitor progress in individual Member States in bilateral meetings.

In addition, governance bodies of eu-LISA (Management Board, Program Management Boards and Advisory groups) ensure continuous scrutiny and coordination of the work ongoing at central and national level.

I.   Assessment on specific projects

- **Entry/Exit System**:

  o   The testing phase of the Entry/Exit System was due to start mid-October 2021 in view of an entry into operation in May 2022. However, the contractor responsible for developing the central Entry/Exit System has been unable to complete the development and testing of the system within the agreed deadlines and therefore the delivery of the system to eu-LISA is expected to be delayed by 1 additional month. eu-LISA governing bodies have discussed options for adjusting the testing schedule in order to mitigate the delays.

  o   Most Member States have also taken mitigating measures to meet the agreed milestones for implementation. Some Member States however still face a significant risk of delay, mainly due to delayed procurement procedures. Six Members States have not yet started testing informally with eu-LISA and nine others have not yet completed these informal tests while the formal testing phase should start soon. All tests must be successfully completed and all Member States must be ready before the Commission can decide that the system can enter into operation.

- There is a need to avoid putting in operation a new border management tool during the high traffic period at border crossing points during the summer months, therefore a possible shift in the implementation schedule for the Entry/Exit System would mean a delay in its entry into operation until at least end-September 2022. This would have knock-on effects on the European Travel Information and Authorisation System for which the entry into operation is scheduled for December 2022.

- **Schengen Information System**:

  - The formal testing phase of the renewed Schengen Information System started in August 2021, with a delay of two months. Nine Member States have not yet initiated informal tests with eu-LISA. This raises concerns about their readiness to start the formal test campaign as a group of Member States has already performed part of these formal tests. One Member State has indicated a serious delay in its national preparations postponing its readiness by several months.

  - There are also delays in the preparation of the tests concerning the exchange of supplementary information between the SIRENE Bureaux in accordance with the new SIRENE Manual. These tests need to be completed before Member States can declare readiness to the Commission.

  - These delays could prevent the Commission to decide by 28 December 2021 on the start of operation date as legally required.

- **Interoperability:**

  - The Commission services, eu-LISA and Member States are getting ready as planned and according to the agreed timeline. Member States made overall good progress. Potential issues were generally identified and mitigated in a timely manner. However, while approaching the first Entry into Operation deadlines and particular attention given to the Entry/Exit System and the renewed Schengen Information System, it is crucial not to lose focus on Interoperability.

II.   General conclusions

The COVID-19 pandemic continues to affect the implementation process and activities planned at both central and national level, in particular for the Entry/Exit System. Nevertheless, delays in procurement procedures and in the adaptation of the relevant national systems – not a direct consequence of COVID-19 – have been the major cause.

Increased coordination at national level between technical experts implementing the systems and political representatives is required to ensure that technical experts are duly informed of political commitments and resources corresponding to these commitments are allocated to the national projects.

A delay in the implementation of the Entry/Exit System, resulting from the situation described above, would delay also the start of operation of the European Travel Information and Authorisation System. However, the Commission services are of the strong opinion that the target date for full implementation of all systems and their interoperability should remain unchanged: end-2023.

III.   Next steps

For the Entry/Exit System, the Commission is recommending to continue with the testing phase while inviting the Council to revert to this topic in December 2021.

The Commission services plan to hold the next Interoperability Forum on 28 October 2021 to assess the state of play and progress made by the Member States in the Implementation of the interoperability architecture of EU information systems.

The Commission services will also continue to pursue the implementation of the Rapid Alert process, an important tool that has proven to be useful to enable solutions to the identified issues concerning the implementation and use of the EU information systems for borders, migration and security, and their interoperability. In this framework and given that important milestones for the Entry/Exit System and the renewed Schengen Information System are approaching, the Commission will continue and further intensify bilateral contacts, especially with those Member States facing difficulties.

Furthermore, the Commission services will organise a follow-up workshop on Member States' questions related to the financial aspects of interoperability to take place in October, with the aim to support the Member States in the implementation process.

Considering the conclusions of its Management Board meeting that took place on 1 October, eu-LISA will modify the detailed timeline for preparation of the Entry/Exit System and define a new date for the successful completion of all tests and readiness of all Member States.

Member States are recommended to:

- where confronted with delays, speed up their national preparation, allocate additional resources where necessary and ensure that informal tests are completed before formal testing starts. All Member States should also do the utmost to complete formal testing according to the agreed planning;

- continue to provide early and comprehensive information of any specific difficulties or potential delays; and

- ensure that the political level is regularly informed on the progress, especially if the projects are not advancing according to schedule. It is the responsibility of technical experts to inform the political level of the additional needs required to comply with the agreed schedule.

To further facilitate the process at the level of the Member States, the Commission services have prepared targeted notes addressed to each Interior Minister, drawing attention to the most pertinent challenges of each of them with regard to the Entry/Exist System, the renewed Schengen Information System as well as Interoperability.