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

**Report from the Commission to the European Parliament and the Council on the
development of the Visa Information System (VIS) in 2012**

(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 ninth and final 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 2012. This report will be the last report delivered by the Commission pursuant to Article 6 of Council Decision 2004/512/EC, as the [...] *development of the Central Visa Information System, the National Interface in each Member State, and the communication infrastructure between the Central Visa Information System and the National Interfaces [...]*³ are now all completed.

2. OVERVIEW

The Visa Information System (VIS) is a large-scale IT system for the exchange of data on short-stay visas between Schengen States. Its objective is to support the implementation of a common EU visa policy – as well as the EU's migration and border management policy – by preventing "visa shopping", assisting in the fight against irregular migration, contributing to the prevention of threats to internal security of Member States, and bringing transparent and faster procedures for bona fide travellers. It is accompanied by the Biometric Matching System (BMS), which performs fingerprint matching services.

The VIS started operations on 11 October 2011 in North Africa, when all Schengen States connected their consular posts to the system in Algeria, Egypt, Libya, Mauritania, Morocco, and Tunisia. Since 31 October 2011, all Schengen States also use the system at their external border crossing points. The VIS is being progressively deployed, region by region, and will eventually cover the entire world.

The European Commission has been responsible for the management and the entire implementation process of the VIS ever since 2004, until eu-LISA⁴ took over the operational responsibility of the system on 1 December 2012 (*see section 3.6.*).

The system has been functioning in a very satisfying way since it was launched, with only a limited number of minor technical issues being reported. Its central capacity and performance will be increased as it will gradually be deployed around the world (*see section 3.5.*). During the last three months of the reporting period, on average 4.900 Schengen visas were issued every day using the VIS.

¹ OJ L 213 of 15.6.2004, p. 5.

² For the eighth report, see the Report from the Commission to the Council and European Parliament on the development of the Visa Information System (VIS) in 2011, COM(2012) 376 final of 11.07.2012

³ OJ L 213 of 15.6.2004, p. 5.

⁴ European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice.

3. PROGRESS DURING THE PERIOD UNDER REVIEW

3.1. Final System Acceptance

The Final System Acceptance (FSA) is a milestone foreseen in the contract signed in 2005 between the Hewlett-Packard Steria (HPS) consortium and the European Commission. The FSA is agreed when the contractor is considered to have completed the development of the system and is released from its contractual obligations in the project development. It was granted, as per the contract, after five consecutive months of operations without incident, in August 2012.

This important step marks the end of the development of the system in the sense of Article 6 of the Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System, and therefore the end of the yearly progress reports referred to in this Article.

3.2. Regional roll-out

During the reporting period, the VIS was successfully deployed in two more geographical regions, the Near East and the Gulf region, on 10 May and 2 October respectively.⁵ The dates for the start of operations were agreed in the framework of the “Friends of VIS” (FoVIS) informal steering group, and formalised in two legal acts pursuant to Article 48 of the VIS Regulation⁶. The European Commission adopted on 27 April 2012 an Implementing Decision (2012/233/EU) determining the date from which the VIS is to start operations in the Near East region. The date chosen was 10 May 2012.⁷ A subsequent Implementing Decision determining the date from which the VIS is to start operations in the Gulf region was adopted on 21 September 2012 (2012/512/EU). The date chosen was 2 October 2012.⁸

For both regions, all Member States notified the Commission of their readiness to connect to the system in due time.

The successful and incident-free deployment of VIS in these regions covering fourteen countries indicates that the system has matured to a very satisfactory level and that it can sustain operations in subsequent regions.

The European Commission adopted on 24 April 2012 an Implementing Decision (2012/274/EU) determining the second set of regions for the deployment of the VIS.⁹

⁵ Pursuant to Commission Decision 2010/49/EC of 30 November 2009 determining the first regions for the start of operations of the Visa Information System (VIS), OJ L 23, 27.1.2010, p. 62

⁶ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) – OJ L 218 of 13.08.2008, p.60

⁷ Commission Implementing Decision of 27 April 2012 determining the date from which the Visa Information System (VIS) is to start operations in a second region, OJ L 117 of 1.5.2012, p. 9. The Near East region comprises Israel, Jordan, the Lebanon, and Syria.

⁸ Commission Implementing Decision of 21 September 2012 determining the date from which the Visa Information System (VIS) is to start operations in a third region, OJ L 256 of 22.9.2012, p.21. The Gulf region comprises Afghanistan, Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates, and Yemen.

⁹ Commission Implementing Decision of 24 April 2012 determining the second set of regions for the start of operations of the Visa Information System (VIS), OJ L 134 of 24.5.2012, p.20. The regions are West Africa, Central Africa, East Africa, Southern Africa, South America, Central Asia, South East Asia, and the occupied Palestinian territory.

3.3. VIS Mail Communication Mechanism

The VIS Mail Communication Mechanism allows for the transmission of messages between Member States using the VIS network infrastructure. During the reporting period, work was focused on preparing the so-called “Phase 2” of the VIS Mail, which will replace the Schengen consultation network (VISION system, under Council management) once the worldwide deployment of the VIS is completed. Phase 2 will add new categories of messages already exchanged under Phase 1, which is operational from 11 October 2011. In 2012, the technical specifications were stabilised and the tests to be run in 2013 were defined. Before the VIS Mail Phase 2 file was handed over to eu-LISA (*see section 3.6.*), the test plan and the test detailed descriptions were approved by the Member States.

The European Commission adopted on 29 February 2012 an Implementing Decision¹⁰ for the implementation of “VIS Mail Phase 2” communication mechanism.

3.4. Development of the Biometric Matching System (BMS)

The Biometric Matching System (BMS) became operational together with the VIS on 11 October 2011. The BMS, which provides fingerprint matching services to the VIS, was granted Final System Acceptance in March 2012 after 5 months of operations without incident.

During the reporting period, BMS has seen the quality of fingerprints steadily increase, stabilising to an overall Failure To Enrol (FTE) rate¹¹ of around 4%. At the beginning of 2012 the overall FTE was still around 16%. Member States continued to use the software kits provided by the BMS contractor for their fingerprint capturing devices.

The majority of fingerprints were submitted by France, Germany, Italy and Spain.

A number of participating countries (Belgium, France, Germany, Italy, Latvia, The Netherlands, Poland, and Switzerland) have also started verifying fingerprints at border crossing points, which is optional during a transitional period of three years in accordance with the Schengen Borders Code. Member States have not opted to reduce this transitional period to one year for air borders.

Switzerland and Sweden have started searching VIS/BMS with fingerprints from asylum seekers.

3.5. Contract for the Maintenance of the VIS under Working Order and Evolutive Maintenance (MWO/EM)

In order to cater for the technical maintenance of the VIS under working conditions and to improve the performance of the system over time, taking into account the increasing amount of data that will be inserted in the VIS in the coming years, the Commission launched a call for tender for the "Maintenance in Working Order (MWO) and the Evolutive Maintenance (EM)" of VIS on 14 July 2011. The contract was awarded in August 2012 and the contractor had fully taken over VIS from the incumbent contractor by the end of the reporting period.

¹⁰ Commission Implementing Decision of 29 February 2012 adopting the technical specifications for the VIS Mail Communication Mechanism for the purposes of Regulation (EC) No 767/2008 of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) between Member States on short-stay visas (VIS Regulation), C(2012) 1301 final

¹¹ The Failure To Enrol (FTE) rate is the percentage of fingerprints sets that are below usable quality

3.6. Handover to the EU IT Agency “eu-LISA”

eu-LISA took over the operational responsibility of VIS from the Commission on 1 December 2012. During a transitional phase, a service contract between the European Commission and France allows the French authorities in Strasbourg (C.SIS) to assist with the operation of the VIS while eu-LISA gradually takes over. The Commission was heavily involved in the handover of both the VIS and BMS projects to eu-LISA at the end of the reporting period. Considerable support was provided by the Commission in terms of training and shadowing, allowing for the agency to take over the management of the VIS under the best possible conditions.

3.7. Statistics

As of 22 November 2012, the VIS had successfully processed close to 1.9 million visa applications, of which 1.5 million resulted in Schengen visas issued, while close to 235.000 visas were refused. The central system had dealt with almost forty million operations received from consulates around the world and border crossing points. These figures concern the use of VIS in the three regions where the system has been rolled out, plus the consulates where Member States have started using the VIS ahead of a pre-determined date.

The production of statistical data has since been transferred to eu-LISA.

4. PROJECT MANAGEMENT

4.1. Planning and Budget

The total available commitment appropriations for the VIS in 2012 amounted to EUR 40 million of which 99.8 % were used. The total available payment appropriations amounted to

	Available CA	Execution CA	Total %		Available PA	Execution PA	Total %
C1 (credits from VIS Financing Decision 2012)	38.740.000,00	38.661.331,99			32.458.123,00	31.394.314,52	
C5 (credits from contributions IS, NO, CH 2011)	1.298.209,85	1.298.209,85			1.298.209,85	1.298.209,85	
Total	40.038.209,85	39.959.541,84	99,8 %		33.756.332,85	32.692.524,37	96,8 %

EUR 33.8 million of which 96.8 % were used. The budget line for VIS is 18.0205.

4.2. Risk Management

As for the previous years, the most important risks at central and national level were identified by the Commission and presented to the Member States at the monthly VIS National Project Managers' meetings as well as in the FoVIS meetings.

At the end of 2012, the most critical risks identified were the following:

a) alphanumerical data quality during operations;

- b) ability of Member States to comply with all obligations under the Operator Manual and the VIS Regulation (including self-auditing);
- c) handover of the VIS to eu-LISA;
- d) fingerprint quality during operations;
- e) timely upgrade of the VIS capacity.

For all risks, mitigation actions were defined and all stakeholders worked together to limit the impact of these risks on the overall project.

5. FRIENDS OF THE VIS

The informal working group of the Council met six times during the reporting period – three times in the first semester and three times in the second one. As usual, the agenda was set by the Member State holding the Presidency of the Council (respectively Denmark and Cyprus) in coordination with the Commission and the General Secretariat of the Council. The format of the meeting remained unchanged, with a technical update by the Commission on the VIS state of play, a report on risks, results from the reporting mechanism on national progress and strategic discussions on the regional rollout of the VIS.

As it was the case for the first region, the national monitoring system used in the FoVIS meetings allowed for the successful launch of the VIS in the Near East and Gulf regions.

At the meeting of 18 July 2012, it was agreed that the date on which the use of VIS becomes mandatory for all Member States in West Africa and Central Africa could be 14 March 2013.

6. CONCLUSION

Three major events characterized the VIS project in 2012. First, the Final System Acceptance (FSA) was granted to the Main Development Contractor, thereby closing a contractual relation of seven years between the Commission and the HPS consortium. Secondly, the VIS was successfully launched in two more geographical regions, the Near East and the Gulf region. This development confirmed the robustness of the system and its capacity to be rolled out in future regions. Finally the operational responsibility of the system was handed over to the eu-LISA, which is now fully operational both on the technical sites in Strasbourg and Sankt Johann im Pongau and at the headquarters in Tallinn.

This is the last annual report on the progress of the VIS project delivered by the Commission pursuant to Article 6 of Council Decision 2004/512/EC.

7. ANNEX: VIS WORKING GROUPS

7.1. SISVIS Committee

The SISVIS Committee in the VIS formation¹² met once in 2012, on 8 March. During the meeting, the Commission informed the delegations that the Commission Implementing Decision on the technical specifications for the VIS Mail communication mechanism had been adopted on 29 February. The Committee also gave a favourable opinion on the Commission Implementing Decision determining the second set of regions for the start of operations of the VIS. This Decision is based on a Commission non-paper from June 2011 and covers the sequence of regions 4 to 11 included.

7.2. VIS National Project Managers (NPM) meetings

During the reporting period, the Commission convened seven expert group meetings with the Member States' National Project Managers, to discuss the status of the VIS project, detailed technical issues, planning issues, risks and activities at central and national project levels. The last meeting of the VIS National Project Managers took place on 25 October and has since been replaced by the so-called VIS Advisory Group, which is organised by eu-LISA.

7.3. VIS Mail Expert Group (VIS MEG)

The group met seven times throughout the reporting period with the aim to support the implementation of the VIS Mail Communication Mechanism, and in particular the so-called "Phase 2" (*see section 3.3.*). The last meeting of the VIS MEG took place on 29 October. Matters related to VIS Mail have since been incorporated in the VIS Advisory Group, under the responsibility of eu-LISA.

¹² Established 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), OJ L 381, 28.12.2006, p. 4.