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## NOTE

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From:	Presidency
To:	Delegations
Subject:	Reassessment of the timeline towards the implementation of the JHA interoperability architecture

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### 1. BACKGROUND

Starting with the communication from the European Commission to the European Parliament and the Council on “Stronger and Smarter Information Systems for Borders and Security”<sup>1</sup>, a process was launched to improve the architecture of information systems and information management in the fields of borders, migration, visa and security in the European Union.

As consequence, several legal acts have since entered into force in order to

- complement the information landscape that new information systems form, i.e. the Entry Exit System (EES)<sup>2</sup>, the European Travel Information and Authorisation System (ETIAS)<sup>3</sup> and the European Criminal Records Information System for Third Country Nationals (ECRIS-TCN)<sup>4</sup>,

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1 COM/2016/0205 final  
2 Regulation (EU) 2017/2226  
3 Regulation (EU) 2018/1240  
4 Regulation (EU) 2019/816

- update and develop further existing systems, i.e. the Schengen Information System (SIS)<sup>5</sup> (legislation for a recast of the Visa Information System (VIS), ETIAS consequential amendments and Eurodac is still pending), and
- establish interoperability between the aforementioned EU information systems that should allow, for instance, those systems to supplement one another in order to facilitate the correct identification of persons.

The renewal of existing and the introduction of new systems including their interoperability address important shortcomings identified in the EU's information management for borders, migration, visa and security. Implementation is a key priority, but has been a challenging task for both Member States and EU Agencies from the beginning. It is not only a technical implementation project. In fact, it also requires development of organisations and capabilities, i.e. the adaption or the design of (new) business processes to enable end users to deal with the available information. This includes the importance of high-quality<sup>6</sup> data in the systems as required by the respective legislation (i.e. correct, reliable and comprehensive data).

The European Commission has established an overall implementation schedule based on the relevant legislations and inputs from eu-LISA. The schedule has received political commitment, highlighting again the need to improve European information management and information exchange. A high-level implementation forum, organised by the Commission on a regular basis, is monitoring progress. Member States regularly report through their replies to questionnaires. They provide data that is fed into a scoreboard which makes the overall situation transparent. The European Commission recently announced a RAP-IT process that aims to identify where support is needed for those Member States struggling with issues. Governing bodies are in place with the eu-LISA Advisory Groups and the Programme Management Boards. They also ensure synchronicity between activities on central and Member States' level.

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<sup>5</sup> Regulations (EU) 2018/1860, 2018/1861 and 2018/1862

<sup>6</sup> WK 6096/2020

## 2. CURRENT SITUATION

Since the implementation of the new JHA interoperability architecture, Member States and the EU Agencies concerned have made significant progress in a large number of areas. Projects and governance structures have been established, budgets have been acquired, staff have been hired, tendering procedures have been launched, data centres have been upgraded etc.

However, since February/March 2020 the COVID-19 pandemic has had a sudden and significant impact on nearly all countries worldwide. It had, and still has, enormous influence on ongoing processes and projects within the Member States, including the implementation of the new JHA interoperability architecture.

Notwithstanding this, regardless of COVID-19 and prior to the pandemic, some Member States had reported substantial delays at national level, mainly with regard to EES milestones. Some had indicated, for instance, that they were running more than six months behind schedule. On the other hand, several Member States have stated that they will keep to the planned schedule. Given that the launch of every system is subject to every single Member State being prepared, the need for transparency and reliability for all Member States (being on time or not) is evident.

Thirdly, trilogues on the VIS recast are still ongoing. Moreover, interinstitutional negotiations on the ETIAS consequential amendments have not started yet pending the adoption of its mandate for negotiations by the European Parliament. It is becoming increasingly likely that this will have a significant impact on the implementation progress. These legislative acts, once they enter into force, will change certain determining factors for other systems, too. As long as they are not finalised, determining factors in a number of important areas remain uncertain. Consequently, implementation projects are subject to possible further delays and additional costs.

In the context of EES implementation, the European Commission and eu-LISA have already taken steps to examine in detail the impact on the implementation roadmap. The eu-LISA Management Board discussed the situation in its recent 23<sup>rd</sup> meeting and took a decision, emphasising “*the need for the Agency and the Member States to act decisively to overcome the shortcomings and delays identified in the scorecard and the surveys of the Agency, and in this respect to reduce the effects of the COVID-19 crisis as much as possible to ensure full implementation of the new interoperability architecture by the end of 2023*”<sup>7</sup>.

### 3. CURRENT SITUATION

There is a clear demand for timely discussions on the need for adaptations to the implementation roadmap. The main reason for the creation of the Working Party on JHA Information Exchange was the necessity to address the crosscutting nature of the implementation of the JHA Interoperability architecture. Accordingly, this is the appropriate body to take the lead on preparing informed decisions at JHA ministerial level. The Presidency will ensure the provision of information to and coordination with other Working Parties, especially the Working Party on Frontiers.

It seems to be clear that adaptations to the timetable are inevitable. However, given their interdependencies, adjustments for one system cannot be transferred directly to other systems. It is not the time to question the overall goals for full implementation, notwithstanding the fact that it is likely that some intermediate steps will need to be delayed.

It is essential for Member States and EU Agencies to have certainty as regards realistic milestones for every single project. Uncoordinated delays will most probably affect calls for tenders, the procurement of technical equipment, human and budgetary resources planning etc. Nevertheless, amendments made to the timetable for one system may create new opportunities to harness synergies, e.g. scheduling the entry into operation of new information systems so that this is in line with the availability of new horizontal interoperability components such as the Shared Biometric Matching Service<sup>8</sup> or the Common Identity Repository<sup>9</sup>. Adaptation of timetables as a consequence of COVID-19 must take into account all foreseeable consequences.

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<sup>7</sup> 23<sup>rd</sup> meeting of the eu-LISA Management Board on June 30<sup>th</sup>, 2020, item 9c

<sup>8</sup> Art. 1(2)(b), Art. 12 of Regulation (EU) 2019/818 and Regulation (EU) 2019/817

<sup>9</sup> Art. 1(2)(c), Art. 17 of Regulation (EU) 2019/818 and Regulation (EU) 2019/817

#### 4. QUESTIONS

Delegations are invited to share their views on the basis of the following questions:

1. What are the overriding factors that have to be considered during the readjustment of the implementation roadmap?
2. What external side effects (e.g. swings in travel volume throughout the year) have to be taken into account?
3. If there were an EES delay, what impact do you expect this would have on the implementation of other systems in your Member State, if any?
4. What would the likely consequences be for your Member State as regards planning, testing, availability of (budgetary and human) resources etc.?
5. If your Member State experiences very long delays (e.g. more than 3 months), could you please indicate the main reasons for these (e.g. if you have not yet even started procurement procedures, could you explain why)? Do you agree with the measures proposed by eu-LISA in its impact assessment<sup>10</sup>?

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<sup>10</sup> WK 7280/2020