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

**ON THE DEVELOPMENT OF THE VISA INFORMATION SYSTEM (VIS) IN 2011  
(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 System<sup>1</sup>, herewith submits to the Council and the European Parliament the eighth progress report on the development of the Visa Information System (VIS)<sup>2</sup>. The report covers the work carried out by the Commission between January and December 2011.

## **2. LEGAL FRAMEWORK FOR THE VIS**

Pursuant to Article 48 of the VIS Regulation<sup>3</sup>, the European Commission adopted on 21 September 2011 an Implementing Decision determining the date from which the Visa Information System (VIS) is to start operations in a first region (2011/636/EU).<sup>4</sup> The date chosen was 11 October 2011 (*see section 3.7*).

Commission Regulation No 977/2011 of 3 October 2011 amending the Visa Code was also adopted during the reporting period<sup>5</sup>.

No other legal instruments concerning the VIS were adopted in 2011.

## **3. PROGRESS DURING THE PERIOD UNDER REVIEW**

### **3.1. Development and testing of the central system**

During the reporting period, two testing phases were successfully completed, the first of which involved seven participating countries and the second involved 16 of them (the same seven and nine additional ones).<sup>6</sup> The two testing phases were completed later than originally scheduled, but still within the reporting period, due to re-runs of some tests that proved the stability and robustness of the system. In the end, both series of tests were determined to have met the contractual requirements.

The system actually started operations on 11 October 2011 in the visa-issuing consular posts of the Schengen states in North Africa (Algeria, Egypt, Libya, Mauritania, Morocco and

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<sup>1</sup> OJ L 213 of 15.6.2004, p. 5.

<sup>2</sup> For the seventh report, see the Report from the Commission to the Council and European Parliament on the development of the Visa Information System (VIS) in 2010, COM(2011) 346 final of 14.06.2011.

<sup>3</sup> 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

<sup>4</sup> Commission Implementing Decision of 21 September 2011 determining the date from which the Visa Information System (VIS) is to start operations in a first region (2011/636/EU), OJ L 249, 27.9.2011, p.18

<sup>5</sup> OJ L 258, 4.10.2011, p. 9.

<sup>6</sup> The first test (Operational System Tests – OST) involved Germany, Estonia, Italy, Hungary, Slovenia, Sweden and Norway. The second test (Provisional System Acceptance Tests – PSAT) involved the above countries as well as Spain, France, Latvia, Lithuania, Poland, Portugal, Slovakia, Finland and Switzerland.

Tunisia). In accordance with the amended Schengen Borders Code<sup>7</sup>, twenty days after the start of operations, i.e. on 31 October 2011, Member States started checking all visas against VIS at least with the visa sticker number at all Schengen border-crossing points.

On 19 December 2011, Liechtenstein joined Schengen and was successfully connected to the VIS.

### **3.2. Development of the Biometric Matching System (BMS)**

Throughout the reporting period, the Biometric Matching System (BMS), which provides fingerprint matching services to the VIS, has been supporting the VIS Operational System Tests (OST) and Provisional Acceptance Tests (PSAT) without encountering problems.

The BMS became operational together with the VIS on 11 October 2011. The Final System Acceptance period of five months started on the following day.

In the period between 11 October 2011 and 31 December 2011, the BMS stored a total of 170.138 fingerprint sets. A large majority of these fingerprints were submitted by France, Germany, Italy and Spain. Member States continued to use the software kits provided by the BMS contractor for their fingerprint capturing devices. Some Member States significantly improved fingerprint quality in the first months. The quality of fingerprints submitted by some Member States still needs improvement, though. Member States 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.

### **3.3. VIS Mail communication mechanism**

Two major milestones were reached during the reporting period as regards VIS Mail. The first one is the start of operations with the consular posts present in this region exchanging a limited number of consular cooperation messages on the production infrastructure of the VIS Mail. The second major milestone is the finalisation of the specifications for the VIS Mail phase 2. In this phase, which will start after the VIS is rolled-out worldwide, VIS Mail will incorporate the functionality of the Schengen Consultation Network. The procedure for the adoption of an Implementing Commission Decision for the specifications was initiated towards the end of the reporting period. On 9 December 2011 the SISVIS Committee in its VIS formation gave a positive opinion on the draft specifications. The Decision is expected to be adopted in the course of 2012 (*see section 9.1*).

### **3.4. Site Preparations and Network**

Romania was connected to the sTESTA network during the reporting period and Liechtenstein began to access the production environment in late December 2011. The main activities related to the network during the reporting period were (a) securing the operations of the optional "failover mechanism" from the primary site to the backup site; (b) providing a Network Time Protocol server for time synchronisation between the central and the Member State sites; (c) refreshing the network technology, which enhanced the robustness of the encryption devices; (d) testing the VIS Mail Relay; (e) providing C.SIS staff with a communication infrastructure for their interactions with the Member States; (f) providing a

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<sup>7</sup> Regulation (EC) No 81/2009 of the European Parliament and of the Council of 14 January 2009 amending Regulation (EC) No 562/2006 as regards the use of the Visa Information System (VIS) under the Schengen Borders Code, OJ L 35, 4.2.2009, p.56

Web Portal containing a detailed view of the state of the Network, available for C.SIS staff for their monitoring activities; and finally (g) monitoring the VIS Network during the critical testing phases prior to and immediately after the VIS start of operations.

The “failover mechanism” allows Member States with a backup national system to ensure the continuity of operations in case the national system fails. The "failover exercise" was successfully completed by a total of twelve Member States by the end of 2011. The exercise will continue in 2012 for the other Member States interested in implementing this solution.

### **3.5. Handover of the central system to the French authorities (C.SIS)**

Following the successful completion of all testing phases, the central system was gradually handed over to the French authorities in Strasbourg (C.SIS) over a three-week period in September 2011. This process included various technical activities on the VIS and BMS, such as a cleanup of the database and rehearsals of various operational procedures (e.g. switchover/switchback, stop/start).

During a transitional period before the Management Authority (the European Agency for the management of large-scale IT systems in the area of justice, freedom and security) takes up its responsibilities as from 1 December 2012, the Commission will be responsible for the daily operational management of the system. In line with the VIS Regulation, the Commission may entrust the operational management of the VIS to national public-sector bodies in two different Member States. A contract has been concluded with the national authorities of France for the provision of services related to operational management. Contracts have also been concluded with France and Austria concerning infrastructure at the central site in Strasbourg and the back-up site at St Johann im Pongau respectively.

### **3.6. Member States' National Planning**

Apart from the availability of the central VIS, the key dependency for the system becoming operational was the progress in the national projects.

Through the monthly reporting mechanism developed in the context of the Friends of the VIS (*see section 7*), all Member States consistently reported their progress as being on time to achieve the target date for the start of operations in the first region of deployment (North Africa).

As regards compliance testing (CT) of the national systems, the Czech Republic and Greece successfully completed their tests during the first part of the reporting period, thereby closing the cycle of compliance testing with all Schengen countries.

As it was the case in 2010, visits were organised in North Africa in 2011 to obtain "on-site" information about the level of preparedness in Member State consulates, especially as regards their capacity to collect and transmit biometric data of visa applicants to the VIS. In early October 2011, representatives of the Commission and of the Member State holding the Presidency of the Justice and Home Affairs Council configuration travelled to Tunisia (Tunis), Morocco (Casablanca and Rabat) and Libya (Tripoli) to attend Local Schengen Cooperation meetings and to visit local consular installations. In total, ten consular posts were visited; this resulted in concrete legal and technical recommendations for consular staff .

### **3.7. Start of operations of the VIS in North Africa**

#### Political and legal aspects

During the "Friends of the VIS" meeting on 16 March 2011, several Member States stated that, while they would be technically ready to connect to the VIS at the end of June 2011, they would prefer to start operations in North Africa<sup>8</sup> after the peak visa issuance period during the summer and the changeover of consular staff. A consensus emerged to start operations on 11 October 2011.

Article 48 of the VIS Regulation provides that the Commission adopts a Decision determining the date of the start of operations when a) the Commission has declared the successful completion of a "comprehensive" test of the VIS with Member States, and b) when all Member States have notified the Commission of their readiness to transmit data to the central system via their national interface and to connect to the VIS at their consulates in the first region of deployment.

As regards the first prerequisite, the Commission and the Member State experts considered on 7 July 2011 that a comprehensive testing of the system with Member States was successfully completed. A letter from Commissioner Malmström and the results of the tests were sent to the European Parliament on 7 October 2011.

As regards the second prerequisite, Member States were invited to submit their notifications of readiness by the end of July 2011. The first notification was submitted on 5 July 2011 and the last one on 2 September 2011.

These two achievements enabled the Commission to adopt on 21 September 2011 an Implementing Decision determining the date from which the Visa Information System (VIS) was to start operations in a first region.<sup>9</sup>

#### Operational aspects

On 11 October 2011, all Member States successfully connected to the VIS in North Africa. Sweden was the first Member State with a registered transaction at 06.00 UTC. On the first day, minor technical issues at national level were solved almost immediately. Germany was the first country to issue a visa with fingerprints.

As from 31 October 2011, Member States started checking the visa sticker number against the VIS at their external border crossing points, as foreseen by the Schengen Borders Code.

### **3.8. Start of operations of the VIS in regions other than North Africa**

A number of Member States made use of the possibility foreseen by Article 48(3) of the VIS Regulation to go ahead with the roll-out of the VIS in regions other than the first region, on the condition that they notify the Commission beforehand.

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<sup>8</sup> 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, the first three regions for the start of operations of the VIS are North Africa, the Near East and the Gulf Region. North Africa covers Algeria, Egypt, Libya, Mauritania, Morocco and Tunisia.

<sup>9</sup> See footnote 4.

Hungary notified on 30 June 2011 that in the framework of a pilot project co-financed under the External Borders Fund (EBF), it would start collecting visa applicants' fingerprints and using the VIS in Istanbul, Ankara and Chisinau as from 11 October 2011.

Switzerland notified on 12 July 2011 that it would start using the VIS, without collecting fingerprints, within the Swiss territory and for the issuance of visas at the external border crossing points, as from 11 October 2011.

Estonia notified on 15 September 2011 that it would start using the VIS with the collection of applicants' fingerprints for the issuance of visas at the external border crossing points as from 11 October 2011. Estonia also notified on 6 October 2011 its intention to start using the VIS without collecting the fingerprints in all consulates as from 11 October 2011.

Belgium notified on 7 October 2011 that it would start using the VIS without collecting fingerprints in all consulates as from 11 October 2011 (except for Conakry where Belgium started on 1 November 2011).

Two Member States sent a notification to the Commission after having started VIS operations outside North Africa. For instance, Germany notified on 12 October 2011 that it had started using the VIS with the collection of fingerprints for the issuance of visas at the borders on 11 October 2011. Iceland started using the VIS for the issuance of visas at its borders as from 11 October 2011 – the notification was received on 17 October 2011. Although no specific problem arose, the Commission subsequently asked all Member States to inform well in advance of their intention to roll-out the VIS ahead of any legally determined date. The Commission also asked Member States to always liaise well in advance with the EU Delegations in the countries concerned and to take all appropriate measures to inform visa applicants and local authorities, especially if they plan to collect visa applicants' fingerprints.

Finally, Poland notified on 19 October 2011 that it would use the VIS in Baku, Yerevan and Kuala Lumpur, with the collection of biometric data in the framework of a pilot project co-financed under the EBF. The pilot project started on 26 October 2011 and is expected to end on 31 May 2012.

### **3.9. Statistics**

By the end of the reporting period, the VIS had successfully processed 299.648 visa applications, of which 229.124 resulted in Schengen visas issued, while 33.451 visas were refused. These figures concern the use of VIS in North Africa as well as in other parts of the world for the Member States indicated in the previous section.

In terms of impact on multiple visa applications by the same person, by the end of the reporting period 468 cases of potential visa shopping – in which refused applicants lodged a new visa application - were detected in the VIS. One of these cases concerns five visa applications lodged by the same person in different consular posts. Two cases concern four applications and seven cases concern three applications. The remaining 458 cases contained two applications each. In one case, three different consular posts were involved over a period of four weeks and were able to link the applications together.

#### **4. 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. By the end of the reporting period, the following steps of the process had been completed: reception of initial first-stage applications by six candidates (2 September 2011); selection of five candidates for the technical evaluation stage and submission of the tendering technical specifications to the candidates (mid-October 2011); submission of the technical offers by the candidates (23 December 2011).

#### **5. INFORMATION CAMPAIGN**

In cooperation with an external contractor and in consultation with Member States, the Commission produced information material in English, French, German, Spanish, Arabic, Chinese and Russian to be used by Member States and the Commission for the information campaigns prior to the start of operations of the VIS and thereafter. The material was distributed to the Member States during the summer of 2011.

In addition, a video was produced explaining the new visa procedures under the VIS. This video was available in several languages and was released to the European news portals and the Member States.

Finally, the website of Directorate-General Home Affairs was updated on 11 October with all VIS-related information.

Shortly after the adoption of Decision 2011/636/EU,<sup>10</sup> Directorate-General Home Affairs invited the Ambassadors in Brussels of Algeria, Egypt, Morocco, Mauritania, and Tunisia. The purpose was to provide them with detailed information on the VIS start of operations for transmission to their authorities. Questions raised by the Ambassadors included the scope of the exemptions from the fingerprinting requirement and outsourcing. An information note was sent to the Ambassadors after the meeting.

Following these meetings, EU Delegations in the region took steps to inform North African authorities locally in consultation with Member States through local Schengen cooperation. The Head of the EU Delegation in Egypt met with local authorities on 26 September 2011, accompanied by the Ambassadors of Germany, France, Italy and Poland. A meeting was also organised with the Egyptian business community at the German Embassy on 29 September 2011 as well as a press conference at the French Embassy on 4 October 2011. As for Libya, Commission representatives travelled to Tripoli on 27 to 29 September 2011, *i.a.* to meet with representatives of the Libyan Ministry of Foreign Affairs and to inform on the VIS go-live. Finally, in Morocco and Algeria, the EU Delegations sent a note to the local authorities.

Two press events were organised on the day of the start of operations. In Brussels, a technical briefing followed by a press point by Commissioner Malmström's spokesperson was held. In

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<sup>10</sup> See footnote 4.

Warsaw, Commissioner Malmström together with the Polish Minister of Interior held a press conference to announce the successful launch of the VIS.

## 6. PROJECT MANAGEMENT

### 6.1. Planning and budget

The total available commitment appropriations for the VIS in 2011 amounted to EUR 31.2 million of which 95.06 % were used. Due to the reduced test support services and the shift of the payments linked to the final system acceptance to 2012, only 79.49 % of the payment commitments were used. The budget line for VIS is 18.0205.

VIS	Available CA	Execution CA	Total %	Available PA	Execution PA	Total %
C1 (credits from VIS Financing Decision 2011)	€21 200 000,00	€3 456 723,74		€27 486 195,00	€22 037 191,85	
C4 (credits from contributions IS, NO, CH 2011)	€1 298 209,85			€1 298 209,85	0,00	
C5 (credits from contributions IS, NO, CH 2010)	€8 703 298,00	€8 703 298,00		€4 115 456,44	€4 115 456,44	
Global Commitment		17 500 000				
<b>Total</b>	<b>€31 201 507,85</b>	<b>€29 660 022</b>	<b>95,06%</b>	<b>€32 899 861,29</b>	<b>€26 152 648,29</b>	<b>79,49%</b>

### 6.2. Risk management

The methodology for risk management remained unchanged during the reporting period. Each month the Commission identified the most important risks in the project (at central and national level) and presented them to Member States at the monthly VIS National Project Managers' meetings. In this task, the Commission was assisted by its Quality Assurance contractor.

As in the previous year, risks were also discussed in the context of the Friends of the VIS. The Commission worked together with the two Member States holding the Presidency of the Justice and Home Affairs Council formation to assess the main risks and to categorise them according to their impact on the project. Actions were identified for each risk in order to mitigate them. The Commission maintained a high-level register and followed up the implementation of actions.

At the end of 2011, the most critical risks identified were the following: a) system capacity being consumed quicker than foreseen due to Member States rolling out to other regions ahead of the planned gradual rollout; b) handover of the central VIS from the C.SIS to the EU Agency responsible for the management of IT systems, and c) fingerprint quality during operations. 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 overall project.

## 7. FRIENDS OF THE VIS

The Friends of the VIS met eight times during the reporting period – four times in the first semester and four times in the second one. As in the previous years, the high-level informal

meetings provided a forum in which discussions could be held transparently on all VIS-related matters. The agenda was set by the Member State holding the Presidency of the Justice and Home Affairs Council formation in coordination with the Commission and the General Secretariat of the Council. The topics generally included a technical update by the Commission on the VIS state of play, a report on risks and the results from the reporting mechanism on national progress.

Particular attention was put on the monitoring of national progress in the first region of deployment as well as the preparation of the information campaign. In the second part of the reporting period, the questionnaires on national progress were updated by the Member State holding the Presidency of the Justice and Home Affairs Council formation to also cover preparations in the Near East and the Gulf Region. The objective was to assess the technical readiness of Member States, as well as their intention to start using the VIS in these regions following the start of operations in North Africa.

The collection of these data enabled Poland to launch a discussion on the total duration of the worldwide roll-out. The discussion will continue in 2012. It must be noted that the overall quality of the answers provided by Member States improved during the reporting period. In some cases, however, discrepancies appeared between information on preparations in North Africa and the official notifications of readiness in this region transmitted to the Commission. This was due to different interpretations of the notifications and did not, ultimately, cause any problems.

In parallel to the questionnaires on the consular posts, Member States were asked to provide regular updates on their preparations at external border crossing points and on their readiness to use the VIS at borders for the purpose of issuing visas. Here again, the quality of answers improved during the reporting period and allowed for a useful monitoring of the situation.

Denmark, which holds the Presidency in the first semester of 2012, has decided to continue using this reporting mechanism.

## **8. CONCLUSION**

The year was characterised by the successful start of operations of the system in North Africa on 11 October 2011 with all participating countries.

The VIS has been running smoothly since its start of operations and all available statistics demonstrate that Member States are making full use of the system. The VIS has also proven its usefulness in detecting multiple visa applications by a single person at two or more consulates.

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.

## **9. ANNEX: VIS WORKING GROUPS**

### **9.1. SISVIS Committee**

The SISVIS Committee in the VIS formation<sup>11</sup> met twice in 2011, on 23 June and 2 September. During the first meeting, the Commission presented a non-paper on the determination of further regions for the roll-out of the VIS, which had already been presented at the occasion of the Friends of the VIS meeting on 20 June 2011. Following the positive reception by the Committee, the Commission will proceed with the adoption of the Decision.

During the second meeting of the Committee, the Commission and the delegates discussed the draft technical specifications for the VIS Mail communication mechanism. The draft Implementing Decision was afterwards received positively by the Committee by written procedure. The Commission started its internal procedures for adoption of the decision. Both decisions are expected to be adopted in 2012.

### **9.2. VIS National Project Managers (NPM) meetings**

During the reporting period, the Commission convened ten expert group meetings with the Member States' National Project Managers (NPM), to discuss the status of the VIS project, detailed technical issues, planning issues, risks and activities at central and national project levels.

### **9.3. Test Advisory Group (TAG)**

Due to the intensive testing activities, the TAG, an advisory working group of the SISVIS Committee (VIS formation), met frequently, or held conference calls, during the reporting period. The TAG ensured a structured process to address and resolve testing-related issues and advised the Commission on the completion of VIS testing campaigns. The participants made recommendations on the testing of VIS during all test phases, especially those in which Member States participated directly.

### **9.4. VIS Mail Expert Group (VIS MEG)**

The group met on a monthly basis throughout the reporting period with the aim to support the implementation of the VIS Mail communication mechanism. For 2012, it was agreed that the group would meet every two months. The work of the Commission and the Member States on VIS Mail is carried out in cooperation with the Network Contractor and is supported by the Support and Quality Assistance Contractor.

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<sup>11</sup> 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.