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NOTE

From: Presidency
To: Permanent Representatives Committee/Council

Subject: Implementation of interoperability

With regard to the Justice and Home Affairs Council meeting of 9 and 10 March 2023, and taking into account discussions taking place in relevant fora since eu-LISA's Management Board concluded at its meetings on 12 January and 28 February 2023¹ that an entry into operations of the Entry/Exit System (EES) is no longer possible by May 2023, the Presidency has prepared a few questions to frame an exchange of views between ministers.

The discussions have included the possibilities to review the relations between different workstreams and systems within the existing legal framework. This involves continued efforts to find possible solutions to deliver the system, but also to explore alternative scenarios, especially in the case of persistent failure by the contractor to deliver, and further assessment on the best approach for the delivery of different systems. In any case, the entry into operation of the EES, that had repeatedly been rescheduled and now is set for mid-May 2023, needs to be postponed again.

¹ The conclusions of the extraordinary meeting of the Management Board of eu-LISA of 28 February 2023 are outlined in the letter of the Chair of eu-LISA's Management Board in annex.

The revised timeline will need to take into account major delays due to the late delivery of the central system by eu-LISA's external contractor (LIA).

For Member States, it is still important that the necessary procurement procedures be launched and completed in time, and that the necessary modifications of national IT systems be completed as a matter of priority. Equally important issues are the allocation of human and financial resources and the planning of training in a timely manner. Furthermore, it is of crucial importance that Member States prepare themselves to be in position to start their tests as soon as eu-LISA will have delivered the EES Central System.

Member States should also ensure that their national border crossing points will be ready for the entry into operation of the EES.

As already highlighted on several occasions during exchanges of views held at ministerial level, a delay in the entry into operation of the EES has a knock-on effect on other EU information systems, in particular the European Travel Information and Authorisation System (ETIAS) whose entry into operation had been rescheduled for mid-November 2023.

The above considerations should also be seen in the light of the recent conclusions adopted by the European Council at its special meeting on 9 February 2023 where it *“reiterates the importance of the Entry/Exit System and the European Travel Information and Authorisation System becoming operational as soon as possible”*.²

In summary, against the background of:

- the implementation efforts by eu-LISA's external contractor over the last years,
- successive postponements of the date of entry into operation of the EES,
- progress made in the development of other IT systems, such as ETIAS,
- the need for making new IT systems for efficient external border management and enhanced internal security operational as a matter of priority and for return on investments,

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- the challenges for Member States to plan their work, including testing and training, on an IT system not available according to plan,
- the need for revising the way forward before the Justice and Home Affairs Council meeting of 8-9 June 2023,

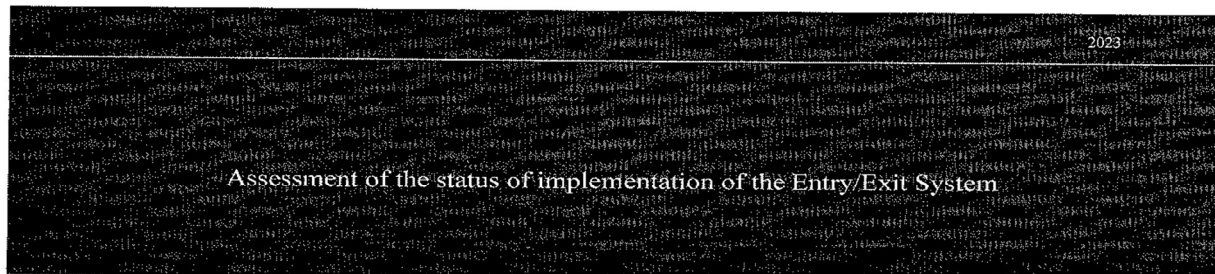
the Presidency invites Ministers to reply to the following questions concerning the implementation of the EES and the potential impact of the delays on the JHA interoperability architecture:

- 1. Do you believe it is necessary and timely to start considering alternative scenarios when assessing the timelines for the implementation of the interoperability architecture and of its underlying IT systems?**
- 2. Do you agree that eu-LISA and the Commission should propose a revised timetable for the implementation of the interoperability architecture as soon as possible and at the latest for the Justice and Home Affairs Council meeting of 8-9 June 2023?**

Letter of the Chair of the Management Board of eu-LISA



SENSITIVE



Mr Gunnar Strömmer
Minister for Justice
Kingdom of Sweden

Ms Ylva Johansson
Commissioner for Home Affairs and Migration
European Commission

/sent by e-mail only/

Dear Minister,

Dear Commissioner,

In July 2022, the Ministers of Interior endorsed new dates for the entry-into-operation of the Entry/Exit System (EES) and the European Travel Information and Authorization System (ETIAS) at mid-May 2023 and mid-November 2023 respectively. Following the endorsement of these dates during the informal Justice and Home Affairs Council meeting on 12 July 2022, eu-LISA, the Member States and the Commission were working intensively towards the achievement of the new entry into operation dates for both systems. During the following seven months the contractor was under constant scrutiny of the Agency, its Governance Bodies and the Commission. Regrettably, by the end of January 2023, it became clear that, due to the continued delays of the contractor responsible for development of the EES, the new entry-into-operation date for the system is becoming unrealistic.

Handling instructions for SENSITIVE information are given at <https://europa.eu/!qG39Vd>

EUROPEAN UNION AGENCY FOR THE OPERATIONAL MANAGEMENT OF LARGE-SCALE IT SYSTEMS IN THE AREA OF FREEDOM, SECURITY AND JUSTICE

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In order to take stock of the situation and considering the continuous platform and deployment problems of the EES contractor, the consortium responsible for the development of the EES has been constantly invited to provide status updates to the highest levels of the Governance Bodies of the Agency, as well as to attend high-level meetings with the Agency and the Commission.

During the most recent high-level meeting between the Agency, the Commission and the EES contractor, on 14 February 2023, the consortium could not provide a realist prediction on the resolution of defects, nor assurance that the accumulated delays can be absorbed in time for the entry-into-operation of EES by mid-May 2023.

Considering the outcome of the discussion with the contractor, the Agency prepared a detailed assessment of the timeline proposed by the consortium LIA. The assessment of the Agency has been extensively discussed in the governance bodies of the Agency and, during its extraordinary meeting of 28 February 2023. While some improvements were noticed in the recent days on some crucial development activities, the Management Board of the Agency concluded that a new date for the entry-into-operation still cannot be firmly defined at this point.

In the meeting of 28 February 2023, the Management Board confirmed its strong commitment to the implementation of the Interoperability architecture as an utmost priority and requested the Agency to continue working with the EES contractor to address the blocking points in order to find possible solutions to deliver the system and monitor the progress for the implementation of the EES. Moreover, the Agency was requested to explore alternative scenarios to safeguard the overall delivery of the EES, as well as to make a further assessment on the best approach for the delivery of the different systems and to present it to the EES Programme Management Board by the end of March 2023.

The Management Board also requested the Agency to explore with the Commission the possibilities for decoupling the workstreams of the different systems within the existing legal framework.

Considering the above, the Agency, in close collaboration with all actors involved in the implementation of the Interoperability architecture, will explore the best way forward and will

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present its assessment regarding the entry-into-operation of EES and, consequently, on the overall Interoperability architecture.

The eu-LISA Management Board mandated me as its Chairperson to inform the Presidency of the Council and the European Commission about its conclusions prior to the informal Justice and Home Affairs Council meeting on 9-10 March 2023.

Sincerely,



Zsolt SZOLNOKI

Chairperson of the Management Board of eu-LISA

Copy to:

HE Lars Danielsson, Ambassador, Permanent Representation, Sweden

Ms Monique Pariat, Director-General, Directorate General for Migration and Home Affairs, European Commission

Ms Christine Roger, Director-General for Justice and Home Affairs, General Secretariat of the Council of the European Union

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