

Visa Information System (VIS) and exchange of data between Member States on short-stay visas (VIS Regulation)

2004/0287(COD) - 28/12/2004 - Legislative proposal

PURPOSE : to set up a common system and common procedures for the exchange of visa data between Member States.

PROPOSED ACT : Regulation of the European Parliament and of the Council.

CONTENT : the present proposal aims to give the Commission the mandate to set up, maintain and operate the VIS and defines the purpose, functionalities and responsibilities for the Visa Information System and the procedures and conditions for the exchange of visa data between Member States on short-stay visa applications to facilitate the examination of such applications and the related decisions. This second legal instrument has been elaborated on the basis of the political orientation given by the Council conclusions of 19 February 2004. The financial statement for this legal instrument relates, in particular, to the costs for processing biometrics, phase 2 of the VIS.

The VIS has two main goals: contributing to the internal security of the Member States and the fight against illegal immigration by supporting the common visa policy and the checks on the visa applicants, thereby facilitating bona fide travelling in the Schengen area without internal borders.

The data to be processed in the VIS shall include alphanumeric data and photographs, but also fingerprint data of the applicants, to ensure exact verification and identification. In particular, the clear definition of access rights and the purposes for which the data may be consulted and the responsibilities for the use of the data and supervision shall ensure a high level of data protection.

The VIS shall improve the administration of the common visa policy, the consular cooperation and the consultation between central consular authorities in order to prevent threats to internal security and 'visa shopping', to facilitate the fight against fraud and checks at external border checkpoints and within the territory of the Member States, to assist in the identification and return of illegal immigrants and to:

- facilitate the application of the "Dublin II Regulation" 343/2003/EC. The improvement of the assessment of visa applications including the consultation between central authorities, and the verification and identification of applicants at consulates and at checkpoints contributes to the internal security of the Member States and towards combating terrorism, which constitutes a horizontal objective and basic criterion for the common visa policy, as well as the fight against illegal immigration. Simultaneously, the VIS will benefit bona fide travellers by improving the procedures for issuing visas and for checks.

The scope of this Regulation is related to the exchange of data on Schengen short-stay visas as the primary purpose of the VIS, including the national long-stay visas which are concurrently valid as short-stay visas. The exchange of data on other national long-stay visa of the Schengen States, which is also included in the Council conclusions of 19 February 2004, requires a separate legal instrument: Other than for the short-term visas there exists no common acquis on procedures on the issue of long-term visas by Member States.

This draft Regulation shall constitute the core instrument for the legal framework for the VIS. However, to complement this legal framework, further legal instruments will be needed in particular for:

- amending the Common Consular Instructions (CCI), concerning standards and procedures for taking the biometric data, including the obligation and specifying the exceptions to the recording of biometrics;
- the development of a mechanism for the exchange of data with Ireland and the United Kingdom for the purposes to facilitate the application of the Dublin II Regulation 343/2003/EC and to assist in the identification and administrative procedures for returning of illegal immigrants, as far as Ireland and the UK participate in immigration and return policy;
- the exchange of data on long stay-visas which are not concurrently valid as short-stay visas by the VIS; this would need further political orientation in view of the absence of a common acquis for such visas.

Since the Regulation covers the exchange of data on short stay visas between Member States "which have abolished checks at their internal borders", it constitutes a development of the Schengen acquis on the common visa policy. The consequences for the participation in the VIS are as follows:

- Iceland and Norway: the procedures laid down in the Association Agreement concluded by the Council and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis are applicable, since the present proposal builds on the Schengen acquis as defined in Annex A of this Agreement.
- Denmark: Denmark will not participate in the adoption of the Regulation and is therefore not bound by it or subject to its application.
- United Kingdom and Ireland: the United Kingdom and Ireland are not taking part in the adoption of the Regulation and are not bound by it or subject to its application.
- New Member States: Since the initiative constitutes an act building upon the Schengen acquis or otherwise related to it within the meaning of Article 3(2) of the Act of Accession, the Regulation shall only apply in a new Member State pursuant to a Council decision in conformity with this provision.
- Switzerland: This Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement signed by the European Community and Switzerland on the latter's association with the implementation, application and development of the Schengen acquis which fall within the area referred to in Article 4(1) of the Council decision on the signing, on behalf of the European Community, and on the provisional application of certain provisions of this Agreement.

FINANCIAL STATEMENT :

- Budget lines and headings : 18.08.03 Visa Information System.
- Total allocation for action (Part B): EUR 97 million for commitment until 2013.
- Period of application: Undetermined duration. Foreseen for 2007-2013: investment costs for biometric processing: EUR 64 million; exploitation costs for biometric processing: EUR 33 million. The amounts foreseen for the period 2007-2013 are subject to the adoption of the new financial perspectives.
- Overall financial impact of human resources and other administrative expenditure: EUR 216.000 per annum with 2 permanent posts.