**ORDINARY LEGISLATIVE PROCEDURE – First reading**

**Follow up to the European Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 767/2008, Regulation (EC) No 810/2009, Regulation (EU) 2017/2226, Regulation (EU) 2016/399, Regulation XX/2018 [Interoperability Regulation], and Decision 2004/512/EC and repealing Council Decision 2008/633/JHA**

**1. Rapporteur:** Carlos COELHO (EPP / PT)

**2. Reference numbers:** 2018/0152 (COD) / A8-0078/2019 / P8\_TA-PROV(2019)0147

**3. Date of adoption of the resolution:** 13 March 2019

**4. Legal basis:** Article 16(2), Article 77(2)(a), (b), (d) and (e), Article 78(2)(d), (e) and (g), Article 79(2)(c) and (d), Article 87(2)(a) and Article 88(2)(a) of the Treaty on the Functioning of the European Union

**5. Competent Parliamentary Committee:** Committee on Civil Liberties, Justice and Home Affairs (LIBE)

**6. Commission's position:**

The Commission takes note of the first reading position of the Parliament, which supports the key objectives of the Commission’s proposal to revise the Regulation on the Visa Information System. The Parliament supports in particular that:

* Visa applications would be automatically checked against other EU information systems for security and migration such (the Entry-Exit System, European Travel Information and Authorisation System - ETIAS, the Schengen Information System), to detect applicants using multiple identities and identify anyone posing security or irregular migration risks.
* Information on long stay visas and residence permits, which is currently not shared at EU level, will be stored in the Visa Information System to allow border guards and migration authorities within the territory to quickly determine whether these documents are valid and in the hands of its legitimate holder.
* Copies of the visa applicant's travel document will be included in the Visa Information System database to support the effectiveness of EU's return policy.
* Law enforcement authorities and Europol would have a more structured access to the Visa Information System for the prevention, detection or investigation of terrorist offences or other serious crimes, under strict conditions and in full respect of the EU's data protection rules.

The Commission also notes that in certain respects the Parliament's report took a different approach than the Commission's proposal, namely as regards:

* the multiple-queries for security and irregular migration checks, some databases are excluded from the checks for both short stay and long stay documents (European Criminal Records Information System on Third Country Nationals/ECRIS, Interpol's travel documents database - TDAWN), and in respect of the long stay documents, Eurodac is also excluded. The Commission considers that the benefits of interoperability of databases should not be watered down, the more so as the cross-checking of these databases has already been accepted by co-legislators as regards the European Travel Information and Authorisation System - ETIAS, for visa-free third country nationals.
* Law enforcement access to Visa Information System, the Parliament added the precondition of consulting Prüm databases first. The Commission warns against making such access too burdensome or adding unnecessary limitations, which could hinder the efficiency of the process of identification of persons.
* Fingerprinting of children, the Commission welcomes the fact that the age is lowered to 6 years, which will contribute to fighting child trafficking more effectively, but believes that the introduction of additional procedures in respect of visa application by children may render the process inefficient and burdensome.
* Capping fingerprinting to the age of 70 years. The Parliament exempts persons over 70 from the requirement to give fingerprints, thus changing the rules for the short-stay visa application procedure. The Commission considers that such a change of existing rules is not warranted, as fingerprints are an effective and proportionate tool to verify the identity of visa holders, also for this age group. As per the findings of a 2018 study of the Joint Research Centre (JRC) (Automatic fingerprint recognition: from children to elderly), the quality of the fingerprints for elderly people, while comparatively lower than for the previous age groups, can effectively be used for identification purposes.