

Schengen Borders Code: use of the Visa Information System (VIS) at the external borders

2008/0041(COD) - 29/05/2008

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Mihael **BREJC** (EPP-ED, SI) approving, subject to an amendment, the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 as regards the use of the Visa Information System (VIS) under the Schengen Borders Code.

The only amendment adopted by the committee, under the codecision procedure, introduces a **derogation** to the general approach recommended by the proposal. MEPs therefore recommend that the VIS should be consulted using the number of the visa sticker only or, **on a random basis**, the number of the visa sticker in combination with the verification of fingerprints.

A series of conditions must be satisfied in order for this derogation to apply:

- when traffic of such intensity arises that the waiting time at the border crossing point becomes excessive;
- all resources have already been exhausted in terms of staff, facilities and organisation;
- an assessment has been made that there is no risk related to internal security and illegal immigration.

Where there is any doubt as to the identity of the holder of the visa and/or the authenticity of the visa, the VIS shall be consulted using the number of the visa sticker in combination with the verification of fingerprints.

The **decision to consult the VIS** shall be taken at least at the level of the border guard in command at the border crossing point.

MEPs request that each Member State transmit once a year a report on the application of this derogation. Three years after the date of application of this Regulation, the Commission shall transmit to the European Parliament and the Council a comprehensive evaluation of this derogation. On the basis of that evaluation, the European Parliament or the Council may invite the Commission to propose appropriate amendments to the Regulation.