

Visa Information System (VIS): visa processing

2018/0152A(COD) - 14/02/2019 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Carlos COELHO (EPP, PT) 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.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

Scope of the Visa Information System (VIS)

Members believe that the proposed reform shall be the extension of the scope of the Visa Information System (VIS) to include long-stay visas and residence permits. This change shall increase the security of external borders and better secure the rights of long-term residents.

Purpose of the VIS

As regards **short-stay visas**, the VIS shall facilitate the exchange of data between Member States on visa applications and decisions, with a view to facilitating and accelerating the visa application procedure.

With regard to **long-stay visas and residence permits**, the VIS shall: (i) support a high level of security in all Member States by contributing to the assessment of whether the applicant or holder of a document is considered to pose a threat to public policy, internal security; (ii) facilitate checks at external border crossing points and enhance the effectiveness of checks within the territory of the Member States.

For all visas, the VIS shall assist in the identification of missing persons and contribute the prevention of threats to the internal security of any of the Member States, namely through the prevention, detection and investigation of terrorist offences or of other serious criminal offences in appropriate and strictly defined circumstances.

System architecture

Members proposed that Council Decision 2004/512/EC establishing the Visa Information System (VIS) be repealed and fully integrated into the VIS Regulation. They also recommend that certain elements of the Commission's implementing decisions be included in this Regulation.

The architecture of the system shall also reflect the expansion of its scope and usage: long stay visas and residence permits, queries by the entry-exit system and the new interoperability architecture.

The VIS would be based on a centralised architecture. The central VIS system, the uniform national interfaces, the web service, the carrier gateway and the VIS communication infrastructure shall share and re-use as much as technically possible the hardware and software components of respectively the entry /exist central ([EES](#) Central System), the EES national uniform interfaces, the [ETIAS](#) carrier gateway, the EES web service and the EES communication infrastructure.

Data processing

Processing of personal data within the VIS by each competent authority shall not result in discrimination against applicants, visa holders or applicants and holders of long-stay visas, and residence permits on the grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

It shall fully respect human dignity and integrity and fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, including the right to respect for one's private life and to the protection of personal data. Particular attention shall be paid to children, the elderly and persons with a disability and persons in need of international protection.

Children's fingerprints

Given that children are a particularly vulnerable group, Members propose that the collection of special categories of data, such as fingerprints, from children should be subject to stricter safeguards and a limitation of the purposes for which these data may be used to situations where it is in the child's best interests, including by limiting the retention period for data storage.

Data transfer

Personal data obtained by a Member State pursuant to this Regulation should not be transferred or made available to any third country, international organisation or private entity established in or outside the Union. As an exception to that rule, however, it should be possible to transfer such personal data to a third country or to an international organisation where such a transfer is subject to strict conditions and necessary in individual cases in order to assist with the identification of a third-country national in relation to his or her return.

Access to the system by centralised European agencies

In the case of the European Border and Coast Guard Agency, Members believe it is essential that this agency has access to the system. However, they proposed restricting access for return teams while reinforcing access to statistics for the purpose of risk analysis.

Links with other systems and interoperability

Members intend to ensure the utmost coherence with other systems, in particular ETIAS, including its safeguards. Checks against other databases should also be carried out for holders of long-stay visas and residence permits.

However, in order to provide appropriate guarantees, Members specified which controls should be carried out. They also specified the specific measures following each hit, both to protect third-country nationals and to ensure the confidentiality of information.

Any hit resulting from the queries which cannot automatically be confirmed by VIS shall be manually verified by the national single point of contact. Depending on the type of data triggering the hit, the hit should be assessed either by consulates or by a national single point of contact, with the latter being responsible for hits generated in particular bylaw enforcement databases or systems.

Each Member State shall designate a national authority, operational 24 hours a day, 7 days a week, which shall ensure the relevant manual verifications and assessment of hits for the purposes of this Regulation.

Entry into force

Members proposed enhancing reporting mechanisms and setting a deadline of a maximum of two years to have this reformed VIS up and running.