

Basic information

2015/0807(CNS)

CNS - Consultation procedure

Access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol: date of effect of Decision 2008/633/JHA

See also Decision 2008/633/JHA [2005/0232\(CNS\)](#)

Subject

7.10.04 External borders crossing and controls, visas

Awaiting final decision

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs	KIRKHOPE Timothy (ECR)	07/09/2015
		Shadow rapporteur GABRIEL Mariya (PPE) PIRI Kati (S&D) DEPREZ Gérard (ALDE) VALERO Bodil (Verts /ALE)	
Council of the European Union			
European Commission	Commission DG	Commissioner	
	Migration and Home Affairs	AVRAMOPOULOS Dimitris	

Key events

Date	Event	Reference	Summary
10/07/2015	Legislative proposal published	10506/2015	Summary
07/09/2015	Committee referral announced in Parliament		
01/10/2015	Vote in committee		
06/10/2015	Committee report tabled for plenary, 1st reading/single reading	A8-0287/2015	Summary
14/10/2015	Decision by Parliament	T8-0352/2015	Summary

Technical information	
Procedure reference	2015/0807(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Amendments and repeals	See also Decision 2008/633/JHA 2005/0232(CNS)
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Awaiting final decision
Committee dossier	LIBE/8/04259

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE567.618	10/09/2015	
Committee report tabled for plenary, 1st reading/single reading		A8-0287/2015	06/10/2015	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0352/2015	14/10/2015	Summary
Council of the EU				
Document type		Reference	Date	Summary
Legislative proposal		10506/2015	10/07/2015	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol: date of effect of Decision 2008/633/JHA

2015/0807(CNS) - 14/10/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 543 votes to 37, with 54 abstentions, in the framework of a special legislative procedure (Parliament's consultation), a legislative resolution on the draft Council Implementing Decision fixing the date of effect of Decision 2008/633/JHA concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences.

Parliament approved the Commission proposal without amendment which aims to fix the date of effect of Decision 2008/633/JHA.

The proposed Decision aims to replace [Council Decision 2013/392/EU](#), which was annulled by a judgment of the Court of Justice of the European Union (the Court maintained the effects of Decision 2013/392/EU).

Access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol: date of effect of Decision 2008/633/JHA

2015/0807(CNS) - 06/10/2015 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted, in the framework of a special legislative procedure (Parliament's consultation), the report by Timothy KIRKHOPE (ECR, UK) on the draft Council Implementing Decision fixing the date of effect of Decision 2008/633/JHA concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences.

The committee recommended Parliament to approve the Commission proposal without amendment.

The proposal seeks to fix the date of effect of Decision 2008/633/JHA concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol, given that all the requisite conditions have been met.

To recall, the proposed Decision aims to replace [Council Decision 2013/392/EU](#), which was annulled by a judgment of the Court of Justice of the European Union. In that judgment, the Court maintained the effects of Decision 2013/392/EU until the entry into force of a new act intended to replace it.

Access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol: date of effect of Decision 2008/633/JHA

2015/0807(CNS) - 10/07/2015 - Legislative proposal

PURPOSE: to fix the date of effect of Decision 2008/633/JHA concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences.

PROPOSED ACT: Council implementing Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: [Decision 2008/633/JHA](#) provides that it is to take effect from a date to be determined by the Council once the Commission has informed the Council that [Regulation \(EC\) No 767/2008](#) of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) has entered into force and is fully applicable.

The Commission informed the Council that **Regulation (EC) No 767/2008 had entered into force and had been fully applicable as from 27 September 2011.**

The conditions for triggering the exercise by the Council of its implementing powers pursuant to Decision 2008/633/JHA have been met and an implementing decision fixing the date of effect of Decision 2008/633/JHA should therefore be adopted.

To recall, the proposed Decision **replaces Council Decision 2013/392/EU, which was annulled by a judgment of the Court of Justice of the European Union.** In that judgment, the Court maintained the effects of Decision 2013/392/EU until the entry into force of a new act intended to replace it. Therefore, as of the date of entry into force of this Decision, **Decision 2013/392/EU ceases to produce effects.**

In order to ensure the continuity of access rights for consultation of the VIS by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences, the date from which Decision 2008/633/JHA took effect should be maintained as set out in Article 1 of Decision 2013/392/EU.

CONTENT: the Council implementing Decision provides that **Decision 2008/633/JHA shall take effect from 1 September 2013**, as set out in Article 1 of Decision 2013/392/EU.

Decision 2013/392/EU shall cease to produce effects from the date of entry into force of this Decision, without prejudice to the date of effect of the proposed Decision.

Given that this Decision constitutes a **development of the provisions of the Schengen acquis**, Iceland, Norway, Switzerland and Liechtenstein shall participate in the application of this Decision.

Denmark is not taking part in the adoption of this Decision but it may, within a period of six months after the Council has decided on this Decision, decide whether it will implement it in its national law.

The United Kingdom and Ireland shall not participate in the adoption of the Decision and shall not be bound by it or subject to its application.