Basic information

2018/0152B(COD) COD - Ordinary legislative procedure (ex-codecision procedure)	Procedure completed
Visa Information System (VIS): conditions for accessing other EU information systems for VIS purposes Amending Regulation 2013/603 2008/0242(COD) Amending Regulation 2016/794 2013/0091(COD) Amending Regulation 2018/1862 2016/0409(COD) Amending Regulation 2019/816 2017/0144(COD) Amending Regulation 2019/818 2017/0352(COD) **Subject** 7.10.04 External borders crossing and controls, visas **Legislative priorities** Joint Declaration 2021	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	RANGEL Paulo (EPP)	09/10/2020
	Shadow rapporteur RUIZ DEVESA Domènec (S&D) TUDORACHE Dragoş (Renew) KUHNKE Alice (Greens /EFA) ĎURIŠ NICHOLSONOVÁ Lucia (ECR) DALY Clare (GUE/NGL)	

Former committee responsible	Former rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs		

Former committee for opinion	Former rapporteur for opinion	Appointed
BUDG Budgets		

Council of the European Union	
European Commission	

Commission DG	Commissioner
Migration and Home Affairs	AVRAMOPOULOS Dimitris

Key events

Date	Event	Reference	Summary
16/05/2018	Legislative proposal published	COM(2018)0302	
17/09/2020	Committee referral announced in Parliament, 1st reading		
27/01/2021	Approval in committee of the text agreed at early 2nd reading interinstitutional negotiations		
31/05/2021	Council position published	05951/1/2021	
16/06/2021	Vote in committee, 2nd reading		
21/06/2021	Committee recommendation tabled for plenary, 2nd reading	A9-0208/2021	
06/07/2021	Debate in Parliament		
07/07/2021	Decision by Parliament, 2nd reading	T9-0343/2021	Summary
07/07/2021	Final act signed		
13/07/2021	Final act published in Official Journal		

Technical information

Procedure reference	2018/0152B(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Amendments and repeals	Amending Regulation 2013/603 2008/0242(COD) Amending Regulation 2016/794 2013/0091(COD) Amending Regulation 2018/1862 2016/0409(COD) Amending Regulation 2019/816 2017/0144(COD) Amending Regulation 2019/818 2017/0352(COD)
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/04240

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0174/2019	13/03/2019	
Committee draft report		PE693.559	04/06/2021	

Committee recommendation tabled for plenary, 2nd reading		A9-0208/2021	21/06/2021	
Text adopted by Parliament, 2nd reading		T9-0343/2021	07/07/2021	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	05951/1/2021	31/05/2021	
Draft final act	00045/2021/LEX	07/07/2021	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2018)0302	16/05/2018	
Commission communication on Council's position	COM(2021)0303	04/06/2021	

Final act
Regulation 2021/1133 OJ L 248 13.07.2021, p. 0001

Visa Information System (VIS): conditions for accessing other EU information systems for VIS purposes

2018/0152B(COD) - 07/07/2021 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution approving the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending Regulations (EU) No 603/2013, (EU) 2016/794, (EU) 2018/1862, (EU) 2019/816 and (EU) 2019/818 as regards the establishment of the conditions for accessing other EU information systems for the purposes of the Visa Information System.

Reform of the Visa Information System

The Regulation amending the Visa Information System (VIS) aims to further develop the VIS to better respond to new challenges in the field of visa, border and security policies.

The amending regulation has the following objectives:

- to facilitate the visa application procedure;

- to strengthen background checks before a decision is taken on a short or long stay visa and residence permit, as well as identity checks at external border crossing points and on the territory of the Member States; and

- to enhance the internal security of the Schengen area by facilitating the exchange of information between Member States on third-country nationals holding a long-stay visa or residence permit.

The technical amendments to the **regulations that form part of the Schengen acquis** related to external borders (VIS, Entry/Exit System (EES), European Travel Information and Authorisation System (ETIAS), SIS Return, SIS Borders and Border Interoperability) are contained in the Regulation amending the VIS.

Consequential amendments

The proposed Regulation lays down the conditions under which the VIS consults data stored in **Eurodac**, SIS and the European Criminal Records Information System for Third Country Nationals (**ECRIS-TCN**), as well as **Europol** data, for the purpose of identifying hits in the context of the automated searches specified in the Regulation amending the VIS. The adoption of a separate legal instrument was necessary because of the variable geometry of Member States' participation in EU policies in the area of freedom, security and justice.

The Consequential Amendments Regulation provides for the conditions under which, on the one hand, the visa authorities are able to consult data stored in Eurodac and, on the other, the VIS designated authorities are able to consult Europol data, certain SIS data and data stored in ECRIS-TCN for the purposes of the VIS should be safeguarded by clear and precise rules regarding the access by those authorities to those data, the type of queries and categories of data, all of which should be limited to what is strictly necessary for the performance of the duties of those authorities.

In the same vein, the data stored in the VIS application file should be visible only to those Member States that are operating the underlying information systems in accordance with the arrangements for their participation.

The Europol Regulation will be amended in order to:

- allow Europol to give an opinion following a consultation by the VIS in the context of automated processing, and

- allow VIS authorities designated for the purposes of the VIS Regulation to have indirect access to Europol data on the basis of a hit/no hit system.

The ECRIS-TCN Regulation is amended to:

- include in the data file of a convicted third-country national an indication, for the purposes of the VIS, of whether that national has been convicted of a terrorist offence or a serious criminal offence;

- indicate that the flags will be automatically erased 25 years after its creation, as regards convictions for terrorist offences, and 15 years after its creation, as regards convictions for other serious criminal offences;

- make the details and code of the convicting Member State(s) accessible and searchable by the central VIS system for the purpose of verifications, when hits are identified as a result of automated processing by the VIS;

- authorise, in the event of a hit, the Central System or the Common Identity Data Directory (CIR) to automatically indicate to the competent authority the Member States holding information on the criminal record of the third-country national concerned;

- connect the ECRIS-TCN to the European Search Portal (ESP) created by Regulation (EU) 2019/818 in order to enable automated processing by the VIS;

- granting designated VIS authorities a right of access to the ECRIS-TCN data contained in the CIR for the purpose of carrying out the tasks provided for in the VIS Regulation; and

- keep a log of each ECRIS-TCN data processing operation carried out in the CIR and in the VIS.