



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 February 2013

6412/13

LIMITE

VISA 38

COMIX 97

NOTE

from: Presidency
to: Strategic Committee on Immigration, Frontiers and Asylum/Mixed Committee
(EU-Iceland/Liechtenstein/Norway/Switzerland)
Subject: VIS - state of play

1. Summary

The VIS has been deployed in the first three regions of deployment, and the roll-out of the VIS to regions 4-11 is scheduled to take place from March to November 2013. See point 2 below.

The further roll-out of the VIS to the rest of the world is in preparation, but the full roll-out of the VIS may not be finalised by the end of 2014. See point 3 below.

VIS mail is partially in operation and will also be used for the purpose of prior consultations between the central authorities of Member States under Article 22 of the Visa Code once the VIS has been fully rolled out. At present, VISION is used for the purpose of such consultations. However, the migration of SIS 1+ to SISII, which is expected to take place by 9 April 2013, has consequences for the further operation of VISION from that time until VIS mail becomes fully operational. The Presidency is in contact with the General Secretariat, the Council Legal Service and the Commission on this matter with a view to identifying how to ensure that an appropriate consultation mechanism may continue to be in place until VIS mail becomes fully operational. See further point 4 below.

2. Regions where the VIS is already deployed and regions where deployment is scheduled

In accordance with Commission Decision 2010/49/EC¹ and Commission implementing Decisions 2011/636/EU², 2012/233/EU³ and 2012/512/EU⁴, the VIS has already been successfully launched⁵:

- on 11 October 2011 in **region 1** of deployment (Algeria, Egypt, Libya, Mauritania, Morocco and Tunisia);
- on 10 May 2012 in **region 2** (Israel, Jordan, Lebanon and Syria); and
- on 2 October 2012 in **region 3** (Afghanistan, Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates and Yemen).

At the meetings of FoVIS, the Commission has reported on the deployment of the VIS in those regions. The Commission confirmed that the system so far is functioning well and that preparations for everything appeared to stay on track regarding the further roll-out.

¹ OJ L 23, 27.1.2010, p.62.

² OJ L 249, 27.09.2011, p. 18.

³ OJ L 117, 01.05.2012, p. 9.

⁴ OJL 256, 22.09.2012, p. 21.

⁵ See 6028/12 for further details.

In accordance with Commission Decision 2012/274/EU¹ on the determination of the second set of regions and the time schedule agreed by delegations regarding its roll-out in the fourth to eleventh regions, the VIS is scheduled to be launched² :

- on 14 March 2013 in **region 4** (West Africa) and **region 5** (Central Africa);
- on 6 June 2013 in **region 6** (East Africa) and **region 7** (South Africa);
- on 5 September 2013 in **region 8** (South America).
- on 14 November 2013 in **region 9** (Central Asia), **region 10** (South-East Asia) and **region 11** (the occupied Palestinian Territory).

The Commission is preparing to take the necessary implementing Decisions for this purpose, provided that Member States notify their readiness to use the VIS in these regions in due time.

Delegations are invited to take note of this state of play.

3. Further roll-out

The priority of the Presidency is now to look further at the determination of the third and last set of regions (regions 12 to 23) for the further consular roll-out of the VIS in order to facilitate the preparation and the adoption by the Commission of its third and final Decision covering all remaining regions and third countries, including China, India and Russia.

FoVIS discussed the last set of regions at its meetings on 18 July and on 12 September 2012 on the basis of a 'non-paper' prepared by the Commission services. SCIFA at its meeting on 19 October 2012 agreed to refer the matter to the Visa Working Party for further consideration.

¹ OJ L 134, 24.5.2012, p.20.

² See 13510/12 for further details. It is of importance that Member States respect the deadlines for giving their notifications of readiness laid down in that document.

The issue was discussed on 27 November 2012 at the Visa Working Party/Mixed Committee on the basis of 16023/12. Several delegations raised objections to the sequence of the deployment as presented by the Commission in its 'non-paper' and argued that the deployment of the VIS in certain third countries representing high visa flows (i.e. Russia, Ukraine, China, India, and Turkey) should be postponed until the end of the roll-out. The Commission, while recalling that the countries for the last phase of the roll-out would be determined in a Decision to be adopted by the Commission in accordance with the comitology examination procedure (with the assistance of the SIS-VIS Committee), underlined the need to have the VIS rolled out swiftly and put forward arguments justifying the sequence of the deployment as set out in its 'non-paper'. The Commission also warned delegations about the negative consequences which in its view would result from postponing deployment in certain countries to the end of the roll-out.

The Cyprus Presidency concluded that a majority of delegations were in favour of putting the regions comprising the third countries above-mentioned at the end of the list, and invited the Commission to put forward a new suggestion accordingly.

The Commission is invited to inform delegations on how it intends to proceed.

4. Migration from SIS to SISII - implications for VISION

VISION has been established in accordance with Decision of the [Schengen] Executive Committee SCH/COM-ex (94)15 rev. introducing a computerised procedure for consulting the central authorities referred to in Article 17(2) of the Convention [implementing the Schengen agreement].¹ The technical specifications for VISION have been amended a number of times, most recently by Council Decision 2011/369/EU amending the Schengen consultation network (technical specifications).²

¹ OJ L 239, 22.09.200, p. 165

² OJ L 166, 25.06.2011, p. 22.

The said reference to Article 17(2) has since been replaced by the provisions on prior consultation of the central authorities of other Member States in Article 22 of the Visa Code.

Commission Decision 2009/377/EC adopting implementing measures for the consultation mechanism and the other procedures referred to in Article 16 of the VIS Regulation¹ provides that VIS mail enters into operation in two phases.

In phase 1, which started when VIS became operational in October 2011, VIS mail is used in relation to the provisions of the VIS Regulation concerning the information relating to consular cooperation and requests for supporting documents (Article 16(3)), for the amendment of data (Article 24(2)) and for advance data deletion (Article 25(2)). During Phase 1, VISION is used in parallel for these functions and VIS mail is not used for consultations under Article 22 of the Visa Code and.

In phase 2, when all Schengen visa issuing posts are connected to VIS, VIS mail shall replace the Schengen Consultation Network from the date determined in accordance with Article 46 of the VIS Regulation. As from that date, consultations under Article 22 of the Visa Code and Article 16(2) of the VIS Regulation shall take place by use of VIS mail.

According to Regulation 1077/2011² establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, the IT Agency is since December 2012 responsible for the management of VIS.

The Council adopted on 20 December 2012 Regulation 1272/12³ and Regulation 1273/12⁴ on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (recast). The Council is expected to adopt the Council Decisions determining the date for the migration at the JHA Council on 7-8 March 2013. The migration date is expected to be 9 April 2013. The existing system will according to those decisions continue to exist in parallel to SISII in a monitoring period of 30 days.

¹ OJ L 117, 12.05.2009, p. 3.

² OJ L 286, 01.11.2011, p. 7.

³ OJ L 359, 29.12.2012, p. 21.

⁴ OJ L 359, 29.12.2012, p. 32.

Information on the possible implications for the VISION of the migration of SIS 1+ to SIS II was provided by the General Secretariat at the meeting of the Working Party for Schengen Matters (SIS-TECH)/Mixed Committee on 13 November 2012.¹ Further information was provided by the Council Legal Service at the meeting of the Visa Working Party/Mixed Committee on 27 November 2012,² which also took note of 15907/12 and 16707/12.

VISION at present operates by use of the SISNET network service. However, with the migration of SIS 1+ to SISII, the legal basis for SIS 1+ and for the technical support function for that system will be repealed, subject to the above monitoring period.

The Presidency is in contact with the General Secretariat, the Council Legal Service and the Commission on this matter with a view to identifying how to ensure that an appropriate consultation mechanism may continue to be in place until VIS mail becomes fully operational.

SCIFA is invited to take note of the above situation.

¹ 16353/12

² 5333/13