



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 1 October 2013
(OR. en)**

14066/13

**Interinstitutional File:
2013/0057 (COD)**

LIMITE

**FRONT 133
VISA 192
CODEC 2126
COMIX 518**

OUTCOME OF PROCEEDINGS

From: Strategic Committee on Immigration, Frontiers and Asylum/Mixed Committee
(EU-Iceland/Liechtenstein/Norway and Switzerland)

On: 24 September 2013

Subject: **Draft Regulation of the European Parliament and of the Council
establishing an Entry/Exit System (EES) to register entry and exit data of
third country nationals crossing the external borders of the Member
States of the European Union**
- Access for law enforcement purposes

The Committee examined the issue of access for law enforcement purposes to the Entry/Exit System (EES) on the basis of doc. 13617/13 FRONT 124 VISA 178 CODEC 2016 COMIX 499.

In the discussion, a large majority of delegations favoured granting access to the EES for law enforcement purposes from the start of the operation of that system. In addition, there was general support to the suggestion made by the Presidency that access to the EES for law enforcement purposes should be provided for by introducing it in the proposal as an ancillary/secondary objective along the lines indicated in the above-mentioned document under option a). As regards the types of criminal offences for which such access should be granted, a large majority of delegations was in favour of limiting it to the prevention, detection and investigation of terrorist offences and other serious criminal offences along the lines of the VIS Decision (Council Decision 2008/633/JHA) and EURODAC (Regulation (EU) No 603/2013).

A number of delegations shared the view that the necessity and proportionality of granting access to the EES for law enforcement purposes should be carefully and duly assessed. Those delegations stressed the need to ensuring the right balance between respect for private life and the protection of personal data on the one hand and the prevention, detection and investigation of terrorism and serious criminal offences on the other hand.

COM reiterated the need for a clear justification for granting access to the EES for law enforcement purposes and emphasised that the costs of the EES could not constitute in itself a justification for expanding the objectives of that system. COM finally reserved its position pending the outcome of the discussions within the Council and, later on, between the co-legislators.

The Presidency concluded by inviting the Frontiers Working Party to proceed further on this matter on the basis of the discussion as set out above.