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REPORT

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 as regards the use of the Visa Information System (VIS) under the Schengen Borders Code (COM(2008)0101 – C6-0086/2008 – 2008/0041(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Mihael Brejc

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 as regards the use of the Visa Information System (VIS) under the Schengen Borders Code (COM(2008)0101 – C6-0086/2008 – 2008/0041(COD))

(Codecision procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0101),

– having regard to Articles 251(2) and 62(2)(a) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0086/2008),

– having regard to Rule 51 of its Rules of Procedure,

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0208/2008),

1. Approves the Commission proposal as amended;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;

3. Instructs its President to forward its position to the Council and the Commission.

Amendment 1

Proposal for a regulation – amending act
Article 1 – point 1
Regulation (EC) No 562/2006
Article 7 – paragraph 3 – point a a – subparagraph 1 a (new)

Text proposed by the Commission	*Amendment*
	By way of derogation, the VIS may be consulted using the number of the visa sticker only or, on a random basis, the number of the visa sticker in combination with the verification of fingerprints. The following conditions must be satisfied in order for this derogation to apply: i) when traffic of such intensity arises that

the waiting time at the border crossing point becomes excessive,
ii) all resources have already been exhausted in terms of staff, facilities and organisation,
iii) an assessment has been made that there is no risk related to internal security and illegal immigration.
However, in all cases where there is any doubt as to the identity of the holder of the visa and/or the authenticity of the visa, the VIS shall be consulted using the number of the visa sticker in combination with the verification of fingerprints.
The decision to consult the VIS in accordance with subparagraph 1 shall be taken at least at the level of the border guard in command at the border crossing point.
Each Member State shall transmit once a year a report on the application of this Article to the European Parliament and the Commission, which should include the number of third country nationals, who were checked in VIS using the number of the visa sticker only.
Three years after the date of application of this Regulation, the Commission shall transmit to the European Parliament and the Council an evaluation of the implementation of this Article. On the basis of that evaluation, the European Parliament or the Council may invite the Commission to propose, if necessary, appropriate amendments to this Regulation.

EXPLANATORY STATEMENT

The European Parliament is involved in the codecision procedure to amend Regulation (EC) No 562/2006 as regards the use of the Visa Information System (VIS) under the Schengen Borders Code. The amendments proposed by the Commission to the Schengen Borders Code concerning the use of the Visa Information System (VIS) envisage that thorough border checks on third-country nationals holding a visa will also include consulting the VIS in accordance with the provisions of the VIS Regulation (checking the visa number and taking finger prints from all third-country nationals every time they cross the border). The aim of the proposal is to complement the VIS Regulation by establishing common rules to this effect through the amendment of the Schengen Borders Code to ensure that the VIS will be used in an efficient and harmonised way at the external borders.

The VIS Regulation defines the purpose and functionalities of and the responsibilities for the VIS, while the amendment to the Common Consular Instructions will create the legal basis for Member States to take mandatory biometric identifiers from visa applicants. In accordance with the VIS Regulation, border guards have access to search the VIS for the purpose of verification by using the number of the visa sticker in combination with the fingerprints of the visa holder. For a maximum period of three years after the start of operations, the search may be carried out using only the number of the visa sticker. The period of three years may be reduced in the case of air borders.

Systematic checks by consulting the VIS for third-country nationals holding a visa every time they crossed the external border will increase waiting times at border crossings, particularly in the tourist season and at the beginning and end of public holidays. Given that in recent years Europe has become a highly attractive tourist destination even for third-country nationals who need a visa to enter the EU, any consequences of introducing the VIS at the external borders will need to be appropriately mitigated. The rapporteur therefore proposes that the border guard in command can decide to consult the VIS on a non-systematic basis. This arrangement will be helpful for EU citizens and third-country nationals not requiring a visa to enter the European Union because it will reduce queues at border crossings.

The border guards will still check whether third-country nationals meet all the conditions for entering the EU (laid down in Article 5 of the Schengen Borders Code) and will consult the VIS on the basis of their own experience and information, thereby adequately helping to ensure a high level of security in the EU.

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PROCEDURE

Title	Use of the Visa Information System (VIS) under the Schengen Borders Code
References	COM(2008)0101 – C6-0086/2008 – 2008/0041(COD)
Date submitted to Parliament	22.2.2008
Committee responsible Date announced in plenary	LIBE 11.3.2008
Committee(s) asked for opinion(s) Date announced in plenary	AFET DEVE 11.3.2008 11.3.2008
Not delivering opinions Date of decision	AFET DEVE 7.5.2008 11.3.2008
Rapporteur(s) Date appointed	Mihael Brejc 8.4.2008
Discussed in committee	6.5.2008 29.5.2008
Date adopted	29.5.2008
Result of final vote	+: 41 −: 0 0: 2
Members present for the final vote	Roberta Angelilli, Emine Bozkurt, Philip Bradbourn, Mihael Brejc, Kathalijne Maria Buitenweg, Michael Cashman, Giusto Catania, Jean-Marie Cavada, Carlos Coelho, Panayiotis Demetriou, Gérard Deprez, Agustín Díaz de Mera García Consuegra, Bárbara Dührkop Dührkop, Claudio Fava, Armando França, Urszula Gacek, Patrick Gaubert, Roland Gewalt, Jeanine Hennis-Plasschaert, Lívia Járóka, Ewa Klamt, Stavros Lambrinidis, Henrik Lax, Roselyne Lefrançois, Viktória Mohácsi, Claude Moraes, Martine Roure, Csaba Sógor, Manfred Weber, Tatjana Ždanoka
Substitute(s) present for the final vote	Edit Bauer, Frieda Brepoels, Simon Busuttil, Evelyne Gebhardt, Genowefa Grabowska, Sophia in 't Veld, Sylvia-Yvonne Kaufmann, Marian-Jean Marinescu, Marianne Mikko, Bill Newton Dunn, Nicolae Vlad Popa, Johannes Voggenhuber
Substitute(s) under Rule 178(2) present for the final vote	Manolis Mavrommatis