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## PROPOSAL

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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	17 May 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2018) 196 final
Subject:	COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT Accompanying the document Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 767/2008, Regulation (EC) No 810/2009, Regulation (EU) 2017/2226, Regulation (EU) 2016/399 Regulation XX/2018 [Interoperability Regulation], and Decision 2004/512/EC and repealing Council Decision 2008/633/JHA

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Delegations will find attached document SWD(2018) 196 final.

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Encl.: SWD(2018) 196 final



Brussels, 16.5.2018  
SWD(2018) 196 final

**COMMISSION STAFF WORKING DOCUMENT**  
**EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT**

*Accompanying the document*

**Proposal for a Regulation of the European Parliament and of the Council  
amending Regulation (EC) No 767/2008, Regulation (EC) No 810/2009, Regulation (EU)  
2017/2226, Regulation (EU) 2016/399 Regulation XX/2018 [Interoperability Regulation],  
and Decision 2004/512/EC and repealing Council Decision 2008/633/JHA**

{COM(2018) 302 final} - {SWD(2018) 195 final}

## Executive Summary Sheet

Impact assessment on Proposal for a Regulation amending Regulation (EC) No 767/2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) and Regulation 810/2009 establishing a Community Code on Visas (Visa Code).

### A. Need for action

#### Why? What is the problem being addressed?

Building on the 2016 VIS evaluation and in order to respond to new challenges on visas, borders and security and to establish interconnectivity with existing and upcoming IT systems, the impact assessment addressed four problem areas:

- **Lack of travel documents as evidence in return proceedings** – current EU legislation does not provide for this possibility, which leads to slow and difficult return proceedings, creating delays and costs for member states;
- **Lack of biometric data enabling minors to be identified** – under current EU legislation fingerprints are not taken from children under 12, meaning that children, particularly those vulnerable to trafficking, are more difficult to identify;
- **Insufficient information on long-stay visas and residence documents** – the information gap causes problems in external border management and renders the Schengen area more vulnerable to security risks;
- **Insufficient checks on migration and security risks when processing visa applications** – uneven checks across member states, with existing IT-systems (including those that will be interoperable in future) not being consulted for this purpose.

#### What is this initiative expected to achieve?

##### *General objectives*

- Improve implementation of the common visa policy;
- Facilitate checks at the EU's external borders and free movement within EU countries in the border-free Schengen area;
- Tighten security within the EU and at its borders;
- Improve management of the border between countries in the Schengen area and those that are not.

##### *Specific objectives*

- Improve identification and return of non-EU nationals;
- Make the VIS more efficient, to facilitate return procedures;
- Facilitate the fight against fraud;
- Facilitate checks, both at external border crossing points and within the territory of the Member States;
- Take stronger action to counter abuses of children's rights;
- Facilitate the exchange of information among Member States on TCNs;
- Contribute to the fight against serious crime, including terrorism;
- Gather statistics to support evidence-based policy making.

#### What is the value added of action at the EU level?

EU-level IT databases for borders and security are in place to help national authorities cooperate and share information in this field.

Addressing information gaps that have been identified in these systems will allow the authorities to (more quickly and cheaply) identify and perform thorough risk assessment for non-EU nationals, and check the status and authenticity of their documents.

### B. Solutions

#### What legislative and non-legislative policy options have been considered? Is there a preferred

**choice (underlined) or not?**

Including a digital copy of the travel document in the VIS – (1) In a centralised database/ (2) Decentralised (by Member States individually):

- Sub-option A. Storage of biographical page only
- Sub-option B. Storage of all used pages of the applicant's travel document

Lowering the fingerprinting age of children

- Lowering the fingerprinting age to 6 years
- Lowering the fingerprinting age to zero (i.e. fingerprint all ages, from birth)

Including data on long-stay visas and residence documents in the VIS

– non-legislative options:

- Improve the sharing of bilateral information on a case-by-case basis.
- Improve the feeding and use of information in the Schengen Information System as regards alerts on withdrawn long-stay and residence documents
- Promote the use of security features for documents containing a chip: Passive Authentication and Extended Access Control

– legislative options:

- Further harmonise and secure long-stay and residence documents
- Create an interconnection between relevant national databases that would allow all Member States to query each other's
- Include in the VIS – (a) without data on rejected applications / (b) with data on rejected applications

Automated migration and security checks

- Systematic and automated check against available databases
- Automated cross-checks + screening rules

**Who supports which option?**

A broad range of stakeholders have expressed their support for the objectives of the revised VIS (eu-LISA (the EU agency managing security-related IT systems), the EU borders agency Frontex and EU governments, who all provided input for the supporting studies).

Some stakeholders (EDPS, FRA) drew attention to the need to respect fundamental rights, consistently underlining the need for strong and clear data protection measures and for taking into account the best interests of the child.

**C. Impacts of the preferred option**

**What are the benefits of the preferred option (if any, otherwise main ones)?**

The proposed measures will provide a reliable means of systematically presenting evidence of the nationality of anyone overstaying on a non-EU national visa. This should facilitate the execution of return decisions – resulting in estimated **savings of €6.7m – €32.1m**.

Reduced delays in return procedure will also help decrease costs related to pre-removal detention centres, subsistence, etc. by **€46.3m – €92.6m**.

Additional savings worth **€3.9m – €15.5m** are expected in related administrative costs.

Including fingerprints of children in the VIS will enable the authorities to verify their identity, and so any claimed relationship between children and adults presenting themselves as their parents or guardians. This will help reunite children found unaccompanied in the Schengen area with their parents, family or care givers, and it will facilitate the application of the Dublin Regulation (the rules for determining which EU member state is responsible for processing individual asylum applications).

Border management and law enforcement authorities will have access to data on long-stay visas and residence documents which will enable rapid checks of status and authenticity.

<p>The document holders will also benefit from smoother and quicker border checks.</p> <p>Consulates and migration authorities will mainly benefit from automatic checks against other databases, thereby fully exploiting the interoperability of the overall system.</p>
<p><b>What are the costs of the preferred option (if any, otherwise main ones)?</b></p>
<p>Immediate economic costs will be limited to the investment or set-up costs of changing procedures and legal acts.</p> <p>The main one-off costs will fall to the EU budget and to the national authorities operating the systems and are estimated at €21.4m – €21.5m.</p> <p>The recurring administrative cost resulting from increased workload per application will be borne primarily by EU member states' consulates and the external service providers.</p> <p>The quantitative analysis was, however, conducted separately for each policy area. The estimated costs do not therefore take into account the considerable long-term cost-reduction aspects of the preferred policy options, such as economies of scale and potential investment overlaps.</p>
<p><b>How will businesses, SMEs and micro-enterprises be affected?</b></p>
<p>The proposed policy measures are not expected to directly impact small and medium-sized businesses.</p> <p>Travellers and genuine non-EU holders of a long-stay visa or residence permit will benefit from faster border checks.</p>
<p><b>Will there be significant impacts on national budgets and administrations?</b></p>
<p>The costs resulting from additional administrative work related to scanning documents and taking fingerprints of children will be outweighed by significant savings.</p> <p>Member States are expected to substantially benefit from:</p> <ul style="list-style-type: none"> <li>• fewer assistance requests for supporting documents from migration and return authorities</li> <li>• fewer requests for copies of travel documents</li> <li>• an easier return procedure for migrants overstaying on a non-EU national visa.</li> </ul>
<p><b>Will there be other significant impacts?</b></p>
<p>Societies at large will benefit from the higher security resulting from more effective protection of external borders, protection of children, and easier return procedures for irregular migrants.</p> <p>Addressing the current information gap in the documents issued to non-EU nationals will complement the border-management information system. This system is designed and implemented in full respect of all relevant legislation, such as the General Data Protection Regulation, and the principles of data protection by design and by default, and accompanied by a range of safeguards.</p>
<p style="text-align: center;"><b>D. Follow up</b></p>
<p><b>When will the policy be reviewed?</b></p>
<p>4 years after the revised VIS Regulation begins to be applied, the Commission will present a report to the European Parliament and the EU Council.</p>