



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 1 March 2011

6885/11

LIMITE

**FRONT 25
COMIX 111**

**DOCUMENT PARTIALLY
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OUTCOME OF PROCEEDINGS

of: Working Party on Frontiers / Mixed Committee
(EU-Iceland/Liechtenstein/Norway/Switzerland)

dated: 11 February 2011

Subject: **Summary of discussions**

1. Visa Information System (VIS)

The Presidency presented DS 1089/11 (in the Annex) on the border related aspects of the VIS implementation. The Presidency emphasised the need for all border posts to be ready to implement the VIS as soon as it becomes operational.

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The Presidency invited delegations to ensure that the preparations at the border crossing points are completed in due time and to liaise with their respective colleagues in the Friends of VIS Group.

- 2. Proposal for a Regulation of the European Parliament and of the Council, amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the management of operational cooperation at the external borders of the Member States of the European Union (FRONTEX)**
 - **State of play with the EP**

The Presidency informed the Working Party on the exchange of views held by the LIBE Committee of the European Parliament on 26 January 2011 and that it intends to meet the EP rapporteur before the orientation vote in the LIBE Committee foreseen to take place by mid-March 2011.

- **Processing of personal data**
 - **doc. 5683/11 FRONT 10 CODEC 135 COMIX 42**
- **Other outstanding issues**
 - doc. 5099/11 FRONT 1 CODEC 13 COMIX 4**

The Working Party examined the personal data related issues and the other outstanding questions, from Article 4 onwards, of the draft Regulation amending Council Regulation (EC) No 2007/2004 establishing FRONTEX. The outcome of the discussion regarding this point is set out in doc. 6394/11 FRONT 20 CODEC 253 COMIX 90.

3. European Border Surveillance System (EUROSUR)
- doc. 5934/11 FRONT 11 COMIX 60

Cion presented its second report regarding the European Surveillance system (EUROSUR), as set out in doc. 5934/11 FRONT 11 COMIX 60, which describes the objective and scope of EUROSUR and its technical and operational framework as well as the main actions which need to be taken to have the system operational by 2013. **Cion** indicated that it intends to present a legislative proposal in December 2011.

Following a question raised by **NL**, **Cion** replied that regarding total costs of the project, a study with the technical specifications, is being carried out and foreseen to be completed in 2011. In this regard, Member States will receive a detailed questionnaire from the Commission. **Cion** also reminded delegations that costs for EUROSUR are largely covered by the External Borders Fund and other expenses, regarding central elements of the system, are covered by FRONTEX.

Following a question raised by **EL** regarding the possible connection of third countries to EUROSUR, **Cion** clarified that it would be necessary to conclude memoranda of understanding with the third countries concerned.

4. A.O.B

PT informed delegations on the temporary reintroduction of border controls by Portugal at internal borders on 16-21 November 2010 at the occasion of the NATO Summit (doc. 6140/11 FRONT 13 COMIX 75).

Cion informed delegations that on 9 February 2011 it adopted its second report on the implementation and functioning of the local border traffic regime set up by Regulation No 1931/2006 (doc. 6139/11 FRONT 21 VISA 24 COMIX 74).



ANNEX

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 4 February 2011

DS 1089/11

LIMITE

MEETING DOCUMENT

from: Presidency
to: Working Party on Frontiers/Mixed Committee
(EU-Iceland/Liechtenstein/Norway/Switzerland)

on: 11 February 2011

Subject: **Visa Information System (VIS) - border related aspects**

The Central VIS is scheduled to be ready towards the end of the HU Presidency and the real go-live should take place soon afterwards. From a legal point of view, three conditions must be fulfilled in order to start operations:

First, a series of technical implementation measures for the system must have been adopted by the Commission. This activity has already been completed.

Second, according to Article 48 (1) lit. b) of the VIS Regulation, the Commission must declare the successful completion of a comprehensive test of the VIS, which shall be conducted by the Commission together with Member States (this activity is ongoing). In line with current planning, it is expected that the Commission will be able to declare such successful completion and thus the readiness of the VIS Central System by 24 June 2011.

The third condition concerns Member States' readiness at all consulates in the first region of deployment, i.e. North Africa. Member States must notify the Commission that they have made the necessary technical and legal arrangements to collect and transmit alphanumeric and biometric data for all applications in the first region. It is only after having received these notifications that the Commission will determine the exact date from which the VIS is to start operations.

The Presidency aims at ensuring that the VIS can start operations as soon as possible after the Central VIS has become ready, and will as a matter of priority continue to monitor the preparations closely in the framework of the "Friends of the VIS" (FOVIS) as well as higher level.

According to the Schengen Borders Code, 20 days after the official go-live of VIS the external border-crossing posts (BCPs) must be in a position to verify the identity of each visa holder and the authenticity of each visa by consulting the VIS, i.e. at least checking the visa sticker number against the central system.¹

On the basis of a survey conducted by the Presidency and regularly discussed in the framework of the FOVIS group, there are indications that some Member States might face issues with regard to some of their BCPs which could prevent them from complying with this legal obligation.

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¹ This provision does not imply an obligation for Member States to notify their readiness at external borders for verification purposes. However, it is self-evident that preparations at borders should be finalised in parallel with the finalisation of the preparatory work at consulates in the first region.