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THE EUROPEAN UNION**

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**NOTE**

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from:            General Secretariat  
to:                Delegations

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**Subject:        Council Conclusions on the development of the Visa Information System  
(VIS)**

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Delegations will find attached the text as adopted by Council on 19 February 2004.

**COUNCIL CONCLUSIONS  
ON THE DEVELOPMENT OF  
THE VISA INFORMATION SYSTEM (VIS)**

1. The European Council meeting in Laeken asked the Council and the Member States, in point 42 of its conclusions, to take steps to set up a common visa identification system.

This reaffirmed the Council's invitation to the Commission on 20 September 2001, in point 26 of its conclusions, to submit proposals for establishing a network for information exchanges concerning visas issued.

The Council on 28 February 2002 approved the comprehensive plan to combat illegal immigration and trafficking of human beings in the European Union. Among the measures and actions concerning visa policy contained in this plan, provision is made for the development of a European Visa Identification System (points 34 to 40).

The European Council in Seville on 21-22 June 2002 called on the Council and the Commission, within their respective spheres of responsibility, to attach top priority to the introduction of a common identification system for visa data, in the light of a feasibility study and on the basis of guidelines, adopted by the Council on 13 June 2002.

2. The Commission has launched on 16 September 2002 a feasibility study on technical and financial aspects of the Visa Information System (VIS), the results of which were submitted to the Council in May 2003.

The Council on 5 June 2003 welcomed the feasibility study, as presented by the Commission, confirmed the objectives for such a Visa Information System as set out in the guidelines, invited the Commission to continue its preparatory work on the development of the VIS in cooperation with Member States on the basis of a centralised architecture, taking into account the option of a common technical platform with SIS II, without delaying the development of SIS II, and undertook to give the necessary political orientation by December 2003 at the latest on the basic elements of the VIS, including the architecture, the functionalities, taking into account the financial component, the choice of biometric identifier(s) and the approach for the implementation of the system, thus allowing to integrate VIS as a possible option in the call for tender for SIS II.

3. Following these Conclusions of the Council on 5 June 2003, as reaffirmed by point 11 of the Thessaloniki Conclusions of the European Council, the Council:

- invites the Commission to exercise the VIS option included in the call for tender for SIS II,
- gives the annexed orientations, and
- invites the Commission to take these orientations into account when preparing the technical implementation of the VIS and the proposal for the legal instrument concerning the establishment of the VIS, while fully respecting the Communities' legislation on the protection of personal data.

**1. Purpose of the VIS**

The Visa Information System (VIS) is a system for the exchange of visa data between Member States, which must meet the following objectives:

- (a) constitute an instrument to facilitate the fight against fraud, by improving exchanges of information between the Member States (at consular posts and at border crossing points) on visa applications and responses thereto;
- (b) contribute to the improvement of consular cooperation and to the exchange of information between central consular authorities;
- (c) facilitate checks that the carrier and the holder of the visa are the same person, at external border checkpoints or at immigration or police checkpoints;
- (d) contribute to the prevention of "visa shopping";
- (e) facilitate application of Council Regulation (EC) No 343/2003 determining the State responsible for examining applications for asylum;
- (f) assist in the identification and documentation of undocumented illegals and simplify the administrative procedures for returning citizens of third countries;
- (g) contribute towards improving the administration of the common visa policy and towards internal security and to combating terrorism.

**2. Implementation approach for the VIS**

The VIS will be a system for the exchange of visa data in relation to Schengen uniform visas (A, B, C-visas) and "national visas" (D, D+C-visas), including visas with limited territorial validity (LTV), of the Member States which have abolished checks at their internal borders, as defined in the Common Consular Instructions:

- airport transit visa (A-visa)
- transit visa (B-visa)

- short-term visa (C-visa)
- long-term national visa (D-visa)
- national long-stay visa valid concurrently as a short stay visa (D+C-visa).

The position of Ireland and the United Kingdom will require being determined in the context of the negotiation of the Regulation, and in accordance with the relevant provisions of the Treaties.

The VIS should be implemented in a step-wise approach, starting with the processing of alphanumeric data and digitised photographs or original photographs taken with a digital camera depending on further assessment of the impacts of both alternatives. This first step should be implemented by the end of 2006.

In a second step, in coherence with the choice of biometric identifiers in the field of visas<sup>1</sup> and taking into account the outcome of the on-going technical developments, biometric data on the visa applicants should be added to the VIS for verification and identification purposes, including background checks. Individual Member States are allowed to store fingerprints and facial images earlier than other Member States. The VIS should be designed accordingly from the beginning in such a way that no major changes or adaptations will be necessary to that end. The second step should be implemented, if possible, by the end of 2007.

In a further step, supporting documents could be scanned and processed.

From the beginning the VIS has to be designed in such a way that all steps can be implemented.

The VIS should start with an empty database and start collecting data at a defined date for the Member States.

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<sup>1</sup> Proposals for Council Regulations amending Regulations (EC) 1683/95 laying down a uniform format for visas and 1030/2002 laying down a uniform format for residence permits for third-country nationals, doc.14969/1/03 VISA 191 COMIX 701 REV 1.

### **3. Content of the VIS in a first step: alphanumeric data and photographs**

The following information should be processed in the System in the first step:

- (a) types of visa: Schengen uniform visas and "national visas", indicating types (A, B, C, D, D+C), including LTVs;
- (b) status of visas:
  - Visas requested
  - Visas issued,
  - Visas formally refused
  - Visas annulled, revoked, extended;
- (c) all the relevant data required to identify the applicant, to be taken from the application form;
- (d) all the relevant data required to identify the visa, to be derived from the sticker;
- (e) the competent authority that issued the visa (including border crossing points) and whether that authority issued it on behalf of another State, as well as the competent authority that formally refused, annulled, revoked or extended the visa;
- (f) standard grounds for refusing, cancelling, withdrawing and extending visas;
- (g) information required for the VISION consultation and on the results obtained by that consultation;
- (h) record of persons issuing invitations, those liable to pay board and lodging costs;

- (i) digitised photographs or original photographs of the visa applicants, taken with a digital camera depending on further assessment of the impacts of both alternatives.

Process and status information should be available in codes, whereas each Member State will provide the translation for its authorities.

**4. Additional content of the VIS in further steps: biometric data and scanned documents**

In a second step, in coherence with the choice of biometric identifiers in the field of visas and taking into account the outcome of the on-going technical developments, biometric data on the visa applicants should be added to the VIS, thus allowing the linkage with the data mentioned above in point 3 for verification and identification purposes, including background checks. Individual Member States are allowed to store fingerprints and facial images earlier than other Member States. The VIS should be designed accordingly from the beginning in such a way that no major changes or adaptations will be necessary to that end.

In a further step, the following supporting documents could be scanned and processed, when they are added to the visa file, such as

- travel documents,
- record of persons issuing invitations, those liable to pay board and lodging costs;
- insurance policies; etc.

**5. Development of the VISION Network**

The technical functionalities of the VISION Network for consulting the central authorities, referred to in Article 17(2) of the Schengen Convention, should be integrated into the VIS.

## 6. Architecture and location of the VIS

The VIS will be based on a centralised architecture and a common technical platform with SIS II, as far as allowed by the technical and data protection requirements for the two systems. However, the VIS and the SIS II shall be two different systems with strictly separated data and access.

The VIS will consist of a Central Visa Information System (CS-VIS) with an interface in each Member State (National Interface - NI-VIS) which provides the connection to the relevant central national authority of the respective Member State, and the communication infrastructure between the Central Visa Information System and the National Interfaces.

The Central Visa Information System (CS-VIS) should be hosted in the same location as the Central System of SIS II. This decision should not prejudice the future management of the SIS II system. The Central Visa Information System (CS-VIS) and its business continuity system should be hosted in different locations.

In relation to the national systems, the following should be taken into account:

- (a) operational and organisational competence for the national systems will rest with each Member State;
- (b) each Member State will establish the location(s) and arrangements for user access to the NI-VIS;



- (c) each Member State will adapt existing national systems; in case that there is no existing national system, the Member States concerned will create an adequate communication infrastructure with their consular posts and other competent authorities and be responsible for user management;
- (d) each Member State will be responsible for management information like financial information and other specific national information.

## 7. Access to the VIS

From the beginning the VIS will provide the following types of access, while fully respecting the Communities' legislation on the protection of personal data and limited to the extent the visa data are required for the performance of the tasks of the acceding authorities according to the purposes of the VIS:

- (a) access for entering and updating data will be confined to persons duly authorised to that end and involved in the visa-issuing process or in processes to annul, revoke and extend visas (e.g. persons from consular posts, immigration authorities and border control authorities)
- (b) access for consultation will be available to the persons mentioned in the previous paragraph, and also to all duly authorised bodies and persons with responsibility for controlling border checkpoints as well as other national authorities to be authorised by each Member State such as police departments, immigration departments and services responsible for internal security, provided that visa data are required for the performance of their tasks.

The technical and financial impact of the following two access modes should be further assessed and implemented, if justified by synergy effects.

VIS-users should have access to consult SIS data via the Central Visa Information System (CS-VIS), as far as they are entitled to consult the SIS.

SIS-users such as police, immigration and border control authorities may consult VIS data via the SIS II infrastructure at central level, as far as they are entitled to consult the VIS.

#### **8. Period of retention of on-line data**

While fully respecting the Communities' legislation on the protection of personal data, data should remain in the system for on-line consultation for a period of at least five years. This period will start to run when the data of the decision on the visa application are entered in the system.

After that period has elapsed, the data shall be deleted in the CS-VIS.

#### **9. Communication infrastructure between the CS-VIS and the NI-VIS**

In view of synergies with the SIS II, for the communication between the Central System (CS-VIS) and the National Interfaces (NI-VIS) the same infrastructure should be used as for SIS II.

## 10. **Financing**

The investment and operational costs for the VIS, consisting of the CS-VIS with an interface in each Member State (National Interface - NI-VIS) and the communication infrastructure between the CS-VIS and the National Interfaces, shall be borne by the budget of the European Communities.

The investment and operational costs for the national infrastructures beyond the National Interfaces (NI-VIS) will be borne by each Member State, including the network costs between the NI-VIS and the national systems and the adaptation of existing national systems to the VIS or the development and establishment of new national systems.

When implementing the VIS, Member States should consider the possibility of creating Common Consular Posts in order to use common equipment.

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