



**COUNCIL OF
THE EUROPEAN UNION**

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"A" ITEM NOTE

from : General Secretariat of the Council
to : Council

Subject : Draft Council conclusions on access to the VIS by Member State authorities
responsible for internal security

The Council Conclusions on the setting up of a Visa Information System (VIS) for the exchange of visa data between Member States states that, the VIS must meet a number of objectives, one of which is to "contribute....towards internal security and to combating terrorism".¹

To achieve this objective, some Member States considered it necessary to grant access to the data contained in the VIS to the authorities responsible for internal security.

At the meeting of the Mixed Committee at Ministerial level on 24 February 2005, the Presidency noted that there was consensus on the granting of such access.

¹ 6535/05 VISA 33 COMIX 111.

At its meeting on 25 February 2005, the Permanent Representatives Committee agreed to the draft conclusions submitted by the Presidency.

The Council is invited to endorse that agreement by adopting the draft conclusions set out in the Annex hereto as a "A" item at its meeting on 7 March 2005.

**Draft Council conclusions
on access to the VIS by Member State authorities
responsible for internal security**

The Council,

- thanks the Commission for submitting to it, and to the European Parliament, within the time limit set by the European Council, a proposal for a Regulation on the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas ¹;
- notes that the proposal for a Regulation, while having support for the development of a common visa policy as its main objective, will facilitate the fight against fraud and the identification of persons and will consequently contribute to improving internal security and to combating terrorism, as desired by the Council in its conclusions of 19 February 2004;
- considers that in order to achieve fully the aim of improving internal security and the fight against terrorism which the Council assigned to the VIS in its conclusions of 19 February 2004, access, for the purpose of consultation, should be guaranteed to Member State authorities responsible for internal security in the course of their duties in relation to the prevention, detection and investigation of criminal offences, including terrorist acts and threats;
- reiterates that any access to the VIS must be subject to strict compliance with the rules governing the protection of personal data,

¹ 5093/05, VISA 1 CODEC 77 COMIX 5 + COR 1, COM (2004) 835 final.

- invites the Commission to present as soon as possible, and by the end of 2005 at the latest, its proposal on the protection of personal data within the framework of Title VI of the TEU;
- requests the Commission to present, at the same time, a proposal based on Title VI of the TEU aimed at guaranteeing Member State authorities responsible for internal security access to the VIS for the purpose of consultation in the course of their duties in relation to the prevention, detection and investigation of criminal offences, including terrorist acts and threats, with a view to its adoption within the same timeframe as of the Regulation on the VIS,
- requests that, in the meantime, examination of the proposal for a Regulation on the visa information system (VIS) and the exchange of data between Member States on short-stay visas should continue;
- will make every effort, together with the European Parliament, and with full respect for each institution's prerogatives, to adopt the proposal for a Regulation on the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas within a timeframe enabling the VIS to be implemented in accordance with the timetable set by the Council in its conclusions of 19 February 2004.

