JOINT STATEMENT BY THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION ON ARTICLE 26 RELATING TO OPERATIONAL MANAGEMENT

"The European Parliament and the Council invite the Commission to present, following an impact assessment that provides a substantive analysis of alternatives from a financial, operational and organisational perspective, the necessary legislative proposals entrusting an agency with the long-term operational management of the VIS. The impact assessment could form part of the impact assessment which the Commission undertook to carry out with regard to the SIS II.

The Commission commits itself to presenting, within two years of the entry into force of this Regulation, the necessary legislative proposals to entrust an agency with the long-term operational management of the VIS. Such proposals shall include the modifications required to adapt the Regulation concerning the VIS and the exchange of data between Member States on short stay-visas.
The European Parliament and the Council commit themselves to dealing with these proposals as quickly as possible and to have them adopted in time to allow the agency to take up fully its activities before the end of a five-year period following the entry into force of this Regulation."

JOINT STATEMENT BY THE EUROPEAN PARLIAMENT AND THE COUNCIL CONCERNING THE MISUSE OF VISAS AND INVITATIONS

"The European Parliament and the Council underline the need to tackle the phenomenon of visa misuse in a comprehensive manner and believe that the treatment of cases of misuse which emerge or come to light after the expiry of the validity of a visa should be carefully considered in the context of the Visa Code proposal. Following an agreement on the Visa Code, they invite the Commission to propose, if necessary, appropriate amendments to the VIS Regulation.

Furthermore, the European Parliament and the Council invite the Commission to report not later than three years after the start of operations of the VIS on the situation as regards misuse by persons issuing invitations, and to present, if necessary, suitable proposals for amendments."

STATEMENT BY THE COUNCIL CONCERNING THE PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON COMMON STANDARDS AND PROCEDURES IN MEMBER STATES FOR RETURNING ILLEGALLY STAYING THIRD-COUNTRY NATIONALS

The Council recognises the importance of adopting without delay a Return Directive which shall contribute to the establishment of an effective removal and repatriation policy based on common standards for persons to be returned in a humane manner and with full respect for their human rights and dignity, as required by the Hague Programme. In order to enforce this European legislation, appropriate resources must be available. The Council therefore commits itself to making progress on the proposal for a Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third country nationals and to starting as soon as possible the inter-institutional discussions with the European Parliament with a view to reaching a first reading agreement by the end of 2007.
DRAFT COUNCIL STATEMENT

"The Council takes note of the intention of the Republic of Cyprus to participate in the Visa Information System (VIS) before the lifting of controls at its borders with the other Schengen Member States and that thus, in accordance with Article 3(2) of the Accession Act, the Council will be invited to take two decisions and set two dates, a first one for the implementation of the common visa policy by Cyprus including the VIS and other relevant parts of the Schengen acquis, the second one for the lifting of border controls as regards travel between the Republic of Cyprus and the Member States fully implementing the Schengen acquis.

The Council declares that an anticipated decision, after consulting the European Parliament, on the implementation of the common visa policy is conditioned by:

- a declaration of readiness by the Republic of Cyprus to fully implement the common visa policy including the VIS and other relevant parts of the Schengen acquis, in particular its integration in the SIS (in order to check against the list of non-admissible third country nationals;

- a verification in accordance with the Schengen evaluation procedures that the necessary conditions for the application of these parts of the acquis have been met by the Republic of Cyprus".

STATEMENT BY THE REPUBLIC OF SLOVENIA
AND THE REPUBLIC OF POLAND ON ARTICLE 18

"The Republic of Slovenia and the Republic of Poland confirm their readiness to fully implement the Regulation of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short stay visas. As frequently used points of entry to the European Union, Slovenia and Poland are aware of their responsibility to carry out border checks in the interest of all the Member States and wish to draw attention to possible consequences of strict implementation of Article 16 of the Regulation.
Article 16 defines the systematic verification of visa stickers and fingerprints of third country nationals required to hold a visa when entering the Schengen area. However, the Republic of Slovenia and the Republic of Poland wish to draw attention to technical problems that might arise with mobile fingerprint readers when comparing fingerprints with the central database and problems that arise when fingerprints do not match, even though the identity of a person is correct. For this reason this type of border control will probably result in serious disturbances for international traffic at border crossing points. Furthermore, the Republic of Slovenia and the Republic of Poland wish to underline the fact that this Article does not provide for any exemptions, even in cases where it is obvious that certain passengers are bona fide, such as members of official delegations, athletes, cultural and scientific workers and members of families travelling together and the possibility of abuse of visas is excluded.

In light of the above, the Republic of Slovenia and the Republic of Poland supported the idea raised in Council that after mandatory verification with the number of the visa sticker, border police officers would have a discretionary right to decide which additional criteria should be used in order to establish the identity of a person during a border check procedure."