"I/A" ITEM NOTE
From: General Secretariat
To: COREPER/Council
No. prev. doc. : 11077/1/07 REV 1 CATS 76 ENFOPOL 127 EUROPOL 83 VISA 199
10290/07 CATS 65 ENFOPOL 112 EUROPOL 72 VISA 175 COMIX 519
Subject : Proposal for a Council Decision concerning access for consultation of the Visa
Information System (VIS) by designated authorities of Member States and by
Europol for the purposes of the prevention, detection and investigation of terrorist
offences and of other serious criminal offences
- adoption
- publication

concerning access for consultation of the Visa Information System (VIS) by the authorities of
Member States responsible for internal security and by Europol for the purposes of the
prevention, detection and investigation of terrorist offences and of other serious criminal
offences.

2. This proposal was extensively discussed in the Police Cooperation Working Party and the
Article 36 Committee under the Austrian, Finnish and German Presidencies. It was finalised
in June following discussions with the European Parliament about the "bridging clause" of the
VIS Regulation.

4. The Council reached political agreement on the draft Council Decision in its meeting of 12-13 June 2007 (document 10290/07 CATS 65 ENFOPOL 112 EUROPOL 72 VISA 175 COMIX 519).

5. Meanwhile, the text has undergone the appropriate jurist-linguist screening and is set out in document 11077/1/07 REV 1 CATS 76 ENFOPOL 127 EUROPOL 83 VISA 199 COMIX 598.

6. On this basis COREPER is requested to invite Council

- to approve the draft Council Decision concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences, as contained in document 11077/1/07 REV 1 CATS 76 ENFOPOL 127 EUROPOL 83 VISA 199 COMIX 598.
- agree that the declarations set out in annex 1 and 2 will be entered in the minutes of the Council meeting adopting this Decision and
- note that the declaration set out in annex 3 will be entered in the minutes of the Council meeting adopting this Decision.
- to order the publication of this Decision in the Official Journal of the European Union.
**Council Declaration concerning the Council Framework Decision on the protection of personal data processed in the framework of police and judicial co-operation in criminal matters**

The Council recognises the importance of the existence of a comprehensive and coherent set of rules at the level of the European Union concerning the high level of protection of personal data processed in the framework of police and judicial co-operation in criminal matters, as a part of the Union's ever increasing regulatory set of instruments on such co-operation. These rules will constitute an important development of the minimum data protection principles set by the Convention of 28 January 1981 for the protection of individuals with regard to automatic processing of personal data, and in Recommendation (87)15 regulating the use of personal data in the police sector, both adopted in the framework of the Council of Europe.

Therefore, the Council continues to give priority to the examination of the proposal for a Council Framework Decision on the protection of personal data processed in the framework of police and judicial co-operation in criminal matters, and intends to reach a political agreement on the proposal as soon as possible and at the latest by the end of 2007.
Council Declaration concerning the right of access to the VIS by the United Kingdom and Ireland in the Council Decision

The Council recognises that the shared security of Member States will be strengthened by the reciprocal access of the United Kingdom and Ireland to the Visa Information System and emphasizes the importance of the United Kingdom and Ireland access for law enforcement purposes to the Visa Information System. The Council will therefore keep the position of the United Kingdom and Ireland under review, including in relation to relevant jurisprudence and will in the light of the outcome of the Court Decisions adopt such provisions as may be necessary or appropriate to enable the United Kingdom and Ireland to have access to the Visa Information System on the same footing as the other Member States.
Joint Declaration from the United Kingdom and Ireland

The UK and Ireland welcome the Council Declaration regarding access to the VIS.

The UK and Ireland consider that they are entitled to participate in the adoption and application of the VIS Council Decision. In particular they do not accept that the measure can properly be classified as a Schengen building measure. Even if it could be so classified, the UK and Ireland consider that the legal base is not one which builds upon the area of the Schengen acquis covering short-stay visas or that such a classification justifies their exclusion from the measure.

The UK and Ireland should therefore be granted full, direct access to the Visa Information System.