



Council of the
European Union

Brussels, 21 October 2016
(OR. en)

13530/16
ADD 1

VISA 329
FRONT 391
COMIX 689

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	21 October 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.:	SWD(2016) 327 final
Subject:	COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY OF THE EVALUATION Accompanying the document REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the implementation of Regulation (EC) No 767/2008 of the European Parliament and of the Council establishing the Visa Information System (VIS), the use of fingerprints at external borders and the use of biometrics in the visa application procedure/REFIT Evaluation

Delegations will find attached document SWD(2016) 327 final.

Encl.: SWD(2016) 327 final



Brussels, 14.10.2016
SWD(2016) 327 final

COMMISSION STAFF WORKING DOCUMENT

EXECUTIVE SUMMARY OF THE EVALUATION

Accompanying the document

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on the implementation of Regulation (EC) No 767/2008 of the European Parliament and
of the Council establishing the Visa Information System (VIS), the use of fingerprints at
external borders and the use of biometrics in the visa application procedure/REFIT
Evaluation**

{COM(2016) 655 final}
{SWD(2016) 328 final}

The evaluation of the Visa Information System (VIS) looked into the legal framework of the VIS and examined whether this instrument is fit for purpose, delivers on its objectives at reasonable cost, is relevant, coherent and has EU added value.

The evaluation shows that the VIS was effective in meeting its objectives of:

- facilitating the visa application procedure;
- preventing the bypassing of the criteria for determining which Member State is responsible for examining a visa application;
- helping to fight fraud;
- facilitating checks at external border crossing points and within the territory of the Member States;
- helping identify any person who may not, or may no longer, fulfil the conditions for entry to, stay or residence in the Member States;
- facilitating the application of the Dublin III Regulation¹; and
- helping prevent threats to the internal security of any of the Member States.

The technologically advanced VIS introduces digital facial images and fingerprints and is therefore a significant tool for tackling past challenges related to fraud (such as trying to use someone else's visa) and abuse of the Schengen visa. A sizeable majority of the responding Member States² — 84.2 % — agreed that the introduction of the VIS facilitated the fight against visa fraud.

The procedure for collecting fingerprints is relatively simple and discreet. To give fingerprints, the applicant only has to place his or her fingers on a digital scanner. Although authorities and applicants agree that the VIS made the application procedure slower and lengthier due to the need to register alphanumeric and biometric data, overall the VIS has sped up the processing of visa applications by providing a quick and reliable means of verifying the applicant's visa history and assessing irregular migration and security risks. Over 70 % of responding Member States considered that the introduction of the VIS facilitated the visa application procedure.

If someone applies for a new visa within five years, their fingerprints are as a rule, though not always, copied from the previous application in the VIS and not collected anew. The obligation to erase applicants' data, including biometrics, by the five-year term set by the VIS Regulation could not be checked because the system was evaluated before this deadline (October 2016). In general, national authorities have not recorded any data protection complaints. Although there was some degree of resistance to fingerprint-taking, in particular at the beginning of the process and in certain regions or by certain categories of applicants, the procedure is generally well accepted by applicants.

Since October 2014, the identity of the visa holder and the authenticity of the visa must be systematically checked by the Schengen states' border guards when a visa holder arrives at

¹ Regulation 604/2013 (the 'Dublin III Regulation', replacing Regulation (EC) No 343/2003).

² References to 'responding Member States' in this paper refer to countries responding to the VIS evaluation questionnaire referred to in Section 5 'Method' on p. 20 of the CSWD.

the external border. This helps to avoid the risk of visa fraud by allowing quick, safe and secure biometric verifications, but also makes checks at external borders more efficient and enhances overall border security. Thus, the substantial majority of the responding Member States (73.5 %) considered that the introduction of the VIS facilitated checks at external border crossing points and within the territory of the Member States.

Thanks to the VIS, it takes just a few seconds to verify the identity of a visa holder at borders. This helps prevent and fight fraudulent use of visas and avoid identity theft. At the same time, visa applicants have their applications processed much faster and this benefits bona fide travellers.

A vast majority of responding Member States — 78.9 % — were of the opinion that the VIS helps with the identification of persons who do not, or no longer, fulfil the conditions for entry to or stay or residence in the Member States.

The majority of the responding Member States — 63 % — consider that introducing the VIS had a positive impact and helped apply the Dublin Regulation determining which Member State is responsible for examining an asylum application.

Finally, all responding Member States which used the VIS for law enforcement purposes (although Member States should be encouraged to use it more extensively) considered that introducing the VIS had a positive impact on the prevention of threats to the internal security of the Member States. The VIS helps prevent threats by providing law enforcement authorities with access to consult the VIS to help them prevent, detect and investigate terrorist offences and other serious criminal offences.

The evaluation found that setting up the VIS as one of the most technologically advanced systems of its kind was **efficient**. The central system cost approximately EUR 160 million to develop and national costs (including the equipment of the consular network) total almost EUR 600 million (of which EUR 140 million in European funding through the European Border Fund). With a Schengen visa fee of EUR 60 per application, 13 million visa applications would have been necessary to amortise this cost. This number has certainly been exceeded.

The VIS has proven its **utility** by providing all its intended services in a quick and reliable manner and addressing the needs, problems and issues it was set up to tackle.

The assessment of the continuing validity of the VIS as an instrument supporting the implementation of the common EU visa policy, through biometric matching for identification and verification purposes shows that the VIS is essential for the good functioning of the common visa policy and that it supports the common area of free movement.

Although some initial resistance to using the VIS system was met in certain third countries, it is now universally **accepted** as the EU central tool for managing the visa application procedure. Although the VIS is not yet used to its full capacity by asylum or law enforcement

authorities throughout the EU, it is increasingly accepted as part not only of the visa procedure, but also of the procedures involved in borders, asylum and police investigations.

The VIS's objectives are to facilitate the visa procedure and checks at borders and within the territory to ascertain whether the conditions for entry to or stay or residence in the EU are fulfilled. As such, the VIS is **coherent with other EU policies** and contributes to the wider objectives of the area of free movement.

The VIS is also fully coherent with the return and asylum policies, as well as with the EU-wide coordination efforts of the police to prevent, detect and investigate terrorist offences and other serious crimes. The evaluation has not identified any possible conflicts with other policy fields, including in the area of international trade relations.

The VIS **adds value** to the area of free movement and in particular to the common visa policy. This is because of the level of harmonisation it ensures and because it makes it possible for visa, border, asylum and police authorities to access data that would otherwise not be available if sourced only at national level.

The evaluation concludes that the VIS meets its objectives and functions well. The VIS improves the reliability of visa processing by detecting cases of 'visa shopping' and visa fraud at borders, making them virtually impossible thanks to the use of biometrics. Hence, it has strengthened trust among Member States. The VIS's benefits outweigh its costs, it remains relevant and continues to have EU added value.

Based on these findings, it is recommended that the VIS be maintained and further developed, including along the lines herewith suggested by the Commission, to respond to the new challenges in visa, border and migration policy.