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COMMISSION OF THE EUROPEAN COMMUNITIES

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COM(2009) 294 final

2009/0090 (CNS)

Proposal for a

COUNCIL DECISION

conferring upon the Agency established by Regulation XX tasks regarding the operational management of SIS II and VIS in application of Title VI of the EU Treaty

{COM(2009) 292 final}
{COM(2009) 293 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

1.1. Grounds for and objectives of the proposal

The objective of this proposal for a Council Decision is to confer upon the Agency established by Regulation XX Management Authority tasks regarding the operational management of the second-generation Schengen Information System (SIS II) and the Visa Information System (VIS) in application of Title VI of the EU Treaty.

This proposal for a Council Decision, together with Regulation XX of the European Parliament and of the Council establishing the Agency for the operational management of large-scale IT systems in the area of freedom, security and justice constitute a legislative package.

In accordance with Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second-generation Schengen Information System (SIS II)¹, the Commission is entrusted with the operational management of Central SIS II and parts of the communication infrastructure during the transitional period. According to Regulation (EC) No 767/2008 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 (VIS Regulation), the Commission is entrusted with the operational management of Central VIS, the national interfaces and parts of the communication infrastructure during a transitional period.

In order to identify the best solution for the long-term operational management of SIS II, VIS and also EURODAC, the Commission has conducted an Impact Assessment.² In joint statements accompanying the SIS II and VIS legal instruments³, the Council and the European Parliament invited the Commission to present, following an Impact Assessment containing a substantive analysis of alternatives, from the financial, operational and organisational

¹ OJ L 205, 7.8.2007, p. 63.

² Commission Staff Working Document, Accompanying document to the Proposal for a Regulation of the European Parliament and of the Council establishing an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice and Proposal for a Council Decision conferring upon the Agency established by Regulation XX tasks regarding the operational management of SIS II and VIS in application of Title VI of the EU Treaty, COM (2009) XX final

³ Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the Second Generation Schengen Information System (SIS II), OJ L 381, 28.12.2006, p. 4;

Regulation (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding the access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates, OJ L 381, 28.12.2006, p. 1.;

Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II), OJ L 205, 7.8.2007, p. 63;

Regulation (EC) No 767/2008 of the European Parliament and the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation), OJ L 218, 13.8.2008, p. 60;

Council Decision 2008/633/JHA of 23 June 2008 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, OJ L 218, 13.8.2008, p. 129.

perspective, the necessary legislative proposals entrusting an agency with the long term operational management of SIS II and VIS. After the analysis of different options, a new Regulatory Agency was found to be the most feasible alternative for carrying out the tasks of a "Management Authority" for these systems in the long term.

SIS II is a first pillar instrument established on the basis of Title IV of the EC Treaty. In addition, Council Decision 2007/533/JHA was adopted on the basis of Title VI of the EU Treaty. This Decision contains a reference to the Management Authority in the context of operational management and evaluation. A third pillar legal instrument for the Agency to cover these tasks is therefore necessary.

The VIS is a first pillar instrument established on the basis of Title IV of the EC Treaty. In addition, Council Decision 2008/633/JHA concerning access for consultation of the 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 was adopted on the basis of Title VI of the EU Treaty. This Decision entrusts the Management Authority referred to in the VIS Regulation with certain tasks as regards monitoring and evaluation. A third pillar legal instrument is therefore necessary, in order to confer to the Agency the tasks according to Council Decision 2008/633/JHA.

1.2. General context

Article 61 of the Treaty establishing the European Community (referred to hereinafter as "EC Treaty") requires the adoption of measures aimed at ensuring the free movement of persons, in accordance with Article 14 of the EC Treaty, in conjunction with directly related flanking measures with respect to external border controls, asylum and immigration as well as measures to prevent and combat crime.

In this context, on the basis of the Schengen Convention⁴ the Schengen Information System (SIS) was established to reinforce cooperation between customs and police authorities in order to maintain public policy and public security including national security. It constitutes an instrument designed to compensate for the abolition of internal border controls between the participating countries by reinforcing security at the Union's external borders. The second-generation Schengen Information System (SIS II) will replace the first generation of SIS that began operating in 1995.

The Visa Information System (VIS) was established as a system for the exchange of visa data between Member States. As laid down in the VIS Regulation, VIS will enable consulates and other competent authorities of the Member States to exchange visa information for the purposes of assisting in the identification of third country nationals, facilitating the visa application procedure, preventing 'visa shopping', facilitating the fight against fraud, facilitating checks at external border crossing points and within the Member States, facilitating the application of the Dublin Regulation, and contributing to the prevention of threats to the internal security of any of the Member States. The national systems which will be connected to VIS will be developed and/or adapted and operated by each Member State.

⁴ Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, OJ L 239, 22.9.2000, p. 19.

Council Decision 2008/633/JHA complements the VIS Regulation as regards access for consultation of 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.

1.3. Existing provisions in the area covered by the proposal

- Council Regulation (EC) No 2424/2001 of 6 December 2001 on the development of the second-generation Schengen Information System (SIS II)⁵;
- Council Decision 2001/886/JHA of 6 December 2001 on the development of the second-generation Schengen Information System (SIS II)⁶;
- Regulation (EC) No 1987/2006 of the European Parliament and the Council of 20 December 2006 on the establishment, operation and use of the second-generation Schengen Information System (SIS II)⁷;
- Regulation (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding the access to the second-generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates⁸;
- Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second-generation Schengen Information System (SIS II)⁹;
- Commission Decisions 2007/170/EC and 2007/171/EC of 16 March 2007 laying down the network requirements for the Schengen Information System II¹⁰;
- Council Regulation (EC) No 189/2008 of 18 February 2008 on the tests of the second-generation Schengen Information System (SIS II)¹¹;
- Council Decision 2008/173/EC of 18 February 2008 on the tests of the second-generation Schengen Information System (SIS II)¹²;
- Commission Decisions 2008/333/EC and 334/2008/JHA of 4 March 2008 adopting the SIRENE Manual and other implementing measures for the second-generation Schengen Information System (SIS II)¹³;
- Council Regulation (EC) No 1104/2008 of 24 October 2008 on migration from the Schengen Information System (SIS 1+) to the second-generation Schengen Information System (SIS II)¹⁴;

⁵ OJ L 328, 13.12.2001, p. 4.

⁶ OJ L 328, 13.12.2001, p. 1.

⁷ OJ L 381, 28.12.2006, p. 4.

⁸ OJ L 381, 28.12.2006, p. 1.

⁹ OJ L 205, 7.8.2007, p. 63.

¹⁰ OJ L 79, 20.3.2007, p. 20.

¹¹ OJ L 57, 1.3.2008, p. 1.

¹² OJ L 57, 1.3.2008, p. 14.

¹³ OJ L 123, 8.5.2008, p. 1.

¹⁴ OJ L 299, 8.11.2008, p. 1.

- Council Decision 2008/839/JHA of 24 October 2008 on migration from the Schengen Information System (SIS 1+) to the second-generation Schengen Information System (SIS II)¹⁵;
- Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS)¹⁶;
- Commission Decision 2006/752/EC of 3 November 2006 establishing the sites for the Visa Information System during the development phase¹⁷;
- Commission Decision 2006/648/EC of 22 September 2006 laying down the technical specifications on the standards for biometric features related to the development of the Visa Information System¹⁸;
- Commission Decision 2008/602/EC of 17 June 2008 laying down the physical architecture and requirements of the national interfaces and of the communication infrastructure between the central VIS and the national interfaces for the development phase;¹⁹
- Regulation (EC) No 767/2008 of the European Parliament and the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation)²⁰;
- Council Decision 2008/633/JHA of 23 June 2008 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.²¹

1.4. Consistency with other policies and objectives of the Union

The proposal is consistent with existing policies and objectives of the European Union, in particular the objective to create an area of freedom, security and justice.

2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

2.1. Collection and use of expertise, consultation of interested parties

The Impact Assessment report is based on a preparatory study, carried out by an external contractor.²² Twenty-seven interviews were conducted in the framework of the study, involving representatives from the EU Member States, Norway, the European Parliament, the

¹⁵ OJ L 299, 8.11.2008, p. 43.

¹⁶ OJ L 213, 15.6.2004, p. 5.

¹⁷ OJ L 305, 4.11.2006, p. 13.

¹⁸ OJ L 267, 27.9.2006, p. 41.

¹⁹ OJ L 194, 23.7.2008, p. 3.

²⁰ OJ L 218, 13.8.2008, p. 60.

²¹ OJ L 218, 13.8.2008, p. 129.

²² Assessment of options for the long-term management of the second-generation Schengen Information System (SIS II), the Visa Information System (VIS) and EURODAC and other large-scale IT systems in the area of Justice, Freedom and Security, Final report, 15 October 2007, RAND Europe

Commission, the European Data Protection Supervisor, the Schengen Joint Supervisory Authority, the European Environmental Agency, the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX), Europol, the Strasbourg C.SIS site responsible for the operational management of SIS 1+ and industry experts. Furthermore, an Inter-Service Steering Group, composed of the relevant Commission Directorates General was set up to support the impact assessment process.

2.2. Impact assessment

Following a pre-screening process, five possible options to achieve the objective of long-term operational management of SIS II, VIS and EURODAC were retained and further analysed.

- Option 1 - baseline: the operational management solution for SIS II and VIS identified for the transitional period (the Commission entrusting the operational management tasks to Member States' authorities) would be continued as a permanent solution. Currently, the Commission manages EURODAC and this solution would also be maintained.
- Option 2 - Baseline+ under which the Commission would entrust the operational management tasks related to SIS II, VIS and EURODAC to Member States' authorities.
- Option 3 - a new Regulatory Agency that would assume responsibility for the long-term operational management of SIS II, VIS and EURODAC.
- Option 4 - FRONTEX would manage the three systems, which would entail changes to both its basic act and its operational management structure.
- Option 5 - EUROPOL would manage SIS II, whereas the Commission would manage VIS and EURODAC. This option was considered while negotiations on the conversion of the current Europol Convention into a Community act were still ongoing.

As a result of a comparative analysis, the new Regulatory Agency option, which aims to create a joint management structure for SIS II, VIS and EURODAC scored highest.

3. LEGAL ELEMENTS OF THE PROPOSAL

3.1. Summary of the proposed action

This proposal for a Council Decision aims to confer upon the Agency established by Regulation XX tasks related to the operational management of the second-generation Schengen Information System (SIS II) and the Visa Information System (VIS) in application of Title VI of the EU Treaty.

Entrusting an Agency with the operational management of large-scale IT systems in the area of freedom, security and justice does not affect the specific rules governing the purpose, access rights, security measures and further data protection requirements applicable to those systems.

3.2. Legal basis

As far as SIS II is concerned, the legal basis for this proposal for a Council Decision follows the legal basis of Council Decision 2007/533/JHA and is thus founded on Article 30(1)(a) and Article 34(2)(c) of the EU Treaty. As far as VIS is concerned, the legal basis for this proposal follows the legal basis of Council Decision 2008/633/JHA and is, thus, founded on Article 30(1)(b) and Article 34(2)(c) of the EU Treaty. Since the monitoring and evaluation tasks of the Management Authority, as laid down in Article 17 of Council Decision 2008/633/JHA are inextricably connected to its core subject, the exchange of information, the same legal basis applies.

3.3. Variable geometry

This proposal for a Council Decision has its legal basis in Title VI of the EU Treaty and constitutes a development of the Schengen *acquis*. The following consequences in relation to the various protocols and association agreements have to be considered.

United Kingdom and Ireland:

To the extent that it applies to VIS, this proposal constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom and Ireland do not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* and Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*. The United Kingdom and Ireland are therefore not taking part in its adoption and are not bound by it or subject to its application to the extent that its measures develop provisions of the Schengen *acquis* insofar as they relate to VIS.

However, the United Kingdom and Ireland would be taking part in this Decision insofar as its provisions relate to SIS II, in accordance with Council Decision 2000/365/EC of 29 May 2000, concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* and Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*.

Norway and Iceland:

As regards Norway and Iceland, this proposal constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis*²³.

Switzerland:

As regards Switzerland, this proposal constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the European Union, the European Community and the Swiss Confederation on the latter's association with the implementation, application and development of the Schengen *acquis*²⁴.

²³ OJ L 176, 10.7.1999, p. 36.

²⁴ OJ L 53, 27.2.2008, p. 52.

Liechtenstein:

As regards Liechtenstein, this proposal constitutes a development of provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*²⁵.

3.4. Subsidiarity principle

The proposal respects the principle of subsidiarity in that the objective of the proposed action, the conferring of the operational management of Central SIS II, of Central VIS and the national interfaces as well as parts of the communication infrastructure upon an Agency, cannot be achieved by the Member States individually.

3.5. Proportionality principle

This proposal does not go beyond what is necessary to achieve its objective. It complies with the proportionality principle in that the Agency's activities are kept to the minimum necessary for the fulfilment of the tasks set for the Management Authority. The Management Authority's activities, including the tasks concerned by this proposal, are limited to the operational management of the Central SIS II and Central VIS and the national interfaces as well as parts of the communication infrastructure, whereas Member States are competent for their national systems.

3.6. Choice of instruments

A Council Decision based on Article 30(1)(a) and (b) and Article 34(2)(c) of the EU Treaty is the most appropriate instrument for the proposed action. The use of a Decision as the act is warranted by the need to apply common rules.

4. BUDGETARY IMPLICATION

The Agency will be funded by the general budget of the European Union. A common financial statement has been annexed to Regulation XX.

5. ADDITIONAL INFORMATION

5.1. Simplification

The proposal provides for simplification of legislation by establishing a single management structure for several IT-systems in the area of freedom, security and justice.

5.2. Evaluation

Regulation XX lays down the evaluation mechanisms for the Agency.

²⁵ Council document 16462/06, accessible on <http://register.consilium.europa.eu>

Proposal for a

COUNCIL DECISION

conferring upon the Agency established by Regulation XX tasks regarding the operational management of SIS II and VIS in application of Title VI of the EU Treaty

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the European Union, and in particular Article 30(1)(a) and (b) and Article 34(2)(c) thereof,

Having regard to the proposal from the Commission²⁶,

Having regard to the opinion of the European Parliament²⁷,

Whereas:

- (1) The second-generation Schengen Information System (SIS II) was established by Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second-generation Schengen Information System (SIS II)²⁸ and by Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second-generation Schengen Information System (SIS II)²⁹. In accordance with Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA the Commission is to be responsible during a transitional period for the operational management of Central SIS II. After that transitional period, a Management Authority is to be responsible for the operational management of Central SIS II and certain aspects of the communication infrastructure.
- (2) The Visa Information System (VIS) was established by Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS). In accordance with Regulation (EC) No 767/2008 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 (VIS Regulation) the Commission is to be responsible during a transitional period for the operational management of VIS. After that transitional period a Management Authority is to be responsible for the operational management of the Central VIS, the national interfaces and certain aspects of the communication infrastructure.
- (3) Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and

²⁶ OJ ...

²⁷ OJ ...

²⁸ OJ L 381, 28. 12. 2006, p. 4.

²⁹ OJ L 205, 7. 8. 2007, p. 63.

by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences³⁰ entrusted the Management Authority with certain tasks related to the monitoring and evaluation of the VIS.

- (4) An Agency has been set up by a Regulation of the European Parliament and of the Council (EC) XX establishing an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice³¹. Regulation (EC) XX conferred upon the Management Authority the tasks provided for by Regulation (EC) No 1987/2006 and Regulation (EC) No 767/2008. By this Decision the Agency should be made responsible for tasks conferred upon it by Decisions 2007/533/JHA and 2008/633/JHA.
- (5) As regards SIS II, the European Police Office (Europol) and Eurojust, both having the right to access and search directly data entered into SIS II in application of Decision 2007/533/JHA, should have observer status at the meetings of the Management Board when a question in relation to the application of Decision 2007/533/JHA is on the agenda. Europol and Eurojust should each be able to appoint a representative to the SIS II Advisory Group established under Article 16(1)(a) of Regulation XX.
- (6) As regards VIS, Europol should be granted observer status at the meetings of the Management Board, when a question in relation to the application of Decision 2008/633/JHA, is on the agenda. Europol should be able to appoint a representative to the VIS Advisory Group established under Article 16(1)(b) of Regulation XX.
- (7) This Decision respects the fundamental rights and observes the principles recognised by Article 6(2) of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union.
- (8) To the extent that it applies to VIS, this Decision constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*³². The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application to the extent that its measures develop provisions of the Schengen *acquis* insofar as they relate to VIS. However, the United Kingdom is taking part in this Decision insofar as its provisions relate to SIS II, in accordance with Article 8(2) of Council Decision 2000/365/EC of 29 May 2000, concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*.
- (9) To the extent that it applies to VIS, this Decision constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Article 6(2) of Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*³³. Ireland is therefore not taking part in its adoption and is not bound by it or subject to

³⁰ OJ L 218, 13.8.2008, p. 129.

³¹ OJ ...

³² OJ L 131, 1.6.2000, p. 43.

³³ OJ L 64, 7.3.2002, p. 20.

its application to the extent that its measures develop provisions of the Schengen *acquis* insofar as they relate to VIS. However, Ireland is taking part in this Decision insofar as its provisions relate to SIS II, in accordance with Article 6(2) of Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*.

- (10) This Decision is without prejudice to the arrangements for the United Kingdom's and Ireland's partial participation in the Schengen *acquis* as defined by the Council Decision 2000/365/EC of 29 May 2000³⁴ and Council Decision 2002/192/EC of 28 February 2002³⁵ respectively.
- (11) As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis*³⁶, which falls, insofar as SIS II is concerned, within the area referred to in Article 1, point G, and, insofar as VIS is concerned, within the area referred to in Article 1, point B of Council Decision 1999/437/EC of 17 May 1999³⁷ on certain arrangements for the application of that Agreement.
- (12) As regards Switzerland, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*³⁸, which falls, insofar as SIS II is concerned, within the area referred to in Article 1, point G, and, insofar as VIS is concerned, within the area referred to in Article 1, point B of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/149/JHA³⁹ on the conclusion of that Agreement on behalf of the European Union.
- (13) As regards Liechtenstein, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Protocol signed between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, which falls, insofar as SIS II is concerned, within the area referred to in Article 1, point G, and, insofar as VIS is concerned, within the area referred to in Article 1, point B of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/262/EC.⁴⁰

³⁴ OJ L 131, 01.6.2000, p. 43.

³⁵ OJ L 64, 07.3.2002, p. 20.

³⁶ OJ L 176, 10.7.1999, p. 36.

³⁷ OJ L 176, 10.7.1999, p. 31.

³⁸ OJ L 53, 27.2.2008, p. 52.

³⁹ OJ L 53, 27.2.2008, p. 50.

⁴⁰ OJ L 83, 26.3.2008, p. 5.

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

This Decision confers upon the Agency established by Regulation XX the tasks entrusted to the Management Authority by Council Decision 2007/533/JHA and Council Decision 2008/633/JHA.

Article 2

Composition of the Management Board and Advisory Groups

1. Europol and Eurojust shall be granted observer status at the meetings of the Management Board of the Agency, when a question concerning SIS II, in relation to the application of Decision 2007/533/JHA, is on the agenda.
2. Europol and Eurojust may each appoint a representative to the SIS II Advisory Group established under Article 16(1)(a) of Regulation XX.
3. Europol shall be granted observer status at the meetings of the Management Board, when a question concerning VIS, in relation to the application of Council Decision 2008/633/JHA, is on the agenda.
4. Europol may appoint a representative to the VIS Advisory Group established under Article 16(1)(b) of Regulation XX.

Article 3

Entry into force and applicability

This Decision shall enter into force on the 20th day following that of its publication in the Official Journal of the European Union.

Done at Brussels,

For the Council
The President