



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 4 July 2013**

**11441/13**

**ENFOPOL 200  
COMIX 394**

**"I/A" ITEM NOTE**

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From: General Secretariat  
To: COREPER/Council

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No. prev. doc.: 11431/13 ENFOPOL 199 COMIX 393

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Subject: Draft Council Decision fixing the date of effect of Decision 2008/633/JHA 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

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1. Article 18(2) of Decision 2008/633/JHA ("VIS Decision") specifies that the Decision shall take effect from a date to be determined by the Council once the Commission has informed the Council that Regulation (EC) No 767/2008 has entered into force and is fully applicable.
2. Based on the information provided by the Commission and awaiting its formal confirmation, the Presidency proposed the draft Council Decision fixing the date of effect of the VIS Decision, allowing national law enforcement authorities and Europol access to the VIS for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences.

3. The Law Enforcement Working Party (including Mixed Committee EU/Iceland, Norway, Switzerland and Liechtenstein) on 22 May 2013 agreed to the draft Council Decision as set out in document 9239/1/13 REV 1 ENFOPOL 129 COMIX 273 + COR 1.
4. The Commission has formally informed the Council by letter of 2 July 2013 that Regulation (EC) No 767/2008 has entered into force and is fully applicable as from 27 September 2011.
5. The document has undergone the necessary jurist-linguist scrutiny.
6. On this basis COREPER is requested to agree to the draft Council Decision fixing the date of effect of Decision 2008/633/JHA 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 set out in document 11431/13 ENFOPOL 199 COMIX 393, and invite the Council to adopt it.