

Corrigendum to Regulation (EC) No 767/2008 of the European Parliament and of 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)

(Official Journal of the European Union L 218 of 13 August 2008)

On pages 64 and 65, Article 5(1):

for:

'1. Only the following categories of data shall be recorded in the VIS:

- (a) alphanumeric data on the applicant and on visas requested, issued, refused, annulled, revoked or extended referred to in Articles 9(1) to (4) and Articles 10 to 14;
- (b) photographs referred to in Article 9(5);
- (c) fingerprint data referred to in Article 9(6);
- (d) links to other applications referred to in Article 8(3) and (4).'

read:

'1. Only the following categories of data shall be recorded in the VIS:

- (a) alphanumeric data on the applicant and on visas requested, issued, refused, annulled, revoked or extended referred to in points (1) to (4) of Article 9 and Articles 10 to 14;
- (b) photographs referred to in point (5) of Article 9;
- (c) fingerprint data referred to in point (6) of Article 9;
- (d) links to other applications referred to in Article 8(3) and (4).'

On page 68, point (d) of Article 15(2):

for:

'(d) the surname, first name and address of the natural person or the name and address of the company/other organisation, referred to in Article 9(4)(f).';

read:

'(d) the surname, first name and address of the natural person or the name and address of the company/other organisation, referred to in point (4)(f) of Article 9';.

On page 69, points 12 to 14 of Article 17:

for:

- '12. the cases in which the data referred to in Article 9(6) could factually not be provided, in accordance with the second sentence of Article 8(5);
- 13. the cases in which the data referred to in Article 9(6) was not required to be provided for legal reasons, in accordance with the second sentence of Article 8(5);
- 14. the cases in which a person who could factually not provide the data referred to in Article 9(6) was refused a visa, in accordance with the second sentence of Article 8(5).';

read:

- '12. the cases in which the data referred to in point (6) of Article 9 could factually not be provided, in accordance with the second sentence of Article 8(5);
- 13. the cases in which the data referred to in point (6) of Article 9 was not required to be provided for legal reasons, in accordance with the second sentence of Article 8 (5);
- 14. the cases in which a person who could factually not provide the data referred to in point (6) of Article 9 was refused a visa, in accordance with the second sentence of Article 8(5).';

On page 70, point (a) of Article 19(2):

for:

‘(a) the status information and the data taken from the application form, referred to in Article 9(2) and (4);’

read:

‘(a) the status information and the data taken from the application form, referred to in points (2) and (4) of Article 9;’.

On page 70, the second subparagraph of Article 20(1):

for:

‘Where the fingerprints of that person cannot be used or the search with the fingerprints fails, the search shall be carried out with the data referred to in Article 9(4)(a) and/or (c); this search may be carried out in combination with the data referred to in Article 9(4)(b).’.

read:

‘Where the fingerprints of that person cannot be used or the search with the fingerprints fails, the search shall be carried out with the data referred to in point (4)(a) and/or (c) of Article 9; this search may be carried out in combination with the data referred to in point (4)(b) of Article 9.’.

On pages 70 and 71, Article 21:

for:

‘Article 21

Access to data for determining the responsibility for asylum applications

1. For the sole purpose of determining the Member State responsible for examining an asylum application according to Articles 9 and 21 of Regulation (EC) No 343/2003, the competent asylum authorities shall have access to search with the fingerprints of the asylum seeker.

Where the fingerprints of the asylum seeker cannot be used or the search with the fingerprints fails, the search shall be carried out with the data referred to in Article 9(4)(a) and/or (c); this search may be carried out in combination with the data referred to in Article 9(4)(b).

2. If the search with the data listed in paragraph 1 indicates that a visa issued with an expiry date of no more than six months before the date of the asylum application, and/or a visa extended to an expiry date of no more than six months before the date of the asylum application, is recorded in the VIS, the competent asylum authority shall be given access to consult the following data of the application file, and as regards the data listed in point (g) of the spouse and children, pursuant to Article 8(4), for the sole purpose referred to in paragraph 1:

- (a) the application number and the authority that issued or extended the visa, and whether the authority issued it on behalf of another Member State;
- (b) the data taken from the application form referred to in Article 9(4)(a) and (b);
- (c) the type of visa;
- (d) the period of validity of the visa;
- (e) the duration of the intended stay;
- (f) photographs;
- (g) the data referred to in Article 9(4)(a) and (b) of the linked application file(s) on the spouse and children.

3. The consultation of the VIS pursuant to paragraphs 1 and 2 of this Article shall be carried out only by the designated national authorities referred to in Article 21(6) of Regulation (EC) No 343/2003.’

read:

‘Article 21

Access to data for determining the responsibility for asylum applications

1. For the sole purpose of determining the Member State responsible for examining an asylum application according to Articles 9 and 21 of Regulation (EC) No 343/2003, the competent asylum authorities shall have access to search with the fingerprints of the asylum seeker.

Where the fingerprints of the asylum seeker cannot be used or the search with the fingerprints fails, the search shall be carried out with the data referred to in point (4)(a) and/or (c) of Article 9; this search may be carried out in combination with the data referred to in point (4)(b) of Article 9.

2. If the search with the data listed in paragraph 1 indicates that a visa issued with an expiry date of no more than six months before the date of the asylum application, and/or a visa extended to an expiry date of no more than six months before the date of the asylum application, is recorded in the VIS, the competent asylum authority shall be given access to consult the following data of the application file, and as regards the data listed in point (g) of the spouse and children, pursuant to Article 8(4), for the sole purpose referred to in paragraph 1:

- (a) the application number and the authority that issued or extended the visa, and whether the authority issued it on behalf of another Member State;
 - (b) the data taken from the application form referred to in point (4)(a) and (b) of Article 9;
 - (c) the type of visa;
 - (d) the period of validity of the visa;
 - (e) the duration of the intended stay;
 - (f) photographs;
 - (g) the data referred to in point (4)(a) and (b) of Article 9 of the linked application file(s) on the spouse and children.
3. The consultation of the VIS pursuant to paragraphs 1 and 2 of this Article shall be carried out only by the designated national authorities referred to in Article 21(6) of Regulation (EC) No 343/2003.’

On page 71, the second subparagraph of Article 22(1):

for:

‘Where the fingerprints of the asylum seeker cannot be used or the search with the fingerprints fails, the search shall be carried out with the data referred to in Article 9(4)(a) and/or (c); this search may be carried out in combination with the data referred to in Article 9(4)(b).’

read:

‘Where the fingerprints of the asylum seeker cannot be used or the search with the fingerprints fails, the search shall be carried out with the data referred to in point (4)(a) and/or (c) of Article 9; this search may be carried out in combination with the data referred to in point (4)(b) of Article 9.’

On page 71, point (b) of Article 22(2):

for:

‘(b) the data taken from the application form, referred to in Article 9(4)(a), (b) and (c);’

read:

‘(b) the data taken from the application form, referred to in point (4)(a), (b) and (c) of Article 9;’

On page 71, point (e) of Article 22(2):

for:

‘(e) the data referred to in Article 9(4)(a) and (b) of the linked application file(s) on the spouse and children.’,

read:

‘(e) the data referred to in point (4)(a) and (b) of Article 9 of the linked application file(s) on the spouse and children.’

On page 74, Article 31(2):

for:

‘2. By way of derogation from paragraph 1, the data referred to in Article 9(4)(a), (b), (c), (k) and (m) may be [...]’,

read:

‘2. By way of derogation from paragraph 1, the data referred to in point (4)(a), (b), (c), (k) and (m) of Article 9 may be [...]’.

On page 76, Article 37:

for:

‘Article 37

Right of information

1. Applicants and the persons referred to in Article 9(4)(f) shall be informed of the following by the Member State responsible:

- (a) the identity of the controller referred to in Article 41(4), including his contact details;
- (b) the purposes for which the data will be processed within the VIS;
- (c) the categories of recipients of the data, including the authorities referred to in Article 3;
- (d) the data retention period;
- (e) that the collection of the data is mandatory for the examination of the application;
- (f) the existence of the right of access to data relating to them, and the right to request that inaccurate data relating to them be corrected or that unlawfully processed data relating to them be deleted, including the right to receive information on the procedures for exercising those rights and the contact details of the National Supervisory Authorities referred to in Article 41(1), which shall hear claims concerning the protection of personal data.

2. The information referred to in paragraph 1 shall be provided in writing to the applicant when the data from the application form, the photograph and the fingerprint data as referred to in Article 9(4), (5) and (6) are collected.

3. The information referred to in paragraph 1 shall be provided to the persons referred to in Article 9(4)(f) on the forms to be signed by those persons providing proof of invitation, sponsorship and accommodation.

In the absence of such a form signed by those persons, this information shall be provided in accordance with Article 11 of Directive 95/46/EC.’

read:

‘Article 37

Right of information

1. Applicants and the persons referred to in point (4)(f) of Article 9 shall be informed of the following by the Member State responsible:

- (a) the identity of the controller referred to in Article 41(4), including his contact details;
- (b) the purposes for which the data will be processed within the VIS;
- (c) the categories of recipients of the data, including the authorities referred to in Article 3;
- (d) the data retention period;

- (e) that the collection of the data is mandatory for the examination of the application;
- (f) the existence of the right of access to data relating to them, and the right to request that inaccurate data relating to them be corrected or that unlawfully processed data relating to them be deleted, including the right to receive information on the procedures for exercising those rights and the contact details of the National Supervisory Authorities referred to in Article 41(1), which shall hear claims concerning the protection of personal data.

2. The information referred to in paragraph 1 shall be provided in writing to the applicant when the data from the application form, the photograph and the fingerprint data as referred to in points (4), (5) and (6) of Article 9 are collected.

3. The information referred to in paragraph 1 shall be provided to the persons referred to in point (4)(f) of Article 9 on the forms to be signed by those persons providing proof of invitation, sponsorship and accommodation.

In the absence of such a form signed by those persons, this information shall be provided in accordance with Article 11 of Directive 95/46/EC.
