



COMMISSION IMPLEMENTING DECISION (EU) 2024/528

of 6 February 2024

laying down rules for the application of Regulation (EC) No 767/2008 of the European Parliament and of the Council as regards the integration into the VIS of the list of travel documents and the table of notifications referred to in Article 5a(1) and (2) of that Regulation

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard 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 information between Member States on short-stay visas, long-stay visas and residence permit (VIS Regulation) ⁽¹⁾, and in particular Article 5a(3) thereof,

After consulting the Smart Borders Committee,

Whereas:

- (1) Pursuant to Article 5a(1) and (2) of Regulation (EC) No 767/2008, the list of travel documents which entitle the holder to cross the external borders and which may be endorsed with a visa, as set out in Decision No 1105/2011/EU of the European Parliament and of the Council ⁽²⁾ (the 'list of travel documents'), together with the notification of the recognition or non-recognition of the listed travel documents (the 'table of travel documents'), are to be integrated in the Visa Information System (VIS).
- (2) Pursuant to the same provision the VIS is to provide the functionality for the centralised management of the table of notifications of the recognition or non-recognition of the listed travel documents pursuant to Article 4 of Decision No 1105/2011/EU.
- (3) The consultation of the list of travel documents, in conjunction with the notifications of the recognition or non-recognition of the listed travel documents, is a compulsory element of the short-stay visa examination procedure. Such consultation through the VIS would enable automatic verification of the recognition of the applicant's travel document.
- (4) In accordance with Article 1(3) of Decision No 1105/2011/EU, Member States remain competent for the recognition of travel documents for the purpose of issuing a visa and allowing the holder to cross the external borders.
- (5) Pursuant to Article 5 of Decision No 1105/2011/EU, the Commission is to remain responsible for updating the list of travel documents. Member States are to remain responsible for notifying their position on the recognition and non-recognition of such documents. Therefore, it is necessary to enable Member States to notify and directly update their new position on the recognition status on a selected travel document and edit the table of notifications of the recognition or non-recognition of the listed travel documents, as integrated in the VIS, which should consequently be available to the Member States and the public via a regularly updated electronic publication.
- (6) In order to update the Commission on any notification of the Member States to the table of travel documents, every two weeks the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) should extract from the VIS the table of travel documents and provide it to the Commission in electronic format.

⁽¹⁾ OJ L 218, 13.08.2008, p. 60.

⁽²⁾ Decision No 1105/2011/EU of the European Parliament and of the Council of 25 October 2011 on the list of travel documents which entitle the holder to cross the external borders and which may be endorsed with a visa and on setting up a mechanism for establishing this list (OJ L 287, 4.11.2011, p. 9).

- (7) The integration of the list of travel documents and the notifications of the recognition or non-recognition of the listed travel documents into the VIS would also ensure that the VIS, following an automatic processing of the application files in accordance with Article 9a of Regulation (EC) No 767/2008, automatically returns a result on the recognition status of the travel document, thus facilitating the examination of [and decision on] an application. The current visa procedure would be improved because it would avoid that a Member State issues a uniform short-stay visa for a non-recognised travel document and consequent complication for a traveller arriving in another Member State that does not recognise the travel document in question.
- (8) The work in the consulates or the central authorities and border authorities will be facilitated as this functionality would automatically display at central level whether a selected travel document is recognised, non-recognised or if conditions related to the recognition apply, following an automatic processing of application files by VIS.
- (9) To facilitate the examination of a travel document by border control authorities and consular staff, eu-LISA and the European Border and Coast Guard Agency should establish a connection between the table of notifications of the recognition or non-recognition of the listed travel documents, as integrated in the VIS, and the new False and Authentic Documents Online (FADO) system established by Regulation (EU) 2020/493 of the European Parliament and of the Council ⁽³⁾, once it will be operational and contain images and other information about false and authentic documents. There should be no processing of operational personal data in the FADO system.
- (10) Given that Regulation (EU) 2021/1134 of the European Parliament and of the Council ⁽⁴⁾ builds upon the Schengen *acquis*, in accordance with Article 4 of Protocol No 22 on the Position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark notified the implementation of Regulation (EU) 2021/1134 in its national law. Denmark is therefore bound by this Decision.
- (11) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part ⁽⁵⁾. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (12) As regards Iceland and Norway, this Decision constitutes a development of the 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* ⁽⁶⁾ which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC ⁽⁷⁾.

⁽³⁾ Regulation (EU) 2020/493 of the European Parliament and of the Council of 30 March 2020 on the False and Authentic Documents Online (FADO) system and repealing Council Joint Action 98/700/JHA (OJ L 107, 6.4.2020, p. 1).

⁽⁴⁾ Regulation (EU) 2021/1134 of the European Parliament and of the Council of 7 July 2021 amending Regulations (EC) No 767/2008, (EC) No 810/2009, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1860, (EU) 2018/1861, (EU) 2019/817 and (EU) 2019/1896 of the European Parliament and of the Council and repealing Council Decisions 2004/512/EC and 2008/633/JHA, for the purpose of reforming the Visa Information System (OJ L 248, 13.7.2021, p. 11).

⁽⁵⁾ This Decision falls outside the scope of the measures provided for in 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* (OJ L 64, 7.3.2002, p. 20).

⁽⁶⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁷⁾ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application 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* (OJ L 176, 10.7.1999, p. 31).

- (13) As regards Switzerland, this Decision constitutes a development of the 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* ⁽⁸⁾ which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽⁹⁾.
- (14) As regards Liechtenstein, this Decision constitutes a development of the 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* ⁽¹⁰⁾ which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ⁽¹¹⁾.
- (15) This Decision constitutes an act building upon, or otherwise relating to, the Schengen *acquis*, within, respectively, the meaning of Article 3(2) of the 2003 Act of Accession and Article 4(2) of the 2005 Act of Accession.
- (16) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽¹²⁾ and delivered an opinion on 9 March 2022.
- (17) The measures provided for in this Decision are in accordance with the opinion of the Smart Borders Committee,

HAS ADOPTED THIS DECISION:

Article 1

Management of the table of travel documents

1. eu-LISA shall integrate the list of travel documents which entitle the holder to cross the external borders and which may be endorsed with a visa, as set out in Decision No 1105/2011/EU ('list of travel documents'), together with the notification of the recognition or non-recognition of the listed travel documents ('table of travel documents') in the VIS.
2. eu-LISA shall ensure that the documents listed in the table of travel documents integrated in the VIS, as referred to in paragraph 1, correspond to the list of travel documents set out in Decision No 1105/2011/EU.
3. eu-LISA shall ensure central management of the table of travel documents.
4. Member States shall without delay update their new position on the recognition status on a selected travel document by editing the table of travel documents, directly in the VIS.

⁽⁸⁾ OJ L 53, 27.2.2008, p. 52.

⁽⁹⁾ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, 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* (OJ L 53, 27.2.2008, p. 1).

⁽¹⁰⁾ OJ L 160, 18.6.2011, p. 21.

⁽¹¹⁾ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, 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*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

⁽¹²⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

5. Every two weeks eu-LISA shall extract from the VIS the table of travel documents and provide it to the Commission in electronic format.
6. The information in the table of travel documents, as integrated in the VIS, shall also be made available to the Member States and the public in a regularly updated electronic publication.

Article 2

Connection with False and Authentic Documents Online System

eu-LISA and the European Border and Coast Guard Agency shall establish a connection between the table of travel documents, as integrated in the VIS, and the new False and Authentic Documents Online (FADO) system, once it is operational in accordance with Regulation (EU) 2020/493, regarding images and other information about false and authentic documents.

Article 3

Entry into force and date of application

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

It shall apply from the date of the start of operations of the VIS as set out in Article 11 of Regulation (EU) 2021/1134.

Done at Brussels, 6 February 2024.

For the Commission
The President
Ursula VON DER LEYEN