

Amendment 105

Dennis de Jong, Cornelia Ernst, Tania González Peñas, Marie-Christine Vergiat
on behalf of the GUE/NGL Group

Report**A8-0018/2018****Daniel Dalton**

Centralised system for the identification of Member States holding conviction information on third country nationals and stateless persons (TCN)
(COM(2017)0344 – C8-0217/2017 – 2017/0144(COD))

Proposal for a regulation**Article 2 – paragraph 1***Text proposed by the Commission*

This Regulation applies to the processing of identity information of third country nationals who have been subject to final decisions against them of criminal courts in the Member States for the purpose of identifying the Member State(s) where such decisions were handed down.

Amendment

This Regulation applies to the processing of identity information of third country nationals who have been subject to final decisions against them of criminal courts in the Member States for the purpose of identifying the Member State(s) where such decisions were handed down. ***The provisions of this Regulation do not apply to citizens of the Union who also hold the nationality of a third country and who have been subject to convictions in the Member States.***

Or. en

Justification

This Regulation, following the interinstitutional negotiations, imposes a differentiated treatment between citizens who only have the nationality of a Member State and those who also have the nationality of a third country. Throughout the negotiations no substantial evidence was brought forward to justify this differentiated treatment, which could therefore easily constitute discrimination according to EU and international law. This is why this distinction should be deleted from the Regulation. This amendment aims at opening up the debate on the matter and recognizes that this issue should be reflected throughout the text.

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Amendment 106

Dennis de Jong, Cornelia Ernst, Tania González Peñas, Marie-Christine Vergiat
on behalf of the GUE/NGL Group

Report

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Centralised system for the identification of Member States holding conviction information on third country nationals and stateless persons (TCN)
(COM(2017)0344 – C8-0217/2017 – 2017/0144(COD))

Proposal for a regulation

Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Specific rules for facial images

1. Facial images as referred to in Article 5(2) shall be used only to confirm the identity of a third country national who has been identified as a result of an alphanumeric search or a search using fingerprints.

2. As soon as this becomes technically possible, facial images may also be used to identify a third country national on the basis of this biometric identifier. Before this functionality is implemented in the ECRIS-TCN system, the Commission shall present a report on the availability and readiness of the required technology, on which the European Parliament shall be consulted.

Or. en

Justification

Hardly any Member State has at the moment a well-functioning system of facial images which can be digitally recognised and compared. It is therefore premature to introduce this in ECRIS-TCN. This holds all the more since even the comparison of fingerprints does not yet function in a reliable manner. This amendment aims at opening up the debate on the inclusion

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of facial images due to considerations of privacy, data protection and technical feasibility, which should be reflected throughout the text.

Amendment 107

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Report

A8-0018/2018

Daniel Dalton

Centralised system for the identification of Member States holding conviction information on third country nationals and stateless persons (TCN)
(COM(2017)0344 – C8-0217/2017 – 2017/0144(COD))

Proposal for a regulation**Article 7 – paragraph 1***Text proposed by the Commission*

1. *When criminal records information on a third country national is requested in a Member State for the purposes of criminal proceedings against that third country national or for any purposes other than that of criminal proceedings in accordance with its national law*, the central *authority of that Member State* shall use the ECRIS-TCN system to identify the Member State(s) holding criminal record information on *that third country* national in order to obtain information on previous convictions through ECRIS.

Amendment

1. The central *authorities of the Member States* shall use the ECRIS-TCN system to identify the Member State(s) holding criminal record information on a third *country* national, in order to obtain information on previous convictions through ECRIS, *when criminal records information on that person is requested in the Member State concerned for the purposes of criminal proceedings against that person, or for any of the following purposes, if provided under and in accordance with national law: - checking person's own criminal record at their request; - security clearances;- obtaining a license or permit;- employment vetting;- vetting for voluntary activities involving direct and regular contacts with children or vulnerable persons; - visa, acquisition of citizenship and migration procedures, including asylum procedures; and- checks in relation with public contracts and public examinations. However, in specific cases, other than those where a third country national asks the central authority of a Member State for information on his own criminal record, or where the request is made in order to obtain criminal record information*

inapplication of Article 10(2) of Directive 2011/93/EU, the authority requesting criminal record information may decide that use of the ECRIS-TCN system is not appropriate.

1a. Member State cannot use the ECRIS-TCN system for any purposes other than those set out in paragraph 1.

Or. en

Justification

The use of ECRIS-TCN should be restricted for identifying Member States who hold criminal record information and the uses listed in Article 7, paragraph 1. Therefore, this Amendment seeks to delete paragraph 1a of Article 7 of the text resulting from the interinstitutional negotiations maintaining, thus, the rest of the agreed text reproduced here.