



2016/0409(COD)

7.9.2017

AMENDMENTS

169 - 354

Draft report
Carlos Coelho
(PE606.235v01-00)

Establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters

Proposal for a regulation
(COM(2016)0883 – C8-0530/2016 – 2016/0409(COD))

Amendment 169

Eva Joly, Judith Sargentini

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) The fact that the legislative basis necessary for governing SIS consists of separate instruments does not affect the principle that SIS constitutes one single information system that should operate as such. Certain provisions of these instruments should therefore be identical.

Amendment

(5) The fact that the legislative basis necessary for governing SIS consists of separate instruments does not affect the principle that SIS constitutes one single information system that should operate as such. Certain provisions of these instruments should therefore be identical, ***while other provisions should differ, in particular as regards the authorities authorised to access to the data contained into the SIS information system. The rules on the protection of personal data should be fully guaranteed, in particular the purpose limitation principle.***

Or. en

Amendment 170

Jussi Halla-aho

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) The fact that the legislative basis necessary for governing SIS consists of separate instruments does not affect the principle that SIS constitutes one single information system that should operate as such. Certain provisions of these instruments should therefore be identical.

Amendment

(5) The fact that the legislative basis necessary for governing SIS consists of separate instruments does not affect the principle that SIS constitutes one single information system that should operate as such. ***There should also be a reliable common backup system of the Central SIS (an active-active solution) ensuring continuous availability of SIS data to end-users in the event of a failure, upgrades or maintenance of the central system.***

Certain provisions of these instruments should therefore be identical.

Or. en

Justification

Unavailability of the current central system has been mostly related to switching between primary and backup sites. A modification of the regulation allowing both sites to operate simultaneously (so called active-active solution) would eliminate the risk. Furthermore, a backup system at central level is likely to be more reliable, cost effective and safe from data protection breaches. It is also more complete, having biometric data not available in the national copies.

Amendment 171
Miriam Dalli

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) It is necessary to specify the objectives of SIS, its technical architecture and its financing, to lay down rules concerning its end-to-end operation and use and to define responsibilities, the categories of data to be entered into the system, the purposes for which the data are to be entered, the criteria for their entry, the authorities authorised to access the data, the use of biometric identifiers and further rules on data processing.

Amendment

(6) It is necessary to specify the objectives of SIS, its technical architecture and its financing, to lay down rules concerning *its end-to-end* operation and use and to define responsibilities, the categories of data to be entered into the system, the purposes for which the data are to be entered, the criteria for their entry, **rules on the deletion of alerts**, the authorities authorised to access the data, the use of biometric identifiers and further rules on data **protection and data** processing

Or. en

Justification

Rules on the deletion of redundant alerts and on data protection issues specific to SIS should also be laid down in this Regulation.

Amendment 172
Eva Joly, Judith Sargentini

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6 a) Competent authorities should be able to add in the SIS specific information relating to any specific, objective, physical characteristics of a person not subject to change. This information may relate to characteristics such as piercings, tattoos, marks, scars, etc. However, it should not reveal sensitive data of a person such as ethnicity, religion, disability, gender or sexual orientation, as defined in Article 9 of the General Data Protection Regulation.

Or. en

Amendment 173
Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) SIS includes a central system (Central SIS) and national systems ***with*** a full or partial copy of the SIS database. Considering that SIS is the most important information exchange instrument in Europe, it is necessary to ensure its uninterrupted operation at central as well as at national level. Therefore ***each Member State should establish a partial or full copy of the SIS database and should set up its backup system.***

(7) SIS includes a central system (Central SIS) and national systems ***which may contain*** a full or partial copy of the SIS database. Considering that SIS is the most important information exchange instrument in Europe, it is necessary to ensure its uninterrupted operation at central as well as at national level. Therefore ***large investments are needed to bolster and improve the central system and its backup system(s).***

Or. fr

Justification

Member States which do not yet have a national version should not be obligated to have one. So that SIS can function uninterrupted, the requisite investments must be made to bolster the central system and its backup system(s)

Amendment 174

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) It is necessary to maintain a manual setting out the detailed rules for the exchange of certain supplementary information concerning the action called for by alerts. National authorities in each Member State (the SIRENE Bureaux), should ensure the exchange of this information.

Amendment

(8) It is necessary to maintain a manual setting out the detailed rules for the exchange of certain supplementary information concerning the action called for by alerts (***SIRENE manual***). National authorities in each Member State (the SIRENE Bureaux), should ensure the ***quick and efficient*** exchange of this information.

Or. fr

Amendment 175

Miriam Dalli

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) It is necessary ***to maintain*** a manual setting out the detailed rules for the exchange of certain supplementary information concerning the action called for by alerts. National authorities in each Member State (the SIRENE Bureaux), should ensure the exchange of this information.

Amendment

(8) It is necessary ***for the co-legislators to approve the maintenance of*** a manual setting out the detailed rules for the exchange of certain supplementary information concerning the action called for by alerts. National authorities in each Member State (the SIRENE Bureaux), should ensure the exchange of this information.

Justification

In line with later amendments, the SIRENE Manual must be adopted by way of a delegated act.

Amendment 176

Eva Joly, Judith Sargentini

Proposal for a regulation**Recital 8***Text proposed by the Commission*

(8) It is necessary to maintain a manual setting out the detailed rules for the exchange of certain supplementary information concerning the action called for by alerts. National authorities in each Member State (the SIRENE Bureaux), should ensure the exchange of this information.

Amendment

(8) It is necessary to maintain a manual setting out the detailed rules for the exchange of certain supplementary information concerning the action called for by alerts. National authorities in each Member State (the SIRENE Bureaux), should ensure the *immediate* exchange of this information.

Or. en

Amendment 177

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation**Recital 9***Text proposed by the Commission*

(9) In order to maintain the efficient exchange of supplementary information concerning the action to be taken specified in the alerts, it is appropriate to reinforce the functioning of the SIRENE Bureaux by specifying the requirements concerning the available resources, user training and the response time to the inquiries received from other SIRENE Bureaux.

Amendment

(9) In order to *guarantee* the *quick and* efficient exchange of supplementary information concerning the action to be taken specified in the alerts, it is appropriate to reinforce the functioning of the SIRENE Bureaux by specifying the requirements concerning the available resources, user training and the response time to the inquiries received from other SIRENE Bureaux.

Amendment 178
Eva Joly, Judith Sargentini

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) In order to maintain the efficient exchange of supplementary information concerning the action to be taken specified in the alerts, it is appropriate to reinforce the functioning of the SIRENE Bureaux by specifying the requirements concerning the available resources, user training and the response time to the inquiries received from other SIRENE Bureaux.

Amendment

(9) In order to maintain the efficient **and immediate** exchange of supplementary information concerning the action to be taken specified in the alerts, it is appropriate to reinforce the functioning of the SIRENE Bureaux by specifying the requirements concerning the available resources, user training and the response time to the inquiries received from other SIRENE Bureaux.

Or. en

Amendment 179
Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) Without prejudice to the responsibility of Member States for the accuracy of data entered into SIS, the Agency should become responsible for reinforcing data quality by introducing a central data quality monitoring tool, and for providing reports at regular intervals to Member States.

Amendment

(11) Without prejudice to the responsibility of Member States for the accuracy of data entered into SIS, the Agency should become responsible for reinforcing data quality by introducing a central data quality monitoring tool, and for providing reports at regular intervals to Member States. ***With a view to improving the quality and processing of data by end users, the eu-LISA agency must also be responsible for organising, particularly for Sirene staff, training on how to use SIS II, in accordance with Article 3 of its Regulation. (Regulation (EU) No***

Justification

Article 3 of Regulation (EU) No 1077/2011 of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice: 'Tasks relating to SIS II'.

Amendment 180

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) With a view to ensuring the security of SIS data processing carried out by end users, the Member States must make sure that staff who have access to SIS receive regular training on the security and data protection rules and on the processes related to data processing set out in the SIRENE manual.

Justification

Training provided for in Article 14

Amendment 181

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Recital 12

Text proposed by the Commission

Amendment

(12) In order to allow better monitoring of the use of SIS to analyse trends concerning criminal offences, the Agency should be able to develop a state-of-the-art

(12) In order to allow better monitoring of the use of SIS to analyse trends concerning criminal offences, the Agency should be able to develop a state-of-the-art

capability for statistical reporting to the Member States, the Commission, Europol and the European Border and Coast Guard Agency without jeopardising data integrity. Therefore, a central statistical repository should be established. Any statistic produced should not contain personal data.

capability for statistical reporting to the Member States, *the European Parliament*, the Commission, Europol and the European Border and Coast Guard Agency without jeopardising data integrity. Therefore, a central statistical repository should be established. Any statistic produced should not contain personal data.

Or. fr

Amendment 182

Eva Joly, Judith Sargentini

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) SIS should permit the processing of *biometric data in order to assist in the reliable identification of the individuals concerned. In the same perspective, SIS should also allow for the processing of* data concerning individuals whose identity has been misused (in order to avoid inconveniences caused by their misidentification), subject to suitable safeguards; in particular with the consent of the individual concerned and a strict limitation of the purposes for which such data can be lawfully processed.

Amendment

(15) SIS should permit the processing of data concerning individuals whose identity has been misused (in order to avoid inconveniences caused by their misidentification), subject to suitable safeguards; in particular with the consent of the individual concerned and a strict limitation of the purposes for which such data can be lawfully processed.

Or. en

Amendment 183

Miriam Dalli

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) Member States should make the

Amendment

(16) Member States should make the

necessary technical arrangement so that each time the end-users are entitled to carry out a search in a national police or immigration database they *also* search SIS in parallel in accordance with Article 4 of Directive (EU) 2016/680 of the European Parliament and of the Council⁴⁵. This should ensure that SIS functions as the main compensatory measure in the area without internal border controls and better address the cross-border dimension of criminality and the mobility of criminals.

⁴⁵ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data and repealing Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016 (OJ L 119, 4.5.2016, p. 89).

necessary technical arrangement so that each time the end-users are entitled to carry out a search in a national police or immigration database they *are also entitled to* search SIS in parallel in accordance with Article 4 of Directive (EU) 2016/680 of the European Parliament and of the Council⁴⁵. This should *help* ensure that SIS functions as the main compensatory measure in the area without internal border controls and better address the cross-border dimension of criminality and the mobility of criminals.

⁴⁵ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data and repealing Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016 (OJ L 119, 4.5.2016, p. 89).

Or. en

Justification

The language regarding end-users should be the same for the national database and the SIS database.

Amendment 184 **Marie-Christine Vergiat**

Proposal for a regulation **Recital 16**

Text proposed by the Commission

(16) Member States should make the necessary technical arrangement so that

Amendment

(16) Member States should make the necessary technical arrangement so that

each time the end-users are entitled to carry out a search in a national police *or immigration* database they also search SIS in parallel in accordance with Article 4 of Directive (EU) 2016/680 of the European Parliament and of the Council⁴⁵. This should ensure that SIS functions as the main compensatory measure in the area without internal border controls and better address the cross-border dimension of criminality and the mobility of criminals.

⁴⁵ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data and repealing Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016 (OJ L 119, 4.5.2016, p. 89).

each time the end-users are entitled to carry out a search in a national police database they also search SIS in parallel in accordance with Article 4 of Directive (EU) 2016/680 of the European Parliament and of the Council⁴⁵. This should ensure that SIS functions as the main compensatory measure in the area without internal border controls and better address the cross-border dimension of criminality and the mobility of criminals.

⁴⁵ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data and repealing Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016 (OJ L 119, 4.5.2016, p. 89).

Or. fr

Amendment 185

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) This Regulation should set out the conditions for use of *dactylographic* data and facial images for identification purposes. The use of facial images for identification purposes in SIS should also help to ensure consistency in border control procedures where the identification and the verification of identity are required by the use of fingerprints and facial

Amendment

(17) This Regulation should set out the conditions for use of *dactyloscopic* data, *photographs* and facial images for identification purposes. The use of *dactyloscopic data and* facial images for identification purposes in SIS should also help to ensure consistency in border control procedures where the identification and the verification of identity are required

images. Searching with *dactylographic* data should be mandatory if there is any doubt concerning the identity of a person. Facial images for identification purposes should only be used in the context of regular border controls in self-service kiosks and electronic gates.

by the use of *fingerprints* and facial images. Searching with *dactyloscopic* data should be mandatory if there is any doubt concerning the identity of a person. ***A consultation with the help of fingerprints may be carried out before the entry of a new alert in order to check whether the person is already the subject of an alert in SIS under another identity or another alert.*** Facial images for identification purposes should only be used in the context of regular border controls in self-service kiosks and electronic gates.

Or. fr

Amendment 186
Jussi Halla-aho

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) This Regulation should set out the conditions for use of dactylographic data and facial images for identification purposes. The use of facial images for identification purposes in SIS should also help to ensure consistency in border control procedures where the identification and the verification of identity are required by the use of fingerprints and facial images. Searching with dactylographic data should be mandatory if there is any doubt concerning the identity of a person. ***Facial images for identification purposes should only be used in the context of regular border controls in self-service kiosks and electronic gates.***

Amendment

(17) This Regulation should set out the conditions for use of dactylographic data and facial images for identification purposes. The use of facial images for identification purposes in SIS should also help to ensure consistency in border control procedures where the identification and the verification of identity are required by the use of fingerprints and facial images. Searching with dactylographic data should be mandatory if there is any doubt concerning the identity of a person.

Or. en

Justification

When technically possible, identification based on photographs or facial images should be allowed in any location.

Amendment 187

Marie-Christine Vergiat

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) This Regulation should set out the conditions for use of dactylographic data and facial images for identification purposes. The use of facial images for identification purposes in SIS should also help to ensure consistency in border control procedures where the identification and the verification of identity are required by the use of fingerprints and facial images. ***Searching with dactylographic data should be mandatory if there is any doubt concerning the identity of a person.*** Facial images for identification purposes should only be used in the context of regular border controls in self-service kiosks and electronic gates.

Amendment

(17) This Regulation should set out the conditions for use of dactylographic data and facial images for identification purposes. The use of facial images for identification purposes in SIS should also help to ensure consistency in border control procedures where the identification and the verification of identity are required by the use of fingerprints and facial images. Facial images for identification purposes should only be used in the context of regular border controls in self-service kiosks and electronic gates.

Or. fr

Amendment 188

Miriam Dalli

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) This Regulation should set out the conditions for use of dactylographic data and facial images for identification purposes. The use of facial images for identification purposes in SIS should also

Amendment

(17) This Regulation should set out the conditions for use of dactylographic data and facial images for identification purposes. The use of facial images for identification purposes in SIS should also

help to ensure consistency in border control procedures where the identification and the verification of identity are required by the use of fingerprints and facial images. Searching with dactylographic data should be mandatory *if there is any doubt concerning the identity of a person*. Facial images for identification purposes should only be used in the context of regular border controls in self-service kiosks and electronic gates.

help to ensure consistency in border control procedures where the identification and the verification of identity are required by the use of fingerprints and facial images. Searching with dactylographic data should be mandatory *only if the identity of the person cannot be ascertained by any other means*. Facial images for identification purposes should only be used in the context of regular border controls in self-service kiosks and electronic gates.

Or. en

Justification

Given the sensitive nature of biometric data, its use should be limited to those cases where it is necessary and proportionate.

Amendment 189

Eva Joly, Judith Sargentini

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) This Regulation should set out the conditions for use of dactylographic data and facial images for identification purposes. The use of facial images for identification purposes in SIS should also help to ensure consistency in border control procedures where the identification and the verification of identity are required by the use of fingerprints and facial images. Searching with dactylographic data should be mandatory if there is *any* doubt concerning the identity of a person. Facial images for identification purposes should only be used in the context of regular border controls in self-service kiosks and electronic gates.

Amendment

(17) This Regulation should set out the conditions for use of dactylographic data and facial images for identification purposes. The use of facial images for identification purposes in SIS should also help to ensure consistency in border control procedures where the identification and the verification of identity are required by the use of fingerprints and facial images. Searching with dactylographic data should be mandatory if there is *serious* doubt concerning the identity of a person. Facial images for identification purposes should only be used in the context of regular border controls in self-service kiosks and electronic gates.

Or. en

Amendment 190
Marie-Christine Vergiat

Proposal for a regulation
Recital 18

Text proposed by the Commission

[...]

Amendment

deleted

Or. fr

Amendment 191
Eva Joly, Judith Sargentini

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) The introduction of an automated fingerprint identification service within SIS complements the existing Prüm mechanism on mutual cross-border online access to designated national DNA databases and automated fingerprint identification systems⁴⁶. The Prüm mechanism enables interconnectivity of national fingerprint identification systems whereby a Member State can launch a request to ascertain if the perpetrator of a crime whose fingerprints have been found, is known in any other Member State. The Prüm mechanism verifies if the owner of the fingerprints are known in one point in time therefore if the perpetrator becomes known in any of the Member States later on he or she will not necessarily be captured. The SIS fingerprint search allows an active search of the perpetrator. Therefore, it should be possible to upload the fingerprints of an unknown perpetrator into SIS, provided that the owner of the fingerprints can be identified to a high

Amendment

(18) The introduction of an automated fingerprint identification service within SIS complements the existing Prüm mechanism on mutual cross-border online access to designated national DNA databases and automated fingerprint identification systems⁴⁶. The Prüm mechanism enables interconnectivity of national fingerprint identification systems whereby a Member State can launch a request to ascertain if the perpetrator of a crime whose fingerprints have been found, is known in any other Member State. The Prüm mechanism verifies if the owner of the fingerprints are known in one point in time therefore if the perpetrator becomes known in any of the Member States later on he or she will not necessarily be captured. The SIS fingerprint search allows an active search of the perpetrator. Therefore, it should be possible to upload the fingerprints of an unknown perpetrator into SIS, provided that the owner of the fingerprints can be identified to a high

degree of probability as the perpetrator of a serious crime or act of terrorism. This is in particular the case if fingerprints are found on the weapon or on any object used for the offence. The mere presence of the fingerprints at the crime scene should not be considered as indicating a high degree of probability that the fingerprints are those of the perpetrator. A further precondition for the creation of such alert should be that the identity of the perpetrator cannot be established via any other national, European or international databases. Should such fingerprint search lead to a potential match the Member State should carry out further checks with their fingerprints, possibly with the involvement of fingerprint experts to establish whether he or she is the owner of the prints stored in SIS, and should establish the identity of the person. The procedures should be subject of national law. An identification as the owner of an "unknown wanted person" in SIS may substantially contribute to the investigation and it may lead to an arrest provided that all conditions for an arrest are met.

⁴⁶ Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p.1); and Council Decision 2008/616/JHA of 23 June 2008 on the implementation of

degree of probability as the perpetrator of a serious crime or act of terrorism. ***Such fingerprints should only be stored with the aim of identifying an unknown wanted person and his or her whereabouts; a verified match of these data does not constitute on its own a sufficient basis to take another action (e.g. taking into custody). Only after successful verification of the match, taking into account additional information or evidence and proper consultation with the Member State issuing the alert should the result be used for other actions.*** This is in particular the case if fingerprints are found on the weapon or on any object used for the offence. The mere presence of the fingerprints at the crime scene should not be considered as indicating a high degree of probability that the fingerprints are those of the perpetrator. A further precondition for the creation of such alert should be that the identity of the perpetrator cannot be established via any other national, European or international databases. Should such fingerprint search lead to a potential match the Member State should carry out further checks with their fingerprints, possibly with the involvement of fingerprint experts to establish whether he or she is the owner of the prints stored in SIS, and should establish the identity of the person. The procedures should be subject of national law. An identification as the owner of an "unknown wanted person" in SIS may substantially contribute to the investigation and it may lead to an arrest provided that all conditions for an arrest are met.

⁴⁶ Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p.1); and Council Decision 2008/616/JHA of 23 June 2008 on the implementation of

Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

Or. en

Amendment 192
Miriam Dalli

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) The introduction of an automated fingerprint identification service within SIS complements the existing Prüm mechanism on mutual cross-border online access to designated national DNA databases and automated fingerprint identification systems⁴⁶. The Prüm mechanism enables interconnectivity of national fingerprint identification systems whereby a Member State can launch a request to ascertain if the perpetrator of a crime whose fingerprints have been found, is known in any other Member State. The Prüm mechanism verifies if the owner of the fingerprints are known in one point in time therefore if the perpetrator becomes known in any of the Member States later on he or she will not necessarily be captured. The SIS fingerprint search allows an active search of the perpetrator. Therefore, it should be possible to upload the fingerprints of an unknown perpetrator into SIS, provided that ***the owner of the fingerprints can be identified to a high degree of probability as the perpetrator of a serious crime or act of terrorism. This is in particular the case if fingerprints are found on the weapon or on any object used for the offence.*** The mere presence of the fingerprints at the crime scene should not be considered as ***indicating a high***

Amendment

(18) The introduction of an automated fingerprint identification service within SIS complements the existing Prüm mechanism on mutual cross-border online access to designated national DNA databases and automated fingerprint identification systems⁴⁶. The Prüm mechanism enables interconnectivity of national fingerprint identification systems whereby a Member State can launch a request to ascertain if the perpetrator of a crime whose fingerprints have been found, is known in any other Member State. The Prüm mechanism verifies if the owner of the fingerprints are known in one point in time therefore if the perpetrator becomes known in any of the Member States later on he or she will not necessarily be captured. The SIS fingerprint search allows an active search of the perpetrator. Therefore, it should be possible to upload the fingerprints of an unknown perpetrator into SIS, provided that ***there is evidence to show that the owner of the fingerprints is the perpetrator of a serious crime or act of terrorism.*** The mere presence of the fingerprints at the crime scene should not be considered as ***evidence*** that the fingerprints are those of the perpetrator. A further precondition for the creation of such alert should be that the identity of the

degree of probability that the fingerprints are those of the perpetrator. A further precondition for the creation of such alert should be that the identity of the perpetrator cannot be established via any other national, European or international databases. Should such fingerprint search lead to a potential match the Member State should carry out further checks with their fingerprints, possibly with the involvement of fingerprint experts to establish whether he or she is the owner of the prints stored in SIS, and should establish the identity of the person. The procedures should be subject of national law. An identification as the owner of an "unknown wanted person" in SIS may ***substantially*** contribute to the investigation ***and it may lead to an arrest provided that all conditions for an arrest are met.***

perpetrator cannot be established via any other national, European or international databases. Should such fingerprint search lead to a potential match the Member State should carry out further checks with their fingerprints, possibly with the involvement of fingerprint experts to establish whether he or she is the owner of the prints stored in SIS, and should establish the identity of the person. The procedures should be subject of national law. An identification as the owner of an "unknown wanted person" in SIS may contribute to the investigation.

⁴⁶ Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p.1); and Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

⁴⁶ Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p.1); and Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

Or. en

Justification

The inclusion of fingerprints of unknown persons should be strictly limited to those cases where there is evidence to show that the fingerprints belong to the perpetrator of a serious crime or terrorist act.

Evidence must be collected on a case-by-case basis to determine whether or not the fingerprints might be those of a suspect.

Amendment 193

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) Fingerprints found at a crime scene should be allowed to be checked against the ***fingerprints*** stored in SIS if it can be established to a high degree of probability that they belong to the perpetrator of the serious crime or terrorist offence. Serious crime should be the offences listed in Council Framework Decision 2002/584/JHA⁴⁷ and ‘terrorist offence’ should be offences under national law referred to in ***Council Framework Decision 2002/475/JHA***⁴⁸ .

⁴⁷ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member State (OJ L 190, 18.7.2002, p. 1).

⁴⁸ Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002 p.6).

Amendment

(19) Fingerprints ***and palm prints*** found at a crime scene should be allowed to be checked against the ***dactylographic data*** stored in SIS if it can be established to a high degree of probability that they belong to the perpetrator of the serious crime or terrorist offence. Serious crime should be the offences listed in Council Framework Decision 2002/584/JHA⁴⁷ and ‘terrorist offence’ should be offences under national law referred to in ***Directive (EU) of 15 March 2017 on combating terrorism***.

Or. fr

Amendment 194
Miriam Dalli

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) Fingerprints found at a crime scene should be allowed to be checked against the fingerprints stored in SIS if ***it can be established to a high degree of probability*** that they belong to the perpetrator of ***the***

Amendment

(19) Fingerprints found at a crime scene should be allowed to be checked against the fingerprints stored in SIS if ***there is evidence to show*** that they belong to the perpetrator of ***a*** serious crime or terrorist

serious crime or terrorist offence. Serious *crime* should be *the offences* listed in Council Framework Decision 2002/584/JHA⁴⁷ and ‘terrorist offence’ should be offences under national law *referred to in Council Framework Decision 2002/475/JHA*⁴⁸.

⁴⁷ Council Framework Decision (2002/584/JHA) of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.07.2002, p. 1).

⁴⁸ Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3).

offence. Serious *crimes* should be *those offences, for which there is automatic surrender to the Requesting Member State, as* listed in Council Framework Decision 2002/584/JHA⁴⁷ and ‘terrorist offence’ should be *those* offences under national law *set out in Articles 3, 4, 12 and 14 of Directive (EU) 2017/541 on combating terrorism*⁴⁸

⁴⁷ Council Framework Decision (2002/584/JHA) of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.07.2002, p. 1).

⁴⁸ Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3).

Or. en

Justification

Amendment tabled for consistency with other and later amendments.

Amendment 195 **Jussi Halla-aho**

Proposal for a regulation **Recital 19**

Text proposed by the Commission

(19) *Fingerprints* found at a crime scene should be allowed to be checked against *the fingerprints* stored in SIS if it can be established to a high degree of probability that they belong to the perpetrator of the serious crime or terrorist offence. Serious crime should be the offences listed in Council Framework Decision 2002/584/JHA⁴⁷ and ‘terrorist offence’ should be offences under national law referred to in *Council Framework*

Amendment

(19) *Biometric identifiers* found at a crime scene should be allowed to be checked against *biometric data* stored in SIS if it can be established to a high degree of probability that they belong to the perpetrator of the serious crime or terrorist offence. Serious crime should be the offences listed in Council Framework Decision 2002/584/JHA⁴⁷ and ‘terrorist offence’ should be offences under national law referred to in *Directive (EU) 2017/541*.

*Decision 2002/475/JHA*⁴⁸ .

⁴⁷ Council Framework Decision (2002/584/JHA) of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.07.2002, p. 1).

⁴⁸ *Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3).*

⁴⁷ Council Framework Decision (2002/584/JHA) of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.07.2002, p. 1).

Or. en

Justification

Widening the scope to all biometric data available, such as DNA data or facial images.

Amendment 196

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) Any processing of photographs, facial images, DNA profiles and dactyloscopic data must not go beyond what is necessary to achieve the general objective being pursued and must be subject to the appropriate guarantees.

Any use of photographs, facial images, DNA profiles or dactyloscopic data must be authorised under EU law or the law of the Member States. Any processing of photographs, facial images, DNA profiles or dactyloscopic data within the framework of SIS, including retention and use for identification purposes, must comply with the applicable provisions on data protection provided for in the SIS legal instruments, Regulation (EU) 2016/679 and the provisions in Directive 2016/680. The provisions in the legal

instruments shall apply to the processing of photographs, facial images, DNA profiles and the dactyloscopic data of third-country nationals and EU citizens. In accordance with the principle of specifying the purpose, the method of use and the purpose for photographs, DNA profiles, facial images and dactyloscopic data in the SIS must be clearly defined. To that end, the Commission must be authorised to adopt an implementing act in accordance with Article 55(2).

Or. fr

Amendment 197

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Recital 19 b (new)

Text proposed by the Commission

Amendment

(19b) Any processing of photographs, facial images or dactyloscopic data of minors should be carried out in full observance of the child's best interest as laid down in Article 3 of the 1989 United Nations Convention on the Rights of the Child.

Or. fr

Amendment 198

Marie-Christine Vergiat

Proposal for a regulation

Recital 20

Text proposed by the Commission

Amendment

(20) It should be possible to add a DNA profile in cases where dactylographic data are not available, and which should only

deleted

be accessible to authorised users. DNA profiles should facilitate the identification of missing persons in need of protection and particularly missing children, including by allowing the use of DNA profiles of parents or siblings to enable identification. DNA data should not contain reference to racial origin.

Or. fr

Amendment 199

Eva Joly, Judith Sargentini

Proposal for a regulation

Recital 20

Text proposed by the Commission

Amendment

(20) It should be possible to add a DNA profile in cases where dactylographic data are not available, and which should only be accessible to authorised users. DNA profiles should facilitate the identification of missing persons in need of protection and particularly missing children, including by allowing the use of DNA profiles of parents or siblings to enable identification. DNA data should not contain reference to racial origin. *deleted*

Or. en

Justification

DNA profiles are very sensitive data that can reveal very intrusive details about the personal life of persons, such as health aspects, and should therefore not be processed massively in the SIS. The Commission should prove beyond reasonable doubt that the processing of DNA profiles provide an advantage outweighing the risks to fundamental rights of citizens.

Amendment 200

Miriam Dalli

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) It should be possible to add a DNA profile in cases where dactylographic data are not available, and which should only be accessible to authorised users. DNA profiles should facilitate the identification of missing persons in need of protection and particularly missing children, including by allowing the use of DNA profiles of parents or siblings to enable identification. DNA data should not contain **reference** to racial origin.

Amendment

(20) It should be possible, **in a narrow band of clearly defined cases**, to add a DNA profile in cases where dactylographic data are not available, and which should only be accessible to authorised users. DNA profiles should facilitate the identification of missing persons in need of protection and particularly missing children, including by allowing the use of DNA profiles of parents or siblings to enable identification. DNA data should not contain **references** to racial origin **or health information**.

Or. en

Justification

As DNA data is the most sensitive of personal data, it is crucial to delimit its use properly and clearly define in which circumstances it may be added to an alert.

In line with the recommendations of the EDPS, DNA profiles should contain the minimum information necessary to identify the person sought and should exclude not only the racial origin but also the health information of that person

Amendment 201 Jussi Halla-aho

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) It should be possible to add a DNA profile in cases where dactylographic data are not available, and which should only be accessible to authorised users. DNA profiles should facilitate the identification of missing persons in need of protection and particularly missing children, including by allowing the use of DNA profiles of parents or siblings to enable identification. **DNA data should not contain reference to**

Amendment

(20) It should be possible to add a DNA profile in cases where dactylographic data are not available, and which should only be accessible to authorised users. DNA profiles should facilitate the identification of missing persons in need of protection and particularly missing children, including by allowing the use of DNA profiles of parents or siblings to enable identification.

racial origin.

Or. en

Amendment 202

Anna Maria Corazza Bildt, Caterina Chinnici, Nathalie Griesbeck, Elissavet Vozemberg-Vrionidi, Silvia Costa, Lara Comi, Hilde Vautmans, Brando Benifei, Damiano Zoffoli, Jana Žitňanská

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) SIS should contain alerts on missing persons to ensure their protection or to prevent threats to public security. Issuing an alert in SIS for children at risk of abduction (i.e. in order to prevent a future harm that has not yet taken place as in the case of children who are at risk of parental abduction) should be limited, therefore it is appropriate to provide for strict and appropriate safeguards. In cases of children, these alerts and the corresponding procedures should serve the best interests of the child having regard to Article 24 of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child of 20 November 1989.

Amendment

(23) SIS should contain alerts on missing persons to ensure their protection or to prevent threats to public security. Issuing an alert in SIS for children at risk of abduction (i.e. in order to prevent a future harm that has not yet taken place as in the case of children who are at risk of parental abduction) should be limited, therefore it is appropriate to provide for strict and appropriate safeguards. In cases of children, these alerts and the corresponding procedures should serve the best interests of the child having regard to Article 24 of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child of 20 November 1989. ***Law enforcement authorities' decisions on the follow up to an alert related to a child shall be taken in cooperation with child protection authorities and the national hotline for missing children shall be informed. In case of missing unaccompanied minors the purpose for competent authorities to access the data inserted in SIS shall be to protect children and their best interest;***

Or. en

Justification

When the missing person is a child, it is essential that authorities with specific expertise are involved in every decision taken for the safety and the protection of the child, because of the potentially harmful consequences that inappropriate decisions may entail. Dedicated Hotlines for missing children should also be involved in the process. According to a study published by Missing Children Europe in 2015, one of the reasons behind the lack of reporting of missing migrant children is the fear that this information will be used by migration authorities. This is why it is important to ensure that the primary purpose for migration authorities to access data inserted in SIS is to protect the child and her or his best interest and not to take an accelerated decision on her or his migration status.

Amendment 203

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) SIS should contain alerts on missing persons to ensure their protection or to prevent threats to public security. Issuing an alert in SIS for children at risk of abduction (i.e. in order to prevent a future harm that has not yet taken place as in the case of children who are at risk of parental abduction) ***should be limited, therefore it is appropriate to provide for strict and appropriate safeguards***. In cases of children, these alerts and the corresponding procedures should serve the best interests of the child having regard to Article 24 of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child of 20 November 1989.

Amendment

(23) SIS should contain alerts on missing persons to ensure their protection or to prevent threats to public security. Issuing, ***at the request of the competent judiciary authority***, an alert in SIS for children at risk of abduction (i.e. in order to prevent a future harm that has not yet taken place as in the case of children who are at risk of parental abduction) ***and for minors in danger (as may be the case when there is a genuine and manifest risk that the child will imminently be removed from the Member State for the purpose of forced marriage, genital mutilation or activities linked to a terrorist offence as referred to in Titles II and III of Directive 2017/541)***. In cases of children, these alerts and the corresponding procedures should serve the best interests of the child having regard to Article 24 of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child of 20 November 1989.

Or. fr

Amendment 204

Jussi Halla-aho, Helga Stevens

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) SIS should contain alerts on missing persons to ensure their protection or to prevent threats to public security. Issuing an alert in SIS for children ***at risk of abduction (i.e. in order to prevent a future harm that has not yet taken place as in the case of children who are at risk of parental abduction)*** should be limited, therefore it is appropriate to provide for strict and appropriate safeguards. In cases of children, these alerts and the corresponding procedures should serve the best interests of the child having regard to Article 24 of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child of 20 November 1989.

Amendment

(23) SIS should contain alerts on missing persons to ensure their protection or to prevent threats to public security. Issuing an alert in SIS for children should be limited, therefore it is appropriate to provide for strict and appropriate safeguards. In cases of children, these alerts and the corresponding procedures should serve the best interests of the child having regard to Article 24 of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child of 20 November 1989.

Or. en

Amendment 205

Kinga Gál

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) SIS should contain alerts on missing persons to ensure their protection or to prevent threats to public security. Issuing an alert in SIS for children at risk ***of abduction (i.e. in order to prevent a future harm that has not yet taken place as in the case of children who are at risk of parental abduction)*** should be limited,

Amendment

(23) SIS should contain alerts on missing persons to ensure their protection or to prevent threats to public security. Issuing an alert in SIS for children at risk (i.e. in order to prevent a future harm that has not yet taken place) should be limited, therefore it is appropriate to provide for strict and appropriate safeguards. In cases

therefore it is appropriate to provide for strict and appropriate safeguards. In cases of children, these alerts and the corresponding procedures should serve the best interests of the child having regard to Article 24 of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child of 20 November 1989.

of children, these alerts and the corresponding procedures should serve the best interests of the child having regard to Article 24 of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child of 20 November 1989.

Or. en

Amendment 206
Vilija Blinkevičiūtė

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) SIS should contain alerts on missing persons to ensure their protection or to prevent threats to public security. Issuing an alert in SIS for children at risk *of abduction* (i.e. in order to prevent a future harm that has not yet taken place *as in the case of children who are at risk of parental abduction*) should be limited, therefore it is appropriate to provide for strict and appropriate safeguards. In cases of children, these alerts and the corresponding procedures should serve the best interests of the child having regard to Article 24 of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child of 20 November 1989.

Amendment

(23) SIS should contain alerts on missing persons to ensure their protection or to prevent threats to public security. Issuing an alert in SIS for children at risk (i.e. in order to prevent a future harm that has not yet taken place) should be limited, therefore it is appropriate to provide for strict and appropriate safeguards. In cases of children, these alerts and the corresponding procedures should serve the best interests of the child having regard to Article 24 of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child of 20 November 1989.

Or. en

Amendment 207
Miriam Dalli, Péter Niedermüller

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) SIS should contain alerts on missing persons to ensure their protection or to prevent threats to public security. Issuing an alert in SIS for children at risk of abduction (i.e. in order to prevent a future harm that has not yet taken place **as in the case of children who are at risk of parental abduction**) should be limited, therefore it is appropriate to provide for strict and appropriate safeguards. In cases of children, these alerts and the corresponding procedures should serve the best interests of the child having regard to Article 24 of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child of 20 November 1989.

Amendment

(23) SIS should contain alerts on missing persons to ensure their protection or to prevent threats to public security. Issuing an alert in SIS for children at risk of abduction (i.e. in order to prevent a future harm that has not yet taken place should be limited, therefore it is appropriate to provide for strict and appropriate safeguards. In cases of children, these alerts and the corresponding procedures should serve the best interests of the child having regard to Article 24 of the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child of 20 November 1989.

Or. en

Amendment 208

Eva Joly, Judith Sargentini

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) SIS should contain alerts on missing persons to ensure their protection or to prevent threats to public security. Issuing an alert in SIS for children at risk **of abduction** (i.e. in order to prevent a future harm that has not yet taken place **as** in the case of children who are at risk of parental abduction) should be limited, therefore it is appropriate to provide for strict and appropriate safeguards. In cases of children, these alerts and the corresponding procedures should serve the best interests of the child having regard to Article 24 of the Charter of Fundamental

Amendment

(23) SIS should contain alerts on missing persons to ensure their protection or to prevent threats to public security. Issuing an alert in SIS for children at risk (i.e. in order to prevent a future harm that has not yet taken place, **for example** in the case of children who are at risk of parental abduction) should be limited, therefore it is appropriate to provide for strict and appropriate safeguards. In cases of children, these alerts and the corresponding procedures should serve the best interests of the child having regard to Article 24 of the Charter of Fundamental Rights of the

Rights of the European Union and the United Nations Convention on the Rights of the Child of 20 November 1989.

European Union and the United Nations Convention on the Rights of the Child of 20 November 1989.

Or. en

Amendment 209
Kinga Gál

Proposal for a regulation
Recital 23 a (new)

Text proposed by the Commission

Amendment

(23 a) Assessing risk should be seen as integral to the investigation into the disappearance of a person and will indicate the seriousness and urgency of the case. The level of seriousness and urgency has to be established by competent authorities so one can decide whether or not to issue a preventive alert.

Or. en

Amendment 210
Vilija Blinkevičiūtė

Proposal for a regulation
Recital 23 a (new)

Text proposed by the Commission

Amendment

(23 a) Assessing risk should be seen as integral to the investigation into the disappearance of a person and will indicate the seriousness and urgency of the case. The level of seriousness and urgency has to be established by competent authorities so one can decide whether or not to issue a preventive alert.

Or. en

Amendment 211
Eva Joly, Judith Sargentini

Proposal for a regulation
Recital 23 a (new)

Text proposed by the Commission

Amendment

(23 a) Assessing risk should be seen as integral to the investigation into the disappearance of a person and will indicate the seriousness and urgency of the case. The level of seriousness and urgency has to be established by competent authorities so one can decide whether or not to issue a preventive alert.

Or. en

Amendment 212
Eva Joly, Judith Sargentini

Proposal for a regulation
Recital 23 b (new)

Text proposed by the Commission

Amendment

(23 b) The level of risk to which a missing person is exposed must be understood and can be done by assessing their personal circumstances and the environment to which they are exposed. The two combined will indicate how significant the risk is. It is up to the competent authority to determine the level of risk and, based on the level of risk, whether or not to issue a preventive alert.

Or. en

Amendment 213
Kinga Gál

Proposal for a regulation
Recital 23 b (new)

Text proposed by the Commission

Amendment

(23 b) The level of risk to which a missing person is exposed must be understood and can be done by assessing their personal circumstances and the environment to which they are exposed. The two combined will indicate how significant the risk is. It is up to the competent authority to determine the level of risk and based on the level of risk whether or not to issue a preventive alert.

Or. en

Amendment 214
Vilija Blinkevičiūtė

Proposal for a regulation
Recital 23 b (new)

Text proposed by the Commission

Amendment

(23 b) The level of risk to which a missing person is exposed must be understood and can be done by assessing their personal circumstances and the environment to which they are exposed. The two combined will indicate how significant the risk is. It is up to the competent authority to determine the level of risk and based on the level of risk whether or not to issue a preventive alert.

Or. en

Amendment 215
Eva Joly, Judith Sargentini

Proposal for a regulation

Recital 24

Text proposed by the Commission

Amendment

(24) A new action should be included for cases of suspected terrorism and serious crime, allowing for a person who is suspected to have committed a serious crime or where there is a reason to believe that he or she will commit a serious crime, to be stopped and questioned in order to supply the most detailed information to the issuing Member State. This new action should not amount either to searching the person or to his or her arrest. It should supply, however, sufficient information to decide about further actions. Serious crime should be the offences listed in Council Framework Decision 2002/584/JHA.

deleted

Or. en

Justification

the newly proposed "inquiry checks" provide very limited added value compared to already existing discreet or specific checks. In addition, several Member States do not have the possibility to conduct inquiry checks under their national law, which hinders the objective of harmonisation under this Regulation.

Amendment 216

Miriam Dalli

Proposal for a regulation

Recital 24

Text proposed by the Commission

Amendment

(24) A new action should be included for cases of suspected terrorism and serious crime, allowing for a person who is suspected to have committed a serious crime or where there is a reason to believe that he or she will commit a serious crime, to be stopped and questioned in order to supply the most detailed information to the issuing Member State. This new action

(24) Without prejudice to the rights of suspects and accused persons, in particular, to their right to have access to a lawyer in accordance with Directive 2013/48/EU^{1a}, a new action should be included for cases of suspected terrorism and serious crime, allowing for a person who is suspected to have committed a serious crime or where there is a reason to

should not amount either to searching the person or to his or her arrest. It should supply, however, sufficient information to decide about further actions. Serious crime should be the offences listed in Council Framework Decision 2002/584/JHA.

believe that he or she will commit a serious crime, to be stopped and questioned in order to supply the most detailed information to the issuing Member State. This new action should not amount either to searching the person or to his or her arrest. It should supply, however, sufficient information to decide about further actions. Serious crime should be *those offences, for which there is automatic surrender to the requesting Member State as listed in Council Framework Decision 2002/584/JHA^{1b}* the offences listed in Council Framework Decision 2002/584/JHA.

^{1a} Directive 2013/48/EU on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty

^{1b} Council Framework Decision (2002/584/JHA) of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.07.2002, p. 1).

Or. en

Justification

The new form of inquiry check should not become a means of questioning a suspect in criminal proceedings without a lawyer present. The relevant EU Directive on Access to a Lawyer should apply with regard to inquiry checks where a suspect is deprived of his/her liberty and is questioned as a suspect. The second part of the amendment is tabled for consistency purposes.

Amendment 217

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) A new action should be included for cases of suspected terrorism and serious crime, allowing for a person who is suspected to have committed a serious crime or where there is a reason to believe that he or she will commit a serious crime, to be stopped and questioned in order to supply the most detailed information to the issuing Member State. This new action should not amount either to searching the person or to his or her arrest. It should supply, however, sufficient information to decide about further actions. ***Serious crime should be the offences listed in Council Framework Decision 2002/584/JHA.***

Amendment

(24) A new action should be included for cases of suspected terrorism and serious crime, allowing for a person who is suspected to have committed a serious crime or where there is a reason to believe that he or she will commit a serious crime, to be stopped and questioned in order to supply the most detailed information to the issuing Member State (***investigation check***). This new action should not amount either to searching the person or to his or her arrest. It should supply, however, sufficient information to decide about further actions.

Or. fr

Amendment 218

G rard Deprez, Louis Michel, Petr Je ek

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) Alerts should not be kept in SIS longer than the time required to fulfil the purposes for which they were issued. ***In order to reduce the administrative burden on the different authorities involved in processing data on individuals for different purposes, it is appropriate to align the retention period of alerts on persons with the retention periods envisaged for return and illegal stay purposes. Moreover, Member States regularly extend the expiry date of alerts on persons if the required action could not be taken within the original time period. Therefore, the retention period for alerts on persons should be a maximum of five years. Under the general principle,***

Amendment

(29) Alerts should not be kept in SIS longer than the time required to fulfil the purposes for which they were issued. The retention period for alerts on persons should be a maximum of ***three*** years. Under the general principle, alerts on persons should be automatically deleted from SIS after a period of ***three*** years, except those entered for the purpose of a discreet, specific or investigative check, which must be deleted after a year. Alerts on objects for the purpose of discreet, investigative or specific checks should be automatically deleted from SIS after a year, as they are still linked to persons. Alerts on objects for seizure or use as evidence in criminal proceedings should be

alerts on persons should be automatically deleted from SIS after a period of *five* years, except those entered for the purpose of a discreet, specific or investigative check, which must be deleted after a year. Alerts on objects for the purpose of discreet, investigative or specific checks should be automatically deleted from SIS after a year, as they are still linked to persons. Alerts on objects for seizure or use as evidence in criminal proceedings should be automatically deleted from SIS after a period of five years, as after such a period the likelihood of finding them is very low and their economic value is significantly diminished. Alerts on issued and blank identification documents should be kept for 10 years, as the validity period of documents is 10 years at the time of issuance. Decisions to keep alerts on persons should be based on a comprehensive individual assessment. Member States should review alerts on persons within the defined period and keep statistics about the number of alerts on persons for which the retention period has been extended.

automatically deleted from SIS after a period of five years, as after such a period the likelihood of finding them is very low and their economic value is significantly diminished. Alerts on issued and blank identification documents should be kept for 10 years, as the validity period of documents is 10 years at the time of issuance. Decisions to keep alerts on persons should be based on a comprehensive individual assessment. Member States should review alerts on persons within the defined period and keep statistics about the number of alerts on persons for which the retention period has been extended.

Or. fr

Justification

Why should the retention period for alerts on persons for the purpose of police and judiciary cooperation be aligned with the planned retention period for return and for illegal residence?

Amendment 219 **Eva Joly, Judith Sargentini**

Proposal for a regulation **Recital 29**

Text proposed by the Commission

(29) Alerts should not be kept in SIS longer than the time required to fulfil the purposes for which they were issued. *In*

Amendment

(29) Alerts should not be kept in SIS longer than the time required to fulfil the purposes for which they were issued.

order to reduce the administrative burden on the different authorities involved in processing data on individuals for different purposes, it is appropriate to align the retention period of alerts on persons with the retention periods envisaged for return and illegal stay purposes. Moreover, Member States regularly extend the expiry date of alerts on persons if the required action could not be taken within the original time period. Therefore, the retention period for alerts on persons should be a maximum of **five** years. As a general principle, alerts on persons should be automatically deleted from SIS after a period of **five** years, except for alerts issued for the purposes of discreet, **specific and inquiry** checks. These should be deleted after one year. Alerts on objects entered for discreet **checks, inquiry** checks or specific checks should be automatically deleted from the SIS after a period of one year, as they are always related to persons. Alerts on objects for seizure or use as evidence in criminal proceedings should be automatically deleted from SIS after a period of five years, as after such a period the likelihood of finding them is very low and their economic value is significantly diminished. Alerts on issued and blank identification documents should be kept for 10 years, as the validity period of documents is 10 years at the time of issuance. Decisions to keep alerts on persons should be based on a comprehensive individual assessment. Member States should review alerts on persons within the defined period and keep statistics about the number of alerts on persons for which the retention period has been extended.

Moreover, Member States regularly extend the expiry date of alerts on persons if the required action could not be taken within the original time period. Therefore, the retention period for alerts on persons should be a maximum of **three** years. As a general principle, alerts on persons should be automatically deleted from SIS after a period of **three** years, except for alerts issued for the purposes of discreet **and specific** checks. These should be deleted after one year. Alerts on objects entered for discreet checks or specific checks should be automatically deleted from the SIS after a period of one year, as they are always related to persons. Alerts on objects for seizure or use as evidence in criminal proceedings should be automatically deleted from SIS after a period of five years, as after such a period the likelihood of finding them is very low and their economic value is significantly diminished. Alerts on issued and blank identification documents should be kept for 10 years, as the validity period of documents is 10 years at the time of issuance. Decisions to keep alerts on persons should be based on a comprehensive individual assessment. Member States should review alerts on persons within the defined period and keep statistics about the number of alerts on persons for which the retention period has been extended.

Or. en

Amendment 220
Miriam Dalli

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) Alerts should not be kept in SIS longer than the time required to fulfil the purposes for which they were issued. ***In order to reduce the administrative burden on the different authorities involved in processing data on individuals for different purposes, it is appropriate to align the retention period of alerts on persons with the retention periods envisaged for return and illegal stay purposes. Moreover, Member States*** regularly extend the expiry date of alerts on persons if the required action could not be taken within the original time period. ***Therefore, the retention period for alerts on persons should be a maximum of five years. As a general principle, alerts on persons should be automatically deleted from SIS*** after a period of ***five*** years, except for alerts issued for the purposes of discreet, specific and inquiry checks. These should be deleted after one year. Alerts on objects entered for discreet checks, inquiry checks or specific checks should be automatically deleted from the SIS after a period of one year, as they are always related to persons. Alerts on objects for seizure or use as evidence in criminal proceedings should be automatically deleted from SIS after a period of five years, as after such a period the likelihood of finding them is very low and their economic value ***is significantly*** diminished. Alerts on issued and blank identification documents should be kept for 10 years, as the validity period of documents is 10 years at the time of issuance. Decisions to keep alerts on persons should be based on ***a*** comprehensive individual assessment. Member States should review alerts on persons within the defined period and keep

Amendment

(29) Alerts should not be kept in SIS longer than the time required to fulfil the purposes for which they were issued. ***It is therefore necessary to maintain a review of the necessity of an alert after a period of three years.*** It is ***already the case that Member States may and do*** regularly extend the expiry date of alerts on persons if the required action could not be taken within the original time period. ***As a general principle,*** alerts on persons should be ***automatically deleted from SIS as soon as they are no longer necessary, or*** after a period of ***three*** years, except for alerts issued for the purposes of discreet, specific and inquiry checks. These should be deleted after one year. Alerts on objects entered for discreet checks, inquiry checks or specific checks should be automatically deleted from the SIS after a period of one year, as they are always related to persons. Alerts on objects for seizure or use as evidence in criminal proceedings should be automatically deleted from SIS after a period of five years, as after such a period the likelihood of finding them is very low and their economic value ***insignificantly*** diminished. Alerts on issued and blank identification documents should be kept for 10 years, as the validity period of documents is 10 years at the time of issuance. Decisions to keep alerts on persons should be based on comprehensive individual assessment. Member States should review alerts on persons within the defined period and keep statistics about the number of alerts on persons for which the retention period has been extended.

statistics about the number of alerts on persons for which the retention period has been extended.

Or. en

Justification

Under Article 51(1), alerts in SIS should be kept only for as long as they are needed. Commission offers no justification for extending the retention period other than reducing administrative burden. This is not an adequate justification. Recital 29 states that Member States already “regularly extend the expiry dates of alerts on persons ...”. To avoid overburdening SIS and ensure that personal data is retained only for as long as necessary, MS should carry out a review of alerts after 3 years.

Amendment 221 **Marie-Christine Vergiat**

Proposal for a regulation **Recital 29**

Text proposed by the Commission

(29) Alerts should not be kept in SIS longer than the time required to fulfil the purposes for which they were issued. In order to reduce the administrative burden on the different authorities involved in processing data on individuals for different purposes, it is appropriate to align the retention period of alerts on persons with the retention periods envisaged for return and illegal stay purposes. Moreover, Member States regularly extend the expiry date of alerts on persons if the required action could not be taken within the original time period. Therefore, the retention period for alerts on persons should be a maximum of **five** years. Under the general principle, alerts on persons should be automatically deleted from SIS after a period of five years, except those entered for the purpose of a discreet, specific or investigative check, which must be deleted after a year. Alerts on objects for the purpose of discreet, investigative or

Amendment

(29) Alerts should not be kept in SIS longer than the time required to fulfil the purposes for which they were issued. In order to reduce the administrative burden on the different authorities involved in processing data on individuals for different purposes, it is appropriate to align the retention period of alerts on persons with the retention periods envisaged for return and illegal stay purposes. Moreover, Member States regularly extend the expiry date of alerts on persons if the required action could not be taken within the original time period. Therefore, the retention period for alerts on persons should be a maximum of **three** years. Under the general principle, alerts on persons should be automatically deleted from SIS after a period of five years, except those entered for the purpose of a discreet, specific or investigative check, which must be deleted after a year. Alerts on objects for the purpose of discreet,

specific checks should be automatically deleted from SIS after a year, as they are still linked to persons. Alerts on objects for seizure or use as evidence in criminal proceedings should be automatically deleted from SIS after a period of five years, as after such a period the likelihood of finding them is very low and their economic value is significantly diminished. Alerts on issued and blank identification documents should be kept for 10 years, as the validity period of documents is 10 years at the time of issuance. Decisions to keep alerts on persons should be based on a comprehensive individual assessment. Member States should review alerts on persons within the defined period and keep statistics about the number of alerts on persons for which the retention period has been extended.

investigative or specific checks should be automatically deleted from SIS after a year, as they are still linked to persons. Alerts on objects for seizure or use as evidence in criminal proceedings should be automatically deleted from SIS after a period of five years, as after such a period the likelihood of finding them is very low and their economic value is significantly diminished. Alerts on issued and blank identification documents should be kept for 10 years, as the validity period of documents is 10 years at the time of issuance. Decisions to keep alerts on persons should be based on a comprehensive individual assessment. Member States should review alerts on persons within the defined period and keep statistics about the number of alerts on persons for which the retention period has been extended.

Or. fr

Amendment 222

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) Entering and extending the expiry date of a SIS alert should be subject to the necessary proportionality requirement, examining whether a concrete case is adequate, relevant and important enough to insert an alert in SIS. Offences pursuant to **Articles 1, 2, 3 and 4 of Council Framework Decision 2002/475/JHA** on combating terrorism⁵⁰ constitute a very serious threat to public security and integrity of life of individuals and to society, and these offences are extremely difficult to prevent, detect and investigate in an area without internal border controls

Amendment

(30) Entering and extending the expiry date of a SIS alert should be subject to the necessary proportionality requirement, examining whether a concrete case is adequate, relevant and important enough to insert an alert in SIS. Offences pursuant to **Titles II and III of Directive 2017/541** on combating terrorism⁵⁰ constitute a very serious threat to public security and integrity of life of individuals and to society, and these offences are extremely difficult to prevent, detect and investigate in an area without internal border controls where potential offenders circulate freely.

where potential offenders circulate freely. Where a person or object is sought in relation to these offences, it is always necessary to create the corresponding alert in SIS on persons sought for a criminal judicial procedure, on persons or objects subject to a discreet, inquiry and specific check as well as on objects for seizure, as no other means would be as effective in relation to that purpose.

Where a person or object is sought *or monitored as part of criminal proceedings* in relation to these offences, it is always necessary to create the corresponding alert in SIS on persons sought for a criminal judicial procedure, on persons or objects subject to a discreet, inquiry and specific check as well as on objects for seizure, as no other means would be as effective in relation to that purpose. *The term ‘criminal proceedings’ is understood to cover all stages of the proceedings, from the moment a person is suspected or accused of having committed a criminal offence until the decision on the final determination of whether that person committed the criminal offence concerned has become definitive. In exceptional circumstances, the Member States should be able to derogate from that obligation only if entering an alert risks jeopardising an ongoing investigation or the safety of an individual, or when it would be contrary to the essential security interests of the Member State concerned.*

⁵⁰ Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002 p.3).

⁵⁰ Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002 p.3).

Or. fr

Amendment 223

Miriam Dalli

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) Entering and extending the expiry date of a SIS alert should be subject to the necessary proportionality requirement, examining whether a concrete case is

Amendment

(30) Entering and extending the expiry date of a SIS alert should be subject to the necessary proportionality requirement, examining whether a concrete case is

adequate, relevant and important enough to insert an alert in SIS. Offences pursuant to Articles 1, 2, 3 and 4 of Council Framework Decision 2002/475/JHA on combating terrorism⁵⁰ constitute a very serious threat to public security and integrity of life of individuals and to society, and these offences are extremely difficult to prevent, detect and investigate in an area without internal border controls where potential offenders circulate freely. Where a person or object is sought in relation to these offences, it is always necessary to create the corresponding alert in SIS on persons sought for a criminal judicial procedure, on persons or objects subject to a discreet, inquiry and specific check as well as on objects for seizure, as no other means would be as effective in relation to that purpose.

⁵⁰ Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3).

adequate, relevant and important enough to insert an alert in SIS. Offences pursuant to Articles 3, 4, 12 and 14 of Directive (EU) 2017/54 on combating terrorism constitute a very serious threat to public security and integrity of life of individuals and to society, and these offences are extremely difficult to prevent, detect and investigate in an area without internal border controls where potential offenders circulate freely. Where a person or object is sought in relation to these offences, it is always necessary to create the corresponding alert in SIS on persons sought for a criminal judicial procedure, on persons or objects subject to a discreet, inquiry and specific check as well as on objects for seizure, as no other means would be as effective in relation to that purpose.

Or. en

Justification

The reference to the old Framework Decision is updated to the new Terrorism Directive, including the corresponding Articles.

Amendment 224 **Eva Joly, Judith Sargentini**

Proposal for a regulation **Recital 30**

Text proposed by the Commission

(30) Entering and extending the expiry date of a SIS alert should be subject to the necessary proportionality requirement, examining whether a concrete case is

Amendment

(30) Entering and extending the expiry date of a SIS alert should be subject to the necessary proportionality requirement, examining whether a concrete case is

adequate, relevant and important enough to insert an alert in SIS. Offences pursuant to Articles 1, 2, 3 and 4 of Council Framework Decision 2002/475/JHA on combating terrorism⁵⁰ constitute a very serious threat to public security and integrity of life of individuals and to society, and these offences are extremely difficult to prevent, detect and investigate in an area without internal border controls where potential offenders circulate freely. Where a person or object is sought in relation to these offences, it is always necessary to create the corresponding alert in SIS on persons sought for a criminal judicial procedure, on persons or objects subject to a discreet, *inquiry* and specific check as well as on objects for seizure, as no other means would be as effective in relation to that purpose.

⁵⁰ Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3).

adequate, relevant and important enough to insert an alert in SIS. Offences pursuant to Articles 1, 2, 3 and 4 of Council Framework Decision 2002/475/JHA on combating terrorism⁵⁰ constitute a very serious threat to public security and integrity of life of individuals and to society, and these offences are extremely difficult to prevent, detect and investigate in an area without internal border controls where potential offenders circulate freely. Where a person or object is sought in relation to these offences, it is always necessary to create the corresponding alert in SIS on persons sought for a criminal judicial procedure, on persons or objects subject to a discreet and specific check as well as on objects for seizure, as no other means would be as effective in relation to that purpose.

⁵⁰ Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3).

Or. en

Amendment 225

Miriam Dalli

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) It is necessary to provide *clarity* concerning the deletion of alerts. An alert should be kept only for the time required to achieve the purpose for which it was entered. Considering the diverging practices of Member States concerning the definition of the point in time when an alert fulfils its purpose, it is appropriate to set out detailed criteria for each alert category

Amendment

(31) It is necessary to provide *rules* concerning the deletion of alerts. An alert should be kept only for the time required to achieve the purpose for which it was entered. Considering the diverging practices of Member States concerning the definition of the point in time when an alert fulfils its purpose, it is appropriate to set out detailed criteria for each alert category

to determine when it should be deleted from SIS.

to determine when it should be deleted from SIS.

Or. en

Justification

Tabled for consistency.

Amendment 226

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Recital 32

Text proposed by the Commission

(32) The integrity of SIS data is of primary importance. Therefore, appropriate safeguards should be provided to process SIS data at central as well as at national level to ensure the end-to-end security of data. The authorities involved in data processing should be bound by the security requirements of this Regulation **and** be subject to a uniform incident reporting procedure.

Amendment

(32) The integrity of SIS data is of primary importance. Therefore, appropriate safeguards should be provided to process SIS data at central as well as at national level to ensure the end-to-end security of data. The authorities involved in data processing should be bound by the security requirements of this Regulation , **given the correct training on data processing**, be subject to a uniform incident reporting procedure **and informed of potential criminal offences and penalties in this field**.

Or. fr

Amendment 227

Eva Joly, Judith Sargentini

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) Data processed in SIS in application of this Regulation should not be transferred or made available to third countries or to international organisations.

Amendment

(33) Data processed in SIS in application of this Regulation should not be transferred or made available to third

However, it is appropriate to strengthen cooperation between the European Union and Interpol by promoting an efficient exchange of passport data. Where personal data is transferred from SIS to Interpol, these personal data should be subject to an adequate level of protection, guaranteed by an agreement, providing strict safeguards and conditions.

countries or to international organisations.

Or. en

Justification

Interpol is being increasingly misused by third countries with a poor human rights record for politically motivated reasons. It is therefore a very bad idea to link SIS with Interpol until a proper mechanism to avoid politically motivated uses of the Interpol SLTD database has been established.

Amendment 228

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) Data processed in SIS in application of this Regulation should not be transferred or made available to third countries or to international organisations. However, it is appropriate to strengthen cooperation between the European Union and Interpol by promoting an efficient exchange of passport data. Where personal data is transferred from SIS to Interpol, these personal data should be subject to an adequate level of protection, guaranteed by an agreement, providing strict safeguards and conditions.

Amendment

(33) Data processed in SIS ***and the related supplementary information exchanged*** in application of this Regulation should not be transferred or made available to third countries or to international organisations. However, it is appropriate to strengthen cooperation between the European Union and Interpol by promoting an efficient exchange of passport data. Where personal data is transferred from SIS to Interpol, these personal data should be subject to an adequate level of protection, guaranteed by an agreement, providing strict safeguards and conditions.

Or. fr

Amendment 229
Miriam Dalli

Proposal for a regulation
Recital 33

Text proposed by the Commission

(33) Data processed in SIS in application of this Regulation should not be transferred or made available to third countries or to international organisations. However, it is appropriate to strengthen cooperation between the European Union and Interpol by promoting an efficient exchange of passport data. Where personal data is transferred from SIS to Interpol, these personal data should be subject to an adequate level of protection, guaranteed by an agreement, providing strict safeguards and conditions.

Amendment

(33) Data processed in SIS in application of this Regulation should not be transferred or made available to third countries or to international organisations. However, it is appropriate to strengthen cooperation between the European Union and Interpol by promoting an efficient exchange of ***data on missing and or stolen*** passport data. Where personal data is transferred from SIS to Interpol, these personal data should be subject to an adequate level of protection, guaranteed by an agreement, providing strict safeguards and conditions.

Or. en

Justification

The information that may be shared with Interpol should be limited to information on missing and stolen passports.

Amendment 230
Eva Joly, Judith Sargentini

Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) For processing of data by competent national authorities for the purposes of the prevention, investigation, detection of serious crime or terrorist offences, or prosecution of criminal offences and the execution of criminal penalties including the safeguarding against the prevention of threat to public security, national provisions transposing

Amendment

(35) For processing of data by competent national authorities for the purposes of the prevention, investigation, detection of serious crime or terrorist offences, or prosecution of criminal offences and the execution of criminal penalties including the safeguarding against the prevention of threat to public security, national provisions transposing

Directive (EU) 2016/680 should apply.
The provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council⁵² and Directive (EU) 2016/680 should be further specified in this Regulation where necessary.

Directive (EU) 2016/680 should apply.

⁵² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation (OJ L 119, 4.5.2016, p. 1).

Or. en

Justification

there is no need for a lex specialis in this Regulation, both the Data Protection Directive and the GDPR should apply.

Amendment 231
Eva Joly, Judith Sargentini

Proposal for a regulation
Recital 37

Text proposed by the Commission

Amendment

(37) The provisions of Directive (EU) 2016/680, Regulation (EU) 2016/679 and Regulation (EC) No 45/2001 should be further specified in this Regulation where necessary. With regard to processing of personal data by Europol, Regulation (EU) 2016/794 on the European Union Agency for Law Enforcement cooperation (Europol Regulation)⁵⁴ applies.

deleted

⁵⁴ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement

Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 25.5.2016, p. 53).

Or. en

Justification

there is no need for a lex specialis in this Regulation, both the Data Protection Directive and the GDPR should apply.

**Amendment 232
Miriam Dalli**

**Proposal for a regulation
Recital 37**

Text proposed by the Commission

(37) The provisions of Directive (EU) 2016/680, Regulation (EU) 2016/679 and Regulation (EC) **No 45/2001** should be further specified in this Regulation where necessary. ***With regard to processing of personal data by Europol, Regulation (EU) 2016/794 on the European Union Agency for Law Enforcement cooperation (Europol Regulation)***⁵⁴ ***applies.***

Amendment

(37) The provisions of Directive (EU) 2016/680, Regulation (EU) 2016/679 and Regulation (EC) **No 45/2001** should be further specified in this Regulation where necessary.

⁵⁴ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 25.5.2016, p. 53).

Or. en

Justification

This sentence is redundant.

Amendment 233

Eva Joly, Judith Sargentini

Proposal for a regulation

Recital 38

Text proposed by the Commission

(38) The provisions of Decision 2002/187/JHA of 28 February 2002⁵⁵ setting up Eurojust with a view to reinforcing the fight against serious crime concerning data protection apply to the processing of SIS data by Eurojust, including the powers of the Joint Supervisory Body, set up under that Decision, to monitor the activities of Eurojust and liability for any unlawful processing of personal data by Eurojust. In cases when searches carried out by Eurojust in SIS reveal the existence of an alert issued by a Member State, Eurojust cannot take the required action. Therefore it should inform the Member State concerned allowing it to follow up the case.

⁵⁵ Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (OJ L 63, 6.3.2002, p. 1).

Amendment

(38) The provisions of Decision 2002/187/JHA of 28 February 2002⁵⁵ setting up Eurojust with a view to reinforcing the fight against serious crime concerning data protection apply to the processing of SIS data by Eurojust, including the powers of the Joint Supervisory Body, set up under that Decision, to monitor the activities of Eurojust and liability for any unlawful processing of personal data by Eurojust. In cases when searches carried out by Eurojust in SIS reveal the existence of an alert issued by a Member State, Eurojust cannot take the required action. Therefore it should ***immediately*** inform the Member State concerned allowing it to follow up the case.

⁵⁵ Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (OJ L 63, 6.3.2002, p. 1).

Or. en

Amendment 234

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Recital 41

Text proposed by the Commission

(41) The national independent supervisory authorities should monitor the lawfulness of the processing of personal data by the Member States in relation to this Regulation. The rights of data subjects for access, rectification **and** erasure of their personal data stored in SIS, and subsequent remedies before national courts as well as the mutual recognition of judgments should be set out. Therefore, it is appropriate to require **annual statistics** from Member States.

Amendment

(41) The national independent supervisory authorities should monitor the lawfulness of the processing of personal data by the Member States in relation to this Regulation, **including the subsequent exchange and processing of supplementary information**. The rights of data subjects for access, rectification, **removal**, erasure of their personal data stored in SIS **and of indemnity**, and subsequent remedies before national courts as well as the mutual recognition of judgments should be set out. Therefore, it is appropriate to require from Member States **a standard statistical system for annual reporting through a cooperation mechanism between the national supervising authorities and the European data protection supervisor**.

Or. fr

Amendment 235

Miriam Dalli

Proposal for a regulation

Recital 41

Text proposed by the Commission

(41) The national independent supervisory authorities should monitor the lawfulness of the processing of personal data by the Member States in relation to this Regulation. The rights of data subjects for access, rectification and erasure of their personal data stored in SIS, **and subsequent remedies** before national courts as well as the mutual recognition of judgments should be set out. Therefore, it is appropriate to require annual statistics from Member States.

Amendment

(41) The national independent supervisory authorities should monitor the lawfulness of the processing of personal data by the Member States in relation to this Regulation **and should be granted sufficient resources to carry out this task**. The rights of data subjects for access, rectification and erasure of their personal data stored in SIS, **the number of cases brought** before national courts **and subsequent remedies** as well as the mutual recognition of judgments should be set out. Therefore, it is appropriate to require annual statistics from Member States.

Justification

The national supervisory authorities should have sufficient resources to allow them to monitor properly the processing of personal data in the Member States. It is important also to collect information on the number of cases brought to court regarding data processing in the context of SIS.

Amendment 236**Eva Joly, Judith Sargentini****Proposal for a regulation****Recital 41***Text proposed by the Commission*

(41) The national independent supervisory authorities should monitor the lawfulness of the processing of personal data by the Member States in relation to this Regulation. The rights of data subjects ***for access, rectification and erasure of their personal data stored in SIS, and*** subsequent remedies before national courts as well as the mutual recognition of judgments should be set out. Therefore, it is appropriate to require annual statistics from Member States.

Amendment

(41) The national independent supervisory authorities should monitor the lawfulness of the processing of personal data by the Member States in relation to this Regulation. The rights of data subjects ***as regards*** subsequent remedies before national courts as well as the mutual recognition of judgments should be set out. Therefore, it is appropriate to require annual statistics from Member States.

Justification

The right of access of data subjects is already covered in the relevant EU legislation on data protection.

Amendment 237**Miriam Dalli****Proposal for a regulation****Recital 43***Text proposed by the Commission**Amendment*

(43) Regulation (EU) 2016/794 (Europol Regulation) provides that Europol supports and strengthens actions carried out by the competent authorities of Member States and their cooperation in combating terrorism and serious crime and provides analysis and threat assessments. The extension of Europol's access rights to the SIS alerts on missing persons should further improve Europol's capacity to provide national law enforcement authorities with comprehensive operational and analytical products concerning trafficking in human beings and child sexual exploitation, including online. This would contribute to better prevention of these criminal offences, the protection of potential victims and to the investigation of perpetrators. Europol's European Cybercrime Centre would also benefit from new Europol access to SIS alerts on missing persons, including in cases of travelling sex offenders and child sexual abuse online, where perpetrators often claim that they have access to children or can get access to children who might have been registered as missing. ***Furthermore, since Europol's European Migrant Smuggling Centre plays a major strategic role in countering the facilitation of irregular migration, it should obtain access to alerts on persons who are refused entry or stay within the territory of a Member State either on criminal grounds or because of non-compliance with visa and stay conditions.***

(43) Regulation (EU) 2016/794 (Europol Regulation) provides that Europol supports and strengthens actions carried out by the competent authorities of Member States and their cooperation in combating terrorism and serious crime and provides analysis and threat assessments. The extension of Europol's access rights to the SIS alerts on missing persons should further improve Europol's capacity to provide national law enforcement authorities with comprehensive operational and analytical products concerning trafficking in human beings and child sexual exploitation, including online. This would contribute to better prevention of these criminal offences, the protection of potential victims and to the investigation of perpetrators. Europol's European Cybercrime Centre would also benefit from new Europol access to SIS alerts on missing persons, including in cases of travelling sex offenders and child sexual abuse online, where perpetrators often claim that they have access to children or can get access to children who might have been registered as missing.

Or. en

Justification

It is not clear on what basis the Commission assumes that those persons subject to an entry ban are linked to facilitating irregular migration. This form of profiling should not be supported.

Amendment 238

Proposal for a regulation

Recital 43

Text proposed by the Commission

(43) Regulation (EU) 2016/794 (Europol Regulation) provides that Europol supports and strengthens actions carried out by the competent authorities of Member States and their cooperation in combating terrorism and serious crime and provides analysis and threat assessments. The extension of Europol's access rights to the SIS alerts on missing persons should further improve Europol's capacity to provide national law enforcement authorities with comprehensive operational and analytical products concerning trafficking in human beings and child sexual exploitation, including online. This would contribute to better prevention of these criminal offences, the protection of potential victims and to the investigation of perpetrators. Europol's European Cybercrime Centre would also benefit from new Europol access to SIS alerts on missing persons, including in cases of travelling sex offenders and child sexual abuse online, where perpetrators often claim that they have access to children or can get access to children who might have been registered as missing. Furthermore, since Europol's European Migrant Smuggling Centre plays a major strategic role in countering the facilitation of irregular migration, it should obtain access to alerts on persons who are refused entry or stay within the territory of a Member State either on criminal grounds or because of non-compliance with visa and stay conditions.

Amendment

(43) Regulation (EU) 2016/794 (Europol Regulation) provides that Europol supports and strengthens actions carried out by the competent authorities of Member States and their cooperation in combating terrorism and serious crime and provides analysis and threat assessments. The extension of Europol's access rights to the SIS alerts on missing persons should further improve Europol's capacity to provide national law enforcement authorities with comprehensive operational and analytical products concerning trafficking in human beings and child sexual exploitation, including online. This would contribute to better prevention of these criminal offences, the protection of potential victims and to the investigation of perpetrators. Europol's European Cybercrime Centre would also benefit from new Europol access to SIS alerts on missing persons, including in cases of travelling sex offenders and child sexual abuse online, where perpetrators often claim that they have access to children or can get access to children who might have been registered as missing. Furthermore, since Europol's European Migrant Smuggling Centre plays a major strategic role in countering the facilitation of irregular migration, it should obtain access to alerts on persons who are refused entry or stay within the territory of a Member State either ***on the basis of restrictive measures or*** on criminal grounds or because of non-compliance with visa and stay conditions.

Or. fr

Amendment 239
Miriam Dalli

Proposal for a regulation
Recital 44

Text proposed by the Commission

Amendment

(44) In order to bridge the gap in information sharing on terrorism, in particular on foreign terrorist fighters – where monitoring of their movement is crucial – Member States should share information on terrorism-related activity with Europol in parallel to introducing an alert in SIS, as well as hits and related information. This should allow Europol's European Counter Terrorism Centre to verify if there is any additional contextual information available in Europol's databases and to deliver high quality analysis contributing to disrupting terrorism networks and, where possible, preventing their attacks.

deleted

Or. en

Justification

The whole recital belongs in the EUROPOL Regulation and not in the SIS Regulation. Obligations on Member States to share information with Europol do not form part of the SIS Regulation

Amendment 240
Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation
Recital 44

Text proposed by the Commission

Amendment

(44) In order to bridge the gap in information sharing on terrorism, in particular on foreign terrorist fighters – where monitoring of their movement is crucial – Member States should share information on terrorism-related activity

(44) In order to bridge the gap in information sharing on terrorism, in particular on foreign terrorist fighters – where monitoring of their movement is crucial – Member States should share information on terrorism-related activity

with Europol in parallel to introducing an alert in SIS, as well as hits and *related* information. This should allow Europol's European Counter Terrorism Centre to verify if there is any additional contextual information available in Europol's databases and to deliver high quality analysis contributing to disrupting terrorism networks and, where possible, preventing their attacks.

with Europol in parallel to introducing an alert in SIS, as well as hits, *related information* and information *when action to be taken is not carried out*. This should allow Europol's European Counter Terrorism Centre to verify if there is any additional contextual information available in Europol's databases and to deliver high quality analysis contributing to disrupting terrorism networks and, where possible, preventing their attacks.

Or. fr

Amendment 241
Eva Joly, Judith Sargentini

Proposal for a regulation
Recital 45

Text proposed by the Commission

(45) It is also necessary to set out clear rules for Europol on the processing and downloading of SIS data to allow the most comprehensive use of SIS provided that data protection standards are respected as provided *in this Regulation and Regulation (EU) 2016/794*. In cases where searches carried out by Europol in SIS reveal the existence of an alert issued by a Member State, Europol cannot take the required action. Therefore it should inform the Member State concerned allowing it to follow up the case.

Amendment

(45) It is also necessary to set out clear rules for Europol on the processing and downloading of SIS data to allow the most comprehensive use of SIS provided that data protection standards are respected as provided *under Union law*. In cases where searches carried out by Europol in SIS reveal the existence of an alert issued by a Member State, Europol cannot take the required action. Therefore it should *immediately* inform the Member State concerned allowing it to follow up the case.

Or. en

Amendment 242
Marie-Christine Vergiat

Proposal for a regulation
Recital 46

(46) Regulation (EU) 2016/1624 of the European Parliament and of the Council⁵⁶ provides for the purpose of this Regulation, that the host Member State is to authorise the members of the European Border and Coast Guard teams or teams of staff involved in return-related tasks, deployed by the European Border and Coast Guard Agency, to consult European databases, where this consultation is necessary for fulfilling operational aims specified in the operational plan on border checks, border surveillance and return. Other relevant Union agencies, in particular the European Asylum Support Office and Europol, may also deploy experts as part of migration management support teams, who are not members of the staff of those Union agencies. The objective of the deployment of the European Border and Coast Guard teams, teams of staff involved in return-related tasks and the migration management support team is to provide for technical and operational reinforcement to the requesting Member States, especially to those facing disproportionate migratory challenges. Fulfilling the tasks assigned to the European Border and Coast Guard teams, teams of staff involved in return-related tasks and the migration management support team necessitates access to SIS via a technical interface of the European Border and Coast Guard Agency connecting to Central SIS. In cases where searches carried out by the team or the teams of staff in SIS reveal the existence of an alert issued by a Member State, the member of the team or the staff cannot take the required action unless authorised to do so by the host Member State. Therefore it should inform the Member States concerned allowing for follow up of the case.

deleted

⁵⁶ *Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251 of 16.9.2016, p. 1).*

Or. fr

Amendment 243
Miriam Dalli

Proposal for a regulation
Recital 46

Text proposed by the Commission

(46) Regulation (EU) 2016/1624 of the European Parliament and of the Council⁵⁶ provides for the purpose of this Regulation, that the host Member State is to authorise the members of the European Border and Coast Guard *teams or teams of staff involved in return-related tasks*, deployed by the European Border and Coast Guard Agency, to consult European databases, where this consultation is necessary for fulfilling operational aims specified in the operational plan on border checks, border surveillance and return. Other relevant Union agencies, in particular the European Asylum Support Office and Europol, may also deploy experts as part of migration management support teams, who are not members of the staff of those Union agencies. The objective of the deployment of the European Border and Coast Guard teams, *teams of staff involved in return-related tasks* and the migration management support team is to provide for

Amendment

(46) Regulation (EU) 2016/1624 of the European Parliament and of the Council provides for the purpose of this Regulation, that the host Member State is to authorise the members of the European Border and Coast Guard deployed by the European Border and Coast Guard Agency, to consult European databases, where this consultation is necessary for fulfilling operational aims specified in the operational plan on border checks, border surveillance and return. Other relevant Union agencies, in particular the European Asylum Support Office and Europol, may also deploy experts as part of migration management support teams, who are not members of the staff of those Union agencies. The objective of the deployment of the European Border and Coast Guard teams and the migration management support team is to provide for technical and operational reinforcement to the requesting Member States, especially to those facing

technical and operational reinforcement to the requesting Member States, especially to those facing disproportionate migratory challenges. Fulfilling the tasks assigned to the European Border and Coast Guard *teams*, teams *of staff involved in return-related tasks* and the migration management support team necessitates access to SIS via a technical interface of the European Border and Coast Guard Agency connecting to Central SIS. In cases where searches carried out by the team or the teams of staff in SIS reveal the existence of an alert issued by a Member State, the member of the team or the staff cannot take the required action unless authorised to do so by the host Member State. Therefore it should inform the Member States concerned allowing for follow up of the case.

disproportionate migratory challenges. Fulfilling the tasks assigned to the European Border and Coast Guard teams and the migration management support team necessitates access to SIS via a technical interface of the European Border and Coast Guard Agency connecting to Central SIS. In cases where searches carried out by the team or the teams of staff in SIS reveal the existence of an alert issued by a Member State, the member of the team or the staff cannot take the required action unless authorised to do so by the host Member State. Therefore it should inform the Member States concerned allowing for follow up of the case.

⁵⁶ Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251 of 16.9.2016, p. 1).

Or. en

Justification

The deleted text is redundant. According to Article 40(1) of Regulation (EU) 2016/214 on the EBCGA, Members of the EBCG Teams “shall have the capacity to perform all tasks and exercise all powers for ... return as well as those which are necessary for the realization of the objectives of ... Directive 2008/115/EC” (the Returns Directive). In other words, EBCG teams can carry out all return-related tasks. It is not necessary to grant access to other teams of staff of the EBCGA.

Amendment 244

Eva Joly, Judith Sargentini

Proposal for a regulation

Recital 46

Text proposed by the Commission

(46) Regulation (EU) 2016/1624 of the European Parliament and of the Council⁵⁶ provides for the purpose of this Regulation, that the host Member State is to authorise the members of the European Border and Coast Guard teams or teams of staff involved in return-related tasks, deployed by the European Border and Coast Guard Agency, to consult European databases, where this consultation is necessary for fulfilling operational aims specified in the operational plan on border checks, border surveillance and return. Other relevant Union agencies, in particular the European Asylum Support Office and Europol, may also deploy experts as part of migration management support teams, who are not members of the staff of those Union agencies. The objective of the deployment of the European Border and Coast Guard teams, teams of staff involved in return-related tasks and the migration management support team is to provide for technical and operational reinforcement to the requesting Member States, especially to those facing disproportionate migratory challenges. Fulfilling the tasks assigned to the European Border and Coast Guard teams, teams of staff involved in return-related tasks and the migration management support team necessitates access to SIS via a technical interface of the European Border and Coast Guard Agency connecting to Central SIS. In cases where searches carried out by the team or the teams of staff in SIS reveal the existence of an alert issued by a Member State, the member of the team or the staff cannot take the required action *unless authorised to do so by the host Member*

Amendment

(46) Regulation (EU) 2016/1624 of the European Parliament and of the Council⁵⁶ provides for the purpose of this Regulation, that the host Member State is to authorise the members of the European Border and Coast Guard teams or teams of staff involved in return-related tasks, deployed by the European Border and Coast Guard Agency, to consult European databases, where this consultation is necessary for fulfilling operational aims specified in the operational plan on border checks, border surveillance and return. Other relevant Union agencies, in particular the European Asylum Support Office and Europol, may also deploy experts as part of migration management support teams, who are not members of the staff of those Union agencies. The objective of the deployment of the European Border and Coast Guard teams, teams of staff involved in return-related tasks and the migration management support team is to provide for technical and operational reinforcement to the requesting Member States, especially to those facing disproportionate migratory challenges. Fulfilling the tasks assigned to the European Border and Coast Guard teams, teams of staff involved in return-related tasks and the migration management support team necessitates access to SIS via a technical interface of the European Border and Coast Guard Agency connecting to Central SIS. In cases where searches carried out by the team or the teams of staff in SIS reveal the existence of an alert issued by a Member State, the member of the team or the staff cannot take the required action. Therefore it should inform the Member States

State. Therefore it should inform the Member States concerned allowing for follow up of the case.

concerned allowing for follow up of the case.

⁵⁶ Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251 of 16.9.2016, p. 1).

⁵⁶ Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251 of 16.9.2016, p. 1).

Or. en

Justification

The EBCG does not have police powers - it should be able to check SIS data and then inform the relevant national authorities, but not act on its own.

Amendment 245 **Marie-Christine Vergiat**

Proposal for a regulation **Recital 47**

Text proposed by the Commission

Amendment

(47) In accordance with Commission proposal for a Regulation of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS)⁵⁷ the ETIAS Central Unit of the European Border and Coast Guard Agency will perform verifications in SIS via ETIAS in order to perform the assessment of the applications for travel authorisation which require, inter alia, to ascertain if the third country national applying for a travel authorisation is

deleted

subject of a SIS alert. To this end the ETIAS Central Unit within the European Border and Coast Guard Agency should also have access to SIS to the extent necessary to carry out its mandate, namely to all alert categories on persons and alerts on blank and issued personal identification documents.

⁵⁷ COM(2016) 731 final.

Or. fr

Amendment 246
Eva Joly, Judith Sargentini

Proposal for a regulation
Recital 47

Text proposed by the Commission

Amendment

(47) In accordance with Commission proposal for a Regulation of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS)⁵⁷ the ETIAS Central Unit of the European Border and Coast Guard Agency will perform verifications in SIS via ETIAS in order to perform the assessment of the applications for travel authorisation which require, inter alia, to ascertain if the third country national applying for a travel authorisation is subject of a SIS alert. To this end the ETIAS Central Unit within the European Border and Coast Guard Agency should also have access to SIS to the extent necessary to carry out its mandate, namely to all alert categories on persons and alerts on blank and issued personal identification documents.

deleted

⁵⁷ COM (2016)731 final.

Justification

Negotiations on the ETIAS proposal are not finished. Any links with SIS should be negotiated only if the ETIAS proposal is adopted by the two co-legislators.

Amendment 247**Miriam Dalli****Proposal for a regulation****Recital 47***Text proposed by the Commission*

(47) In accordance with Commission proposal for a Regulation of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS)⁵⁷ the ETIAS Central Unit of the European Border and Coast Guard Agency **will** perform verifications in SIS via ETIAS in order to perform **the** assessment of the applications for travel authorisation which require, inter alia, to ascertain if the third country national applying for a travel authorisation is subject of a SIS alert. **To this end** the ETIAS Central Unit within the European Border and Coast Guard Agency should also have access to SIS to the extent necessary to carry out its mandate, namely to all alert categories on persons and alerts on blank and issued personal identification documents.

Amendment

(47) In accordance with Commission proposal for a Regulation of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS) the ETIAS Central Unit of the European Border and Coast Guard Agency **may have to** perform verifications in SIS via ETIAS in order to perform **an** assessment of the applications for travel authorisation which require, inter alia, to ascertain if the third country national applying for a travel authorisation is subject of a SIS alert. **Therefore, should the ETIAS Regulation be adopted,** the ETIAS Central Unit within the European Border and Coast Guard Agency should also have access to SIS to the extent necessary to carry out its mandate, namely to all alert categories on persons and alerts on blank and issued personal identification documents.

⁵⁷ COM (2016)731 final.

Justification

The ETIAS Proposal is still being worked on in Parliament. It is not appropriate to assume it will be adopted as the Commission proposed.

Amendment 248
Miriam Dalli

Proposal for a regulation
Recital 48

Text proposed by the Commission

(48) Owing to their technical nature, level of detail and need for regular updating, certain aspects of SIS cannot be covered exhaustively by the provisions of this Regulation. These include, for example, technical rules on entering data, updating, deleting and searching data, data quality and search rules related to biometric identifiers, rules on compatibility and priority of alerts, the adding of flags, links between alerts, specifying new object categories within the technical and electronic equipment category, *setting the expiry date of alerts within the maximum time limit and the exchange of supplementary information*. Implementing powers in respect of those aspects should therefore be conferred to the Commission. Technical rules on searching alerts should take into account the smooth operation of national applications.

Amendment

(48) Owing to their technical nature, level of detail and need for regular updating, certain aspects of SIS cannot be covered exhaustively by the provisions of this Regulation. These include, for example, technical rules on entering data, updating, deleting and searching data, data quality and search rules related to biometric identifiers, rules on compatibility and priority of alerts, the adding of flags, links between alerts, specifying new object categories within the technical and electronic equipment category. Implementing powers in respect of those aspects should therefore be conferred to the Commission. Technical rules on searching alerts should take into account the smooth operation of national applications.

Or. en

Justification

Amendment tabled for consistency with later amendments.

Amendment 249
Miriam Dalli

Proposal for a regulation
Recital 49 a (new)

Text proposed by the Commission

Amendment

(49 a) In order to ensure the proper functioning of both the SIS itself and the SIRENE Bureaux, responsible for the exchange of supplementary information on alerts, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission for the adoption of the SIRENE Manual.

Or. en

Justification

The amendment reflects later amendments designed to ensure that a delegated act is required for the adoption of the SIRENE Manual.

Amendment 250

Anna Maria Corazza Bildt, Caterina Chinnici, Nathalie Griesbeck, Elissavet Vozemberg-Vrionidi, Silvia Costa, Lara Comi, Hilde Vautmans, Brando Benifei, Damiano Zoffoli, Jana Žitňanská

Proposal for a regulation

Recital 52

Text proposed by the Commission

(52) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Regulation seeks to ensure a safe environment for all persons residing on the territory of the European Union and special protection for children who could be victim of trafficking or parental abduction while fully respecting the protection of personal data.

Amendment

(52) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Regulation seeks to ensure a safe environment for all persons residing on the territory of the European Union and special protection for children who could be victim of trafficking or parental abduction while fully respecting the protection of personal data. ***Facial images, fingerprints, palm prints and DNA of children shall be collected, stored, retrieved and used only for the purpose of the protection of the child and her/his best interest***

Or. en

Justification

The use of Facial images, fingerprints, palm prints and DNA of children could impact significantly on the dignity, privacy and the right to data protection of vulnerable people such as children. Given the rights of the child and the potentially harmful consequences for the child concerned, more stringent requirements will have to be met in the collection, storage and use.

Amendment 251

Miriam Dalli

Proposal for a regulation

Recital 52

Text proposed by the Commission

(52) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Regulation *seeks* to ensure a safe environment for all persons residing on the territory of the European Union and special protection for children who could be victim of trafficking or parental abduction *while fully respecting the protection of personal data*.

Amendment

(52) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Regulation *should fully respect the protection of personal data in accordance with Article 8 of the Charter of Fundamental Rights while seeking* to ensure a safe environment for all persons residing on the territory of the European Union and special protection for children who could be victim of trafficking or parental abduction.

Or. en

Justification

Linguistic revision designed to reiterate the need to protect personal data, as this is a fundamental right.

Amendment 252

Emil Radev

Proposal for a regulation

Recital 59

Text proposed by the Commission

(59) As regards Bulgaria and Romania, this Regulation constitutes an act building upon, or otherwise relating to, the Schengen acquis within the meaning of Article 4(2) of the 2005 Act of Accession and should ***be read in conjunction with*** Council Decision 2010/365/EU on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania⁶⁸ .

⁶⁸ OB L 166, 1.7.2010, p. 17.

Amendment

(59) As regards Bulgaria and Romania, this Regulation constitutes an act building upon, or otherwise relating to, the Schengen acquis within the meaning of Article 4(2) of the 2005 Act of Accession and should ***amend*** Council Decision 2010/365/EU on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania⁶⁸***to enable the two Member States to apply and implement in full the provisions of that regulation.***

⁶⁸ OB L 166, 1.7.2010, p. 17.

Or. bg

Amendment 253

Eva Joly, Judith Sargentini

Proposal for a regulation

Article 3 – paragraph 1 – point a

Text proposed by the Commission

(a) ‘alert’ means a set of data, ***including biometric identifiers as referred to in Article 22 and in Article 40***, entered in SIS allowing the competent authorities to identify a person or an object with a view to taking specific action;

Amendment

(a) ‘alert’ means a set of data entered in SIS allowing the competent authorities to identify a person or an object with a view to taking specific action;

Or. en

Amendment 254

Miriam Dalli, Miltiadis Kyrkos, Christine Revault D'Allonnes Bonnefoy, Péter Niedermüller, Emilian Pavel

Proposal for a regulation

Article 3 – paragraph 1 – point a

Text proposed by the Commission

(a) ‘alert’ means a set of data, including biometric identifiers as referred to in Article 22 and in Article 40, entered in SIS allowing the competent authorities to identify a person or an object with a view to taking specific action;

Amendment

(a) ‘alert’ means a set of data, including **where appropriate**, biometric identifiers as referred to in Article 22 and in Article 40, entered in SIS allowing the competent authorities to identify a person or an object with a view to taking specific action;

Or. en

Justification

There should be clear rules governing the entry into SIS of biometric data. An alert should only include such biometric data where appropriate.

Amendment 255

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 3 – paragraph 1 – point b – introductory part

Text proposed by the Commission

(b) ‘supplementary information’ means information not forming part of the alert data stored in SIS , but connected to SIS alerts, which is to be exchanged:

Amendment

(b) ‘supplementary information’ means information not forming part of the alert data stored in SIS , but connected to SIS alerts, which is to be exchanged **by the SIRENE Bureaux**:

Or. fr

Amendment 256

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 3 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) ‘confirmed identity’ (identity established) means an identity that has been confirmed on the basis of genuine ID documents, by passport or by statement

from the competent authorities;

Or. fr

Amendment 257

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 3 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) 'non-confirmed identity' means that there is not sufficient proof of the identity;

Or. fr

Amendment 258

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 3 – paragraph 1 – point e c (new)

Text proposed by the Commission

Amendment

(ec) 'identity theft' (surname, first name, date of birth) is when a person, identified in the SIS, is using the identity of another person;

Or. fr

Amendment 259

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 3 – paragraph 1 – point e d (new)

Text proposed by the Commission

Amendment

(ed) 'alias' means an assumed identity

used by a person known under other identities;

Or. fr

Amendment 260

Miriam Dalli, Miltiadis Kyrkos, Péter Niedermüller, Emilian Pavel

Proposal for a regulation

Article 3 – paragraph 1 – point f

Text proposed by the Commission

(f) ‘processing of personal data’ means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, logging, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

Amendment

(f) ‘processing of personal data’ means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, **recording**, logging, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

Or. en

Justification

The Commission proposal replaces ‘recording’ from the current SIS II Council Decision with ‘logging’. While it is appropriate to add ‘logging’ to the list of actions which constitute processing, ‘recording’ should also be maintained in that list.

Amendment 261

Eva Joly, Judith Sargentini

Proposal for a regulation

Article 3 – paragraph 1 – point h

Text proposed by the Commission

(h) ‘flag’ means a suspension of validity of an alert at the national level that may be added to alerts for arrest, alerts for

Amendment

(h) ‘flag’ means a suspension of validity of an alert at the national level that may be added to alerts for arrest, alerts for

missing persons and alerts for discreet, *inquiry* and specific checks, where a Member State considers that to give effect to an alert is incompatible with its national law, its international obligations or essential national interests. Where the alert is flagged, the requested action on the basis of the alert shall not be taken on the territory of this Member State.

missing persons and alerts for discreet and specific checks, where a Member State considers that to give effect to an alert is incompatible with its national law, its international obligations or essential national interests. Where the alert is flagged, the requested action on the basis of the alert shall not be taken on the territory of this Member State.

Or. en

Amendment 262
Marie-Christine Vergiat

Proposal for a regulation
Article 3 – paragraph 1 – point l

Text proposed by the Commission

(l) ‘dactylographic data’ means data on fingerprints and palm prints which due to their unique character and the reference points contained therein enable accurate and conclusive comparisons on a person's identity;

Amendment

deleted

Or. fr

Amendment 263
Miriam Dalli, Péter Niedermüller, Emilian Pavel

Proposal for a regulation
Article 3 – paragraph 1 – point m

Text proposed by the Commission

(m) ‘serious crime’ means offences listed in Article 2(1) and (2) of Framework Decision 2002/584/JHA of 13 June 2002⁷¹ ;

Amendment

(m) ‘serious crime’ means offences listed in Article 2 (2) of Framework Decision 2002/584/JHA of 13 June 2002⁷¹, *where those offences are punishable, in the issuing Member State, by a judicial decision executing a custodial sentence or detention order for a maximum period of*

at least three years;

⁷¹ Council Framework Decision (2002/584/JHA) of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.07.2002, p. 1).

⁷¹ Council Framework Decision (2002/584/JHA) of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.07.2002, p. 1).

Or. en

Justification

The list of offences to which the European Arrest Warrant applies is set out in Article 2(2) and not in Article 2(1) of the Framework Decision. In addition, it is important to clarify that such offences only qualify as serious if they are punishable by a custodial sentence of at least three years in accordance with Article 2(2) of the Framework Decision 2002/584/JHA. The wording used is taken from the Framework Decision.

Amendment 264 **Marie-Christine Vergiat**

Proposal for a regulation **Article 3 – paragraph 1 – point m**

Text proposed by the Commission

(m) ‘serious crime’ means offences listed in Article 2(1) **and** (2) of Framework Decision 2002/584/JHA of 13 June 2002⁷¹ ;

⁷¹ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member State (OJ L 190, 18.7.2002, p. 1).

Amendment

(m) ‘serious crime’ means offences listed in Article 2(2) of Framework Decision 2002/584/JHA of 13 June 2002⁷¹ ;

⁷¹ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member State (OJ L 190, 18.7.2002, p. 1).

Or. fr

Amendment 265 **Jussi Halla-aho**

Proposal for a regulation

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Article 3 – paragraph 1 – point n

Text proposed by the Commission

(n) ‘terrorist offences’ means offences under national law referred to in **Articles 1-4 of Framework Decision 2002/475/JHA of 13 June 2002**⁷² .

Amendment

(n) ‘terrorist offences’ means offences under national law referred to in **Titles II, III and IV of Directive (EU) 2017/541**.

⁷² **Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3).**

Or. en

Justification

Reference to the provisions of the new terrorist directive on terrorist offences and offences related to a terrorist group (title II), offences related to terrorist activities (title III) as well as aiding, abetting, inciting and attempting such offences (title IV).

Amendment 266

Miriam Dalli, Péter Niedermüller, Emilian Pavel

Proposal for a regulation

Article 3 – paragraph 1 – point n

Text proposed by the Commission

(n) ‘terrorist offences’ means offences under national law referred to in **Articles 1-4 of Framework Decision 2002/475/JHA of 13 June 2002**⁷² .

Amendment

(n) ‘terrorist offences’ means offences under national law referred to in **Articles 3, 4, 12 and 14 of Directive (EU) 2017/541**

⁷² **Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3).**

Or. en

Justification

The offences referred to in the existing Council Decision on SIS II are replaced by the same offences now laid down in the Directive (EU) 2017/541 on combating terrorism.

Amendment 267
Sophia in 't Veld

Proposal for a regulation
Article 7 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Each Member State shall transmit its alerts via its N.SIS Office.

Amendment

Each Member State shall ***enter alerts on the basis of all available information falling under the scope of this Regulation, and shall*** transmit its alerts via its N.SIS Office.

Or. en

Amendment 268
Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Each Member State shall designate the authority which shall ensure the exchange and availability of all supplementary information (the SIRENE Bureau) in accordance with the provisions of the SIRENE Manual, as referred to in Article 8.

Amendment

Each Member State shall designate the ***24/7 fully operational national*** authority which shall ensure the exchange and availability of all supplementary information (the SIRENE Bureau) in accordance with the provisions of the SIRENE Manual, as referred to in Article 8. ***The SIRENE Bureau shall serve as the sole point of contact to Member States for the exchange of supplementary information on alerts and to make it possible for the appropriate measures to be adopted when persons and objects have been registered in SIS II and are found following a hit.***

Justification

Specifications of the structure and the mandate of the SIRENE Bureaux provided for in the Commission Implementing Decision of 26 February 2013 on the Sirene Manual and other implementing measures for the second generation Schengen Information System (SIS II).

Amendment 269

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation**Article 8 – paragraph 1***Text proposed by the Commission*

1. Supplementary information shall be exchanged in accordance with the provisions of the SIRENE Manual and using the Communication Infrastructure. Member States shall provide the necessary technical and personal resources to ensure the continuous availability and exchange of supplementary information. In the event that the Communication Infrastructure is unavailable, Member States may use other adequately secured technical means to exchange supplementary information.

Amendment

1. Supplementary information shall be exchanged **by the SIRENE Bureaux** in accordance with the provisions of the SIRENE Manual and using the Communication Infrastructure **provided for in Article 4(1)(c)**. Member States shall provide the necessary technical and personal resources to ensure the continuous availability and **rapid and efficient** exchange of supplementary information. In the event that the Communication Infrastructure is unavailable, Member States may use other adequately secured technical means to exchange supplementary information. ***In cases where the supplementary information concerns a serious crime or terrorist offence, Europol's secure information exchange network SIENA should be the favoured technical backup method.***

Amendment 270

Eva Joly, Judith Sargentini

Proposal for a regulation**Article 8 – paragraph 1**

Text proposed by the Commission

1. Supplementary information shall be exchanged in accordance with the provisions of the SIRENE Manual and using the Communication Infrastructure. Member States shall provide the necessary technical and personal resources to ensure the continuous availability and exchange of supplementary information. In the event that the Communication Infrastructure is unavailable, Member States may use other adequately secured technical means to exchange supplementary information.

Amendment

1. Supplementary information shall be exchanged in accordance with the provisions of the SIRENE Manual and using the Communication Infrastructure. Member States shall provide the necessary technical and personal resources to ensure the continuous availability and ***immediate*** exchange of supplementary information. In the event that the Communication Infrastructure is unavailable, Member States may use other adequately secured technical means to ***timely*** exchange supplementary information.

Or. en

Amendment 271

Miriam Dalli, Péter Niedermüller

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. Supplementary information shall be used only for the purpose for which it was transmitted in accordance with Article 61 ***unless prior consent is obtained from the issuing Member State.***

Amendment

2. Supplementary information shall be used only for the purpose for which it was transmitted in accordance with Article 61.

Or. en

Justification

In order to ensure some level of purpose limitation, it is important that the SIRENE Bureaux use supplementary information only for the purpose of the SIS alert on the basis of which it was communicated to them.

Amendment 272

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

3. The SIRENE Bureaux shall carry out their task in a quick and efficient manner, in particular by replying to a request as soon as possible but not later than **12** hours after the receipt of the request.

Amendment

3. The SIRENE Bureaux shall carry out their task in a quick and efficient manner, in particular by replying to a request ***for supplementary information*** as soon as possible but not later than **6** hours after the receipt of the request.

Or. fr

Amendment 273

Maria Grapini

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

3. The SIRENE Bureaux shall carry out their task in a quick and efficient manner, in particular by replying to a request as soon as possible but not later than 12 hours after the receipt of the request.

Amendment

3. The SIRENE Bureaux shall carry out their task in a quick and efficient manner, in particular by replying to a request as soon as possible but not later than 12 hours after the receipt of the request. ***In case of alerts for terrorism offences the SIRENE Bureaux shall act immediately.***

Or. ro

Amendment 274

Eva Joly, Judith Sargentini

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

3. The SIRENE Bureaux shall carry out their task in a quick and efficient manner, in particular by replying to a request as soon as possible but not later than 12 hours after the receipt of the

Amendment

3. The SIRENE Bureaux shall carry out their task in a quick and efficient manner, in particular by replying to a request as soon as possible but not later than 12 hours after the receipt of the

request.

request. ***In case of alerts for terrorism offences the SIRENE Bureaux shall act immediately.***

Or. en

Amendment 275
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. The SIRENE Bureaux shall carry out their task in a quick and efficient manner, in particular by replying to a request as soon as possible ***but not later than 12 hours after the receipt of the request.***

Amendment

3. The SIRENE Bureaux shall carry out their task in a quick and efficient manner, in particular by replying to a request as soon as possible.

Or. en

Justification

This is an unnecessary deadline given that practice has shown that very often, a justified reply might take longer than 12 hours, especially when requests are put under the examination of judicial authorities.

Amendment 276
Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation
Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3a) Requests for supplementary information to be dealt with as a priority by the requested Sirene Bureau may be marked ‘URGENT’ in the Sirene form and followed by the reason for the urgency.

*Justification**Provision in the Sirene Manual.***Amendment 277****Gérard Deprez, Louis Michel, Petr Ježek****Proposal for a regulation****Article 8 – paragraph 3 b (new)***Text proposed by the Commission**Amendment*

(3b) In the case of requests for supplementary information regarding a person involved in an activity referred to in Titles II and III of Directive (EU) 2017/541 on combating terrorism, the SIRENE Bureaux must carry out their task immediately.

Or. fr

Amendment 278**Gérard Deprez, Louis Michel, Petr Ježek****Proposal for a regulation****Article 8 – paragraph 4***Text proposed by the Commission**Amendment*

4. ***Detailed rules for the exchange of supplementary information shall be adopted by means of implementing measures in accordance with the examination procedure referred to in Article 72 (2) in the form of a manual called the ‘SIRENE Manual’.***

4. ***The Commission is authorised to adopt a delegated act in accordance with the procedure referred to in Article xxx regarding the instruction manual which describes in detail the rules and procedures governing the bilateral or multilateral exchange of supplementary ‘SIRENE manual’ information. Certain rules of a technical nature with a direct impact on the work of users in the Member States, particularly the SIRENE Bureaux, should be included in the SIRENE Manual. Appendices to this***

Manual shall set out, inter alia, rules on transliteration, code tables, forms for communication of supplementary information and other technical implementing measures for data processing. The Commission is authorised to adopt a delegated act in accordance with the procedure referred to in Article 55(2) to establish those rules.

Or. fr

Amendment 279

Miriam Dalli, Péter Niedermüller, Emilian Pavel

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

4. *Detailed rules for the exchange of supplementary information shall be adopted by means of implementing measures in accordance with the examination procedure referred to in Article 72(2) in the form of a manual called the ‘SIRENE Manual’.*

Amendment

4. *The Commission shall be empowered to adopt a delegated act in accordance with Article 71a concerning the adoption of a manual - called the ‘SIRENE Manual’ - containing detailed rules for the exchange of supplementary information.*

Or. en

Justification

The SIRENE Manual will contain and since detailed information on the use of information contained in SIS and supplementary information, it will be of general application and supplement the provisions of this Article, a delegated act is needed for this manual.

Amendment 280

Miriam Dalli, Miltiadis Kyrkos, Péter Niedermüller, Emilian Pavel

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure, by

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Amendment

2. Member States shall ensure, by

80/118

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means of the services provided by CS-SIS, that data stored in the national copy are, by means of automatic updates referred to in Article 4(4), identical to and consistent with the SIS database, and that a search in its national copy produces a result equivalent to that of a search in the SIS database. End-users shall receive the data required to perform their tasks, in particular **all data required** for the identification of the data subject and **to take** the required action.

means of the services provided by CS-SIS, that data stored in the national copy are, by means of automatic updates referred to in Article 4(4), identical to and consistent with the SIS database, and that a search in its national copy, **which will be established voluntarily by the Member State**, produces a result equivalent to that of a search in the SIS database. **In so far as this is possible**, end-users shall receive the data required to perform their tasks, in particular, **where necessary, all available data which would allow** for the identification of the data subject and **allow** the required action **to be taken**.

Or. en

Justification

Not all information on all persons subject to an alert will be available to Member States. Imposing an open-ended obligation to provide the end-user with information that might not be available makes no sense. It is also unclear on whom this obligation falls.

Amendment 281

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 10 – paragraph 1 – point b

Text proposed by the Commission

(b) deny unauthorised persons access to data-processing facilities used for processing personal data (**facilities** access control);

Amendment

(b) deny unauthorised persons access to data-processing **material and** facilities used for processing personal data (**material**, access control **and facility entry control**);

Or. fr

Amendment 282

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 10 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) prevent the unauthorised processing of data in SIS and any unauthorised modification or erasure of data processed in SIS (control of data entry);

Or. fr

Amendment 283

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 10 – paragraph 1 – point k a (new)

Text proposed by the Commission

Amendment

(ka) ensure that installed systems may, in the case of interruption, be restored ('recovery');

Or. fr

Amendment 284

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 10 – paragraph 1 – point k b (new)

Text proposed by the Commission

Amendment

(kb) ensure that the functions of SIS II perform, that the appearance of faults in the functions is reported ('reliability') and that stored personal data cannot be corrupted by means of a malfunctioning of the system ('integrity').

Or. fr

Amendment 285
Eva Joly, Judith Sargentini

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that every access to and all exchanges of personal data within CS-SIS are logged in their N.SIS for the purposes of checking whether or not the search is lawful, monitoring the lawfulness of data processing, self-monitoring and ensuring the proper functioning of N.SIS, data integrity and security.

Amendment

1. ***Without prejudice to Article 25 of Directive (EU) 2016/680***, Member States shall ensure that every access to and all exchanges of personal data within CS-SIS are logged in their N.SIS for the purposes of checking whether or not the search is lawful, monitoring the lawfulness of data processing, self-monitoring and ensuring the proper functioning of N.SIS, data integrity and security.

Or. en

Justification

Logs are already foreseen in the Police Data Protection Directive 2016/680.

Amendment 286
Miriam Dalli, Péter Niedermüller, Emilian Pavel

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

2. The ***records*** shall show, in particular, the history of the alert, the date and time of the data processing activity, the data used to perform a search, a reference to the data ***transmitted*** and the names of both the competent authority and the person responsible for processing the data.

Amendment

2. The ***logs*** shall show, in particular, the history of the alert, the date and time of the data processing activity, the data used to perform a search, a reference to the data ***processed*** and the names of both the competent authority and the person responsible for processing the data.

Or. en

Justification

The word 'log' has replaced 'record' in the Commission proposal. It should also be used here, in line with the text proposed in Article 18(2). In addition, as the 'transmission' of data

has been replaced, inconsistently, by the 'processing' of data in the Commission proposal, it would seem more appropriate to refer to data that is 'processed' rather than data that is 'transmitted', which would be a narrower form of action.

Amendment 287

Miriam Dalli, Péter Niedermüller

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

3. If the search is carried out with dactylographic data or facial image in accordance with Articles 40, 41 and 42 the logs shall show, in particular, the type of data used to perform a search, a reference to the type of data **transmitted** and the names of both the competent authority and the person responsible for processing the data.

Amendment

3. If the search is carried out with dactylographic data or facial image in accordance with Articles 40, 41 and 42 the logs shall show, in particular, the type of data used to perform a search, a reference to the type of data **processed** and the names of both the competent authority and the person responsible for processing the data.

Or. en

Justification

The 'transmission' of data has been replaced, inconsistently, by the 'processing' of data in the Commission proposal, it would seem more appropriate to refer to data that is 'processed' rather than 'transmitted'.

Amendment 288

Miriam Dalli, Christine Revault D'Allonnes Bonnefoy, Péter Niedermüller

Proposal for a regulation

Article 12 – paragraph 4

Text proposed by the Commission

4. The logs may be used only for the purpose referred to in paragraph 1 and shall be deleted **at the earliest one year, and at the latest three** years, after their creation.

Amendment

4. The logs may be used only for the purpose referred to in paragraph 1 and shall be deleted **two** years after their creation.

Or. en

Justification

In line with the recommendation of the European Data Protection Supervisor, for the purposes of legal certainty, the retention period for logs should be specified precisely.

Amendment 289

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 12 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

(6a) The Commission is authorised to adopt a delegated act, in accordance with Article XXX regarding the retention period for logs, in order to ensure that the rights of citizens are upheld when it comes to verifying the legality of data processing, and to achieve greater harmonisation of the retention period between Member States and differentiation between the retention period for logs on systematic consultations, particularly at border posts, and other consultations, particularly on the basis of police checks.

Or. fr

Amendment 290

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 12 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

(6b) The Commission is authorised to adopt an implementing act in accordance with Article 72(2) on the methods of communication and the format of logs for recording information.

Amendment 291
Eva Joly, Judith Sargentini

Proposal for a regulation
Article 12 – paragraph 7

Text proposed by the Commission

7. Where Member States carry out automated scanned searches of the number plates of motor vehicles, using Automatic Number Plate Recognition systems, Member States shall maintain a log of the search in accordance with national law. The content of this log shall be established by means of implementing measures in accordance with the examination procedure referred to in Article 72(2). Where a positive match is achieved against data stored in SIS, or a national or technical copy of SIS data, a full search shall be carried out in SIS in order to verify that a match has indeed been achieved. The provisions of paragraphs 1 to 6 of this Article shall apply to this full search.

Amendment

7. Where Member States carry out automated scanned searches of the number plates of motor vehicles, using Automatic Number Plate Recognition systems, ***and only if such automated searches are allowed under national law***, Member States shall maintain a log of the search in accordance with national law. The content of this log shall be established by means of implementing measures in accordance with the examination procedure referred to in Article 72(2). Where a positive match is achieved against data stored in SIS, or a national or technical copy of SIS data, a full search shall be carried out in SIS in order to verify that a match has indeed been achieved. The provisions of paragraphs 1 to 6 of this Article shall apply to this full search.

Or. en

Justification

Based on EDPS opinion.

Amendment 292
Miriam Dalli, Péter Niedermüller, Emilian Pavel

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

Member States shall ensure that each

Amendment

Member States shall ensure that each

authority entitled to access SIS data takes the measures necessary to comply with this Regulation and cooperates, *where necessary*, with the national supervisory authority.

authority entitled to access SIS data takes the measures necessary to comply with this Regulation and cooperates with the national supervisory authority.

Or. en

Justification

The national authorities with access to SIS should be required to cooperate with national supervisory authority and not have the right to choose when to cooperate and when not to.

Amendment 293

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

Before being authorised to process data stored in SIS and periodically after access to SIS data has been granted, the staff of the authorities having a right to access SIS shall receive appropriate training about data security, data protection rules and the procedures on data processing as set out in the SIRENE Manual. The staff shall be informed of any relevant criminal offences and penalties.

Amendment

1. Before being authorised to process data stored in SIS and periodically after access to SIS data has been granted, the staff of the authorities having a right to access SIS shall receive appropriate training about data security, data protection rules and the procedures on data processing as set out in the SIRENE Manual. The staff shall be informed of any relevant criminal offences and penalties.

2. National standards for training users on data quality principles and practice should be established in cooperation with the national SIRENE Bureau. Member States may call upon the staff of the Sirene Bureaux to be involved in the training of all authorities entering alerts, stressing data quality and maximisation of the use of SIS II.

3. Member States are encouraged to take appropriate measures to avoid loss of qualification and experience caused by staff turnover.

4. Common training courses shall be organised at least once a year, to enhance

cooperation between SIRENE Bureaux by allowing staff to meet colleagues from other SIRENE Bureaux, share information on national working methods and create a consistent and equivalent level of knowledge. The delivery of training should be in compliance with the Sirene Trainers Manual.

5. As far as possible, Sirene Bureaux should also expect to set up staff exchanges with other Sirene Bureaux at least once a year.

6. The agency eu-LISA shall carry out the tasks related to training on the use of SIS II, particularly for Sirene staff, in accordance with Article 3 of Regulation (EU) No 1077/2011.

Or. fr

Justification

Staff training is essential to guarantee good data processing; Provisions contained in the Sirene manual.

Amendment 294
Miriam Dalli, Péter Niedermüller

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

Before being authorised to process data stored in SIS and periodically after access to SIS data has been granted, the staff of the authorities having a right to access SIS shall receive appropriate training about data security, data protection rules and the procedures on data processing as set out in the SIRENE Manual. The staff shall be informed of any relevant criminal offences and penalties.

Amendment

Before being authorised to process data stored in SIS and periodically after access to SIS data has been granted, the staff of the authorities having a right to access SIS shall receive appropriate training about data security, data protection rules and the procedures on data processing as set out in the SIRENE Manual. The staff shall be informed of any relevant criminal offences and penalties *laid down in accordance with Article 66a.*

Or. en

Justification

It is important to retain provisions on sanctions to be provided at national level for misuse of data or exchange of supplementary information contrary to the proposed Regulation, along the lines of Article 65 of the current Council Decision. Information on those sanctions should form part of the staff training provided.

Amendment 295

Eva Joly, Judith Sargentini

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

Before being authorised to process data stored in SIS and periodically after access to SIS data has been granted, the staff of the authorities having a right to access SIS shall receive appropriate training about data security, data protection rules and the procedures on data processing as set out in the SIRENE Manual. The staff shall be informed of any relevant criminal offences and penalties.

Amendment

Before being authorised to process data stored in SIS and periodically after access to SIS data has been granted, the staff of the authorities having a right to access SIS shall receive appropriate training about data security, ***fundamental rights including*** data protection rules and the procedures on data processing as set out in the SIRENE Manual. The staff shall be informed of any relevant criminal offences and penalties.

Or. en

Justification

Similar to AM 59 of the Rapporteur, with improved wording.

Amendment 296

Emilian Pavel

Proposal for a regulation

Article 15 – paragraph 5

Text proposed by the Commission

5. The Agency shall develop and maintain a mechanism and procedures for carrying out quality checks on the data in CS-SIS and shall provide regular reports to

Amendment

5. The Agency shall develop and maintain a mechanism and procedures for carrying out quality checks on the data in CS-SIS and shall provide regular ***lists and***

the Member States. The Agency shall provide a regular report to the Commission covering the issues encountered and the Member States concerned. This mechanism, procedures and the interpretation of data quality compliance shall be established by means of implementing measures in accordance with the examination procedure referred to in Article 72(2).

reports to the Member States. The Agency shall provide a regular report to the Commission covering the issues encountered and the Member States concerned. This mechanism, procedures and the interpretation of data quality compliance shall be established by means of implementing measures in accordance with the examination procedure referred to in Article 72(2).

Or. en

Amendment 297

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 16 – paragraph 1 – point b

Text proposed by the Commission

(b) deny unauthorised persons access to data-processing facilities used for processing personal data (*facilities* access control);

Amendment

(b) deny unauthorised persons access to data-processing *material and* facilities used for processing personal data (*material*, access control *and facility entry control*);

Or. fr

Amendment 298

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 16 – paragraph 1 – point k a (new)

Text proposed by the Commission

Amendment

(*ka*) *ensure that installed systems may, in the case of interruption, be restored ('recovery')*;

Or. fr

Amendment 299

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 16 – paragraph 1 – point k b (new)

Text proposed by the Commission

Amendment

(kb) ensure that the functions of SIS II perform, that the appearance of faults in the functions is reported ('reliability') and that stored personal data cannot be corrupted by means of a malfunctioning of the system ('integrity').

Or. fr

Amendment 300

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. The logs shall show, in particular, the history of the alerts, the date and time of the data transmitted, the type of data used to perform searches, the reference to the type of data transmitted and the name of the competent authority responsible for processing the data.

2. The logs shall show, in particular, the history of the alerts, the date and time of the data transmitted, the type of data used to perform searches, the reference to the type of data transmitted and the name of the competent authority **and the person** responsible for processing the data.

Or. fr

Amendment 301

Miriam Dalli, Péter Niedermüller

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. The logs shall show, in particular, the history of the alerts, the date and time

2. The logs shall show, in particular, the history of the alerts, the date and time

of the data *transmitted*, the type of data used to perform searches, the reference to the type of data *transmitted* and the name of the competent authority responsible for processing the data.

of the data *processed*, the type of data used to perform searches, the reference to the type of data *processed* and the name of the competent authority responsible for processing the data.

Or. en

Justification

The 'transmission' of data has been replaced by the 'processing' of data in the Commission proposal, it would seem more appropriate to refer to data that is 'processed' rather than 'transmitted'.

Amendment 302

Miriam Dalli, Péter Niedermüller

Proposal for a regulation

Article 18 – paragraph 3

Text proposed by the Commission

3. If the search is carried out with dactylographic data or facial image in accordance with Articles 40, 41 and 42 the logs shall show, in particular, the type of data used to perform the search, a reference to the type data *transmitted* and the names of both the competent authority and the person responsible for processing the data.

Amendment

3. If the search is carried out with dactylographic data or facial image in accordance with Articles 40, 41 and 42 the logs shall show, in particular, the type of data used to perform the search, a reference to the type data *processed* and the names of both the competent authority and the person responsible for processing the data.

Or. en

Justification

The 'transmission' of data has been replaced by the 'processing' of data in the Commission proposal, it would seem more appropriate to refer to data that is 'processed' rather than 'transmitted'.

Amendment 303

Eva Joly, Judith Sargentini

Proposal for a regulation

Article 18 – paragraph 4

Text proposed by the Commission

4. The logs may only be used for the purposes mentioned in paragraph 1 and shall be deleted **at the earliest** one year, **and at the latest three years**, after their creation. The logs which include the history of alerts shall be erased **after one to three years** after deletion of the alerts.

Amendment

4. The logs may only be used for the purposes mentioned in paragraph 1 and shall be deleted one year after their creation. The logs which include the history of alerts shall be erased **one year** after deletion of the alerts.

Or. en

Amendment 304

Miriam Dalli, Christine Revault D'Allonnes Bonnefoy, Péter Niedermüller

Proposal for a regulation

Article 18 – paragraph 4

Text proposed by the Commission

4. The logs may only be used for the purposes mentioned in paragraph 1 and shall be deleted **at the earliest one year, and at the latest three** years, after their creation. The logs which include the history of alerts shall be erased **after one to three** years after deletion of the alerts.

Amendment

4. The logs may only be used for the purposes mentioned in paragraph 1 and shall be deleted **two** years after their creation. The logs which include the history of alerts shall be erased **two** years after deletion of the alerts

Or. en

Justification

In line with the recommendation of the European Data Protection Supervisor, for the purposes of legal certainty, the retention period for logs should be specified precisely.

Amendment 305

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 18 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

(6a) The Commission is authorised to adopt a delegated act, in accordance with

Article XXX regarding the retention period for logs, in order to ensure that the rights of citizens are upheld when it comes to verifying the legality of data processing, and to achieve greater harmonisation of the retention period between Member States and differentiation between the retention period for logs on systematic consultations, particularly at border posts, and other consultations, particularly on the basis of police checks.

Or. fr

Amendment 306

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 18 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

(6b) The Commission is authorised to adopt an implementing act in accordance with Article 72(2) on the methods of communication and the format of logs for recording information.

Or. fr

Amendment 307

Miriam Dalli, Péter Niedermüller, Emilian Pavel

Proposal for a regulation

Article 19 – paragraph 1

Text proposed by the Commission

Amendment

The Commission, in cooperation with the national supervisory authorities and the European Data Protection Supervisor, shall **regularly** carry out **campaigns** informing the public about the objectives of SIS, the

Once this Regulation applies in accordance with Article 75, the Commission, in cooperation with the national supervisory authorities and the European Data Protection Supervisor, shall

data stored, the authorities having access to SIS and the rights of data subjects. Member States shall, in cooperation with their national supervisory authorities, devise and implement the necessary policies to inform their citizens about SIS generally.

carry out **a campaign** informing the public about the objectives of SIS, the data stored, the authorities having access to SIS and the rights of data subjects. **The Commission, in cooperation with the national supervisory authorities and the European Data Protection Supervisor, shall repeat such campaigns regularly.** Member States shall, in cooperation with their national supervisory authorities, devise and implement the necessary policies to inform their citizens about SIS generally.

Or. en

Justification

As this Regulation entails significant changes to the type of data being collected, new alert categories, and expands the categories of persons with access to that data, an information campaign should be carried out once the Regulation is applicable and be repeated regularly thereafter.

Amendment 308

G rard Deprez, Louis Michel, Petr Je ek

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

The Commission, in cooperation with the national supervisory authorities and the European Data Protection Supervisor, shall regularly carry out campaigns informing **the public** about the objectives of SIS, the data stored, the authorities having access to SIS and the rights of data subjects. Member States shall, in cooperation with their national supervisory authorities, devise and implement the necessary policies to inform **their citizens** about SIS generally.

Amendment

The Commission, in cooperation with the national supervisory authorities and the European Data Protection Supervisor, shall regularly **and at least once per year** carry out campaigns informing **EU citizens and third-country nationals** about the objectives of SIS, the data stored, the authorities having access to SIS and the rights of data subjects. Member States shall, in cooperation with their national supervisory authorities, devise and implement the necessary policies to inform **residents in their territory** about SIS generally.

Or. fr

Amendment 309

Eva Joly, Judith Sargentini

Proposal for a regulation

Article 20 – paragraph 3 – point e

Text proposed by the Commission

(e) any specific, objective, physical characteristics not subject to change;

Amendment

(e) any specific, objective, physical characteristics not subject to change, ***not linked to special categories of personal data defined in Article 9 of Regulation (EU) 2016/679, such as ethnicity, religion, disability, gender or sexual orientation;***

Or. en

Justification

Competent authorities should be able to add in the SIS specific information relating to any specific, objective, physical characteristics of a person not subject to change. This information may relate to characteristics such as piercings, tattoos, marks, scars, etc. However, it should not reveal sensitive data of a person such as ethnicity, religion, disability, gender or sexual orientation, as defined in Article 9 of the General Data Protection Regulation.

Amendment 310

Emilian Pavel

Proposal for a regulation

Article 20 – paragraph 3 – point h

Text proposed by the Commission

(h) ***sex;***

Amendment

(h) ***gender;***

Or. en

Amendment 311

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 20 – paragraph 3 – point h

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Text proposed by the Commission

Amendment

(h) *sex*;

(h) ***gender***;

Or. fr

Amendment 312

Jussi Halla-aho

Proposal for a regulation

Article 20 – paragraph 3 – point j

Text proposed by the Commission

Amendment

(j) whether the person concerned is armed, violent, has escaped or is involved in an activity as referred to in ***Articles 1, 2, 3 and 4 of Council Framework Decision 2002/475/JHA on combating terrorism***;

(j) whether the person concerned is armed, violent, has escaped or is involved in an activity as referred to in ***Titles II, III and IV of Directive (EU) 2017/541***;

Or. en

Justification

Reference to the provisions of the new terrorist directive on terrorist offences and offences related to a terrorist group (title II), offences related to terrorist activities (title III) as well as aiding, abetting, inciting and attempting such offences (title IV).

Amendment 313

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 20 – paragraph 3 – point j

Text proposed by the Commission

Amendment

(j) whether the person concerned is armed, violent, has escaped or is involved in an activity as referred to in ***Articles 1, 2, 3 and 4 of Council Framework Decision 2002/475/JHA*** on combating terrorism;

(j) whether the person concerned is armed, violent, has escaped or is involved in an activity as referred to in ***Titles II and III of Directive (EU) 2017/541*** on combating terrorism;

Or. fr

Amendment 314

Miriam Dalli, Péter Niedermüller, Emilian Pavel

Proposal for a regulation

Article 20 – paragraph 3 – point j

Text proposed by the Commission

(j) whether the person concerned is armed, violent, has escaped or is involved in an activity as referred to in Articles **1, 2, 3 and 4 of Council Framework Decision 2002/475/JHA** on combating terrorism;

Amendment

(j) whether the person concerned is armed, violent, has escaped or is involved in an activity as referred to in Articles **3, 4, 12 and 14 of Directive (EU) 2017/541** on combating terrorism;

Or. en

Justification

The offences referred to in the existing Council Decision on SIS II are replaced by the same offences now laid down in Directive (EU) 2017/541 on combating terrorism.

Amendment 315

Marie-Christine Vergiat

Proposal for a regulation

Article 20 – paragraph 3 – point x

Text proposed by the Commission

(x) *relevant DNA profiles subject to Article 22(1)(b) of this Regulation;*

Amendment

deleted

Or. fr

Amendment 316

Eva Joly, Judith Sargentini

Proposal for a regulation

Article 20 – paragraph 3 – point x

Text proposed by the Commission

Amendment

(x) *relevant DNA profiles subject to* *deleted*
Article 22(1)(b) of this Regulation;

Or. en

Justification

DNA profiles are very sensitive data that can reveal very intrusive details about the personal life of persons, such as health aspects, and should therefore not be processed massively in the SIS. The Commission should prove beyond reasonable doubt that the processing of DNA profiles provides an advantage outweighing the risks to fundamental rights of citizens.

Amendment 317

Miriam Dalli, Péter Niedermüller, Emilian Pavel, Birgit Sippel

Proposal for a regulation

Article 20 – paragraph 3 – point x

Text proposed by the Commission

Amendment

(x) *relevant DNA profiles subject to*
Article 22(1)(b) of this Regulation;

(x) *where permitted in accordance*
with Article 22(1)(b) and Article 32(2)(a)
and (c), relevant DNA profiles;

Or. en

Justification

As DNA is the most sensitive of personal data, it is crucial to delimit its use properly and clearly define in which circumstances it may be added to an alert.

Amendment 318

Marie-Christine Vergiat

Proposal for a regulation

Article 20 – paragraph 3 – point y

Text proposed by the Commission

Amendment

(y) *dactylographic data;*

(y) *fingerprints;*

Or. fr

Amendment 319
Emilian Pavel

Proposal for a regulation
Article 20 – paragraph 3 – point z

Text proposed by the Commission

(z) a **colour** copy of the identification document.

Amendment

(z) a copy of the identification document.

Or. en

Amendment 320
Jussi Halla-aho

Proposal for a regulation
Article 20 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. data referred to in paragraph 3 (a - d), (f - i), (q), (s - v) and (z) of any other identification document(s) carried by the person.

Or. en

Justification

The issue of multiple identification documents should be addressed in the categories of data to be entered in SIS.

Amendment 321
Jussi Halla-aho

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

Amendment

1. Before issuing an alert and when extending the validity period of an alert, Member States shall determine whether the **case is adequate, relevant and important**

1. Before issuing an alert and when extending the validity period of an alert, Member States shall determine whether the **conditions exist** to warrant the entry of an

enough to warrant the entry of an alert in SIS.

alert in SIS.

Or. en

Amendment 322

Miriam Dalli, Péter Niedermüller

Proposal for a regulation

Article 21 – paragraph 2

Text proposed by the Commission

2. Where a person *or an object* is sought by a Member State in relation to an offence that falls under **Articles 1 to 4 of Council Framework Decision 2002/475/JHA** on combating terrorism, the Member State shall, *in all circumstances*, create the corresponding alert under either Article 34, 36 or 38 as appropriate.

Amendment

2. Where a person is sought by a Member State *as a suspect, or an object is sought*, in relation to an offence that falls under **Articles 3,4, 12 and 14 of Directive (EU) 2017/541** on combating terrorism, the Member State shall create the corresponding alert under either Article 34, 36 or 38 as appropriate.

Or. en

Justification

It must be clarified that an alert must be entered where a suspect is sought in relation to an alleged terrorist offence. The offences listed in the existing Council Decision on SIS II (referring to the old Council Framework Decision on combatting terrorism) are replaced by the same offences now laid down in Directive (EU) 2017/541 on combating terrorism. The term ‘in all circumstances’ is deleted because it is redundant.

Amendment 323

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 21 – paragraph 2

Text proposed by the Commission

2. Where a person or an object is sought by a Member State in relation to an offence that falls under **Articles 1 to 4 of Council Framework Decision 2002/475/JHA** on combating terrorism, the

Amendment

2. Where a person or an object is sought *or monitored* by a Member State *as part of a criminal proceeding* in relation to an offence that falls under **Titles II and III of Directive 2017/541** on combating

Member State shall, in all circumstances, create the corresponding alert under either Article 34, 36 or 38 as appropriate.

terrorism, the Member State shall, in all circumstances, create the corresponding alert under either Article 34, 36 or 38 as appropriate.

Or. fr

Justification

Specification provided for in the Directive on combating terrorism, Directive 2017/541.

Amendment 324
Jussi Halla-aho

Proposal for a regulation
Article 21 – paragraph 2

Text proposed by the Commission

2. Where a person or an object is sought by a Member State in relation to an offence that falls under **Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism**, the Member State shall, in all circumstances, create the corresponding alert under either Article 34, 36 or 38 as appropriate.

Amendment

2. Where a person or an object is sought by a Member State in relation to an offence that falls under **Titles II, III or IV of Directive (EU)2017/541**, the Member State shall, in all circumstances, create the corresponding alert under either Article 34, 36 or 38 as appropriate.

Or. en

Justification

Reference to the provisions of the new terrorist directive on terrorist offences and offences related to a terrorist group (title II), offences related to terrorist activities (title III) as well as aiding, abetting, inciting and attempting such offences (title IV).

Amendment 325
Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation
Article 21 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) In exceptional circumstances, paragraph 2 is not applicable where the sharing of information would jeopardise current investigations or the safety of an individual, nor when it would be contrary to essential interests of the security of the Member State concerned.

Or. fr

Justification

Derogation provided for in the Directive on combating terrorism, Directive 2017/541

Amendment 326

Eva Joly, Judith Sargentini

Proposal for a regulation

Article 22 – title

Text proposed by the Commission

Amendment

Specific rules for entering photographs, facial images, dactylographic data **and DNA profiles**

Specific rules for entering photographs, facial images **and** dactylographic data

Or. en

Justification

DNA profiles are very sensitive data that can reveal very intrusive details about the personal life of persons, such as health aspects, and should therefore not be processed massively in the SIS. The Commission should prove beyond reasonable doubt that the processing of DNA profiles provides an advantage outweighing the risks to fundamental rights of citizens.

Amendment 327

Marie-Christine Vergiat

Proposal for a regulation

Article 22 – title

Text proposed by the Commission

Amendment

Specific rules for entering photographs, facial images, **dactylographic data and**

Specific rules for entering photographs,

DNA profiles

facial images *and fingerprints*

Or. fr

Amendment 328
Marie-Christine Vergiat

Proposal for a regulation
Article 22 – paragraph 1 – introductory part

Text proposed by the Commission

1. The entering into SIS of data referred to in Article 20(3)(w), (x) and (y) shall be subject to the following provisions:

Amendment

1. The entering into SIS of data referred to in Article 20(3)(w) and (y) shall be subject to the following provisions:

Or. fr

Amendment 329
Eva Joly, Judith Sargentini

Proposal for a regulation
Article 22 – paragraph 1 – introductory part

Text proposed by the Commission

1. The entering into SIS of data referred to in Article 20(3)(w), (x) and (y) shall be subject to the following provisions:

Amendment

1. The entering into SIS of data referred to in Article 20(3)(w), and (y) shall be subject to the following provisions:

Or. en

Justification

Deletion of DNA profiles.

Amendment 330
Marie-Christine Vergiat

Proposal for a regulation

Article 22 – paragraph 1 – point a

Text proposed by the Commission

(a) Photographs, facial images, **dactylographic data** and **DNA profiles** shall only be **entered** following a quality check to ascertain the fulfilment of a minimum data quality standard.

Amendment

(a) Photographs, facial images and **fingerprints** shall only be **entered** following a quality check to ascertain the fulfilment of a minimum data quality standard.

Or. fr

Amendment 331

Eva Joly, Judith Sargentini

Proposal for a regulation

Article 22 – paragraph 1 – point a

Text proposed by the Commission

(a) Photographs, facial images, dactylographic data **and DNA profiles** shall only be entered following a quality check to ascertain the fulfilment of a minimum data quality standard.

Amendment

(a) Photographs, facial images **and** dactylographic data shall only be entered following a quality check to ascertain the fulfilment of a minimum data quality standard.

Or. en

Justification

Deletion of DNA profiles.

Amendment 332

Miriam Dalli, Emilian Pavel, Birgit Sippel

Proposal for a regulation

Article 22 – paragraph 1 – point a

Text proposed by the Commission

(a) Photographs, facial images, **dactylographic data and DNA profiles** shall only be entered following a quality check to ascertain the fulfilment of a

Amendment

(a) Photographs, facial images **and dactylographic data** shall only be entered following a quality check to ascertain the fulfilment of a minimum data quality

minimum data quality standard.

standard.

Or. en

Justification

As DNA data is the most sensitive of personal data, it is crucial to delimit its use properly and clearly define in which circumstances it may be added to an alert. The text relevant to DNA profiles has been added to subparagraph (b).

Amendment 333

Marie-Christine Vergiat

Proposal for a regulation

Article 22 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) A DNA profile may only be added to alerts provided for in Article 32(2)(a) and (c) and only where photographs, facial images or dactylographic data suitable for identification are not available. The DNA profiles of persons who are direct ascendants, descendants or siblings of the alert subject may be added to the alert provided that those persons concerned gives explicit consent. The racial origin of the person shall not be included in the DNA profile. *deleted*

Or. fr

Amendment 334

Eva Joly, Judith Sargentini

Proposal for a regulation

Article 22 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) A DNA profile may only be added to alerts provided for in Article 32(2)(a) and (c) and only where photographs, facial images or dactylographic data *deleted*

suitable for identification are not available. The DNA profiles of persons who are direct ascendants, descendants or siblings of the alert subject may be added to the alert provided that those persons concerned gives explicit consent. The racial origin of the person shall not be included in the DNA profile.

Or. en

Justification

DNA profiles are very sensitive data that can reveal very intrusive details about the personal life of persons, such as health aspects, and should therefore not be processed massively in the SIS. The Commission should prove beyond reasonable doubt that the processing of DNA profiles provides an advantage outweighing the risks to fundamental rights of citizens.

Amendment 335
Miriam Dalli, Péter Niedermüller

Proposal for a regulation
Article 22 – paragraph 1 – point b

Text proposed by the Commission

(b) A DNA profile may **only** be added to alerts provided for in Article 32(2)(a) and (c) and only where photographs, facial images or dactylographic data suitable for identification are not available. The DNA profiles of persons who are direct ascendants, descendants or siblings of the alert subject may be added to the alert provided that those persons concerned gives explicit consent. **The racial origin** of the person shall **not be included in the DNA profile**.

Amendment

(b) A DNA profile **may be** added to alerts **only in the situations** provided for in Article 32(2)(a) and (c), **only following a quality check to ascertain the profile fulfils a minimum data quality standard**, and only where photographs, facial images or dactylographic data suitable for identification are not available. The DNA profiles of persons who are direct ascendants, descendants or siblings of the alert subject may be added to the alert provided that those persons concerned gives explicit consent. **Where a DNA profile is added to an alert, that profile should contain the minimum information strictly necessary for the identification of the missing person and, in all event, shall always exclude the racial origin and health information of that person.**

Justification

As DNA data is the most sensitive of personal data, it is crucial to delimit its use properly and clearly define in which circumstances it may be added to an alert.

In line with the recommendations of the EDPS, DNA profiles should contain the minimum information necessary to identify the person sought and should exclude not only the racial origin but also the health information of that person.

Amendment 336
Jussi Halla-aho

Proposal for a regulation
Article 22 – paragraph 1 – point b

Text proposed by the Commission

(b) A DNA profile may only be added to alerts provided for in Article 32(2)(a) and (c) and only where photographs, facial images or dactylographic data suitable for identification are not available. The DNA profiles of persons who are direct ascendants, descendants or siblings of the alert subject may be added to the alert provided that those persons concerned gives explicit consent. ***The racial origin of the person shall not be included in the DNA profile.***

Amendment

(b) A DNA profile may only be added to alerts provided for in Article 32(2)(a) and (c) and only where photographs, facial images or dactylographic data suitable for identification are not available. The DNA profiles of persons who are direct ascendants, descendants or siblings of the alert subject may be added to the alert provided that those persons concerned gives explicit consent.

Amendment 337
Maria Grapini

Proposal for a regulation
Article 22 – paragraph 1 – point b

Text proposed by the Commission

(b) A DNA profile may only be added to alerts ***provided for in Article 32(2)(a) and (c)*** and only where photographs, facial

Amendment

(b) A DNA profile may only be added to alerts ***in the alert*** and only where photographs, facial images or

images or dactylographic data suitable for identification are not available. The DNA profiles of persons who are direct ascendants, descendants or siblings of the alert subject may be added to the alert provided that those persons concerned give explicit consent. The racial origin of the person shall not be included in the DNA profile.

dactylographic data suitable for identification are not available. The DNA profiles of persons who are direct ascendants, descendants or siblings of the alert subject may be added to the alert provided that those persons concerned give explicit consent. The racial origin of the person shall not be included in the DNA profile.

Or. ro

Amendment 338
Miriam Dalli, Péter Niedermüller

Proposal for a regulation
Article 22 – paragraph 2

Text proposed by the Commission

2. Quality standards shall be established for the storage of the data referred to under paragraph 1(a) of this Article and Article 40. The specification of these standards shall be laid down by means of implementing measures and updated in accordance with the examination procedure referred to in Article 72(2).

Amendment

2. Quality standards shall be established for the storage of the data referred to under paragraph 1(a) **and (b)** of this Article and Article 40. The specification of these standards shall be laid down by means of implementing measures and updated in accordance with the examination procedure referred to in Article 72(2).

Or. en

Justification

Consequential amendment following the amendment of paragraphs 1(a) and (b) of this Article.

Amendment 339
Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation
Article 22 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) If a Member State has the

photograph, facial image or dactylographic data of a person who is the subject of an alert in SIS by another Member State it should, without prejudice to paragraph 1, send them as soon as possible so that the issuing Member State can complete the alert.

Or. fr

Justification

Provision already laid down in the SIRENE manual but in the form of an option rather than an obligation. However, according to the Commission report of 1 January 2016, the SIS recorded exactly 793 878 alerts on persons but only 90 120 fingerprints and 133 044 photographs. It is therefore appropriate to bolster this provision so that the most comprehensive alerts possible can be obtained.

Amendment 340

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 22 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

(2b) Any entry of photographs, facial images, DNA profiles and dactyloscopic data of minors should be carried out in full observance of the child's best interest as laid down in Article 24 of the EU Charter of Fundamental Rights and Article 3 of the 1989 United Nations Convention on the Rights of the Child.

Or. fr

Amendment 341

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 22 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

(2c) Any entry of photographs, facial images, DNA profiles and dactylographic data must not go beyond what is necessary to achieve the general objective being pursued and must be subject to the appropriate guarantees. Any entry of photographs, facial images, DNA profiles and dactylographic data must be authorised under EU law or the law of the Member States.

Any entry of photographs, facial images, DNA profiles and dactylographic data as part of SIS II, including conservation and use for identification purposes, must comply with the applicable provisions on data protection provided for in the SIS II legal instruments, Regulation (EU) 2016/679 and the provisions in Directive 2016/680.

The provisions in the legal instruments shall apply to the processing of photographs, facial images, DNA profiles and the dactylographic data of third-country nationals and EU citizens.

In accordance with the principle of specifying the purpose, the purpose and the method of use for photographs, facial images, DNA profiles and dactylographic data in SIS II must be clearly defined. To that end, the Commission is authorised to adopt an implementing act in accordance with Article 55(2).

Or. fr

Amendment 342

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 22 – paragraph 2 d (new)

Text proposed by the Commission

Amendment

2d *The Commission is authorised to adopt a delegated act which describes the*

rules and procedures in accordance with Article XXX to introduce an Automated Fingerprint Identification System (AFIS) into SIS.

Or. fr

Amendment 343
Jussi Halla-aho

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

1. An alert on a person may not be entered without the data referred to in Article 20(3)(a), (g), (k), (m), (n) as well as, where applicable, (p), except for in the situations referred to in Article 40.

Amendment

1. An alert on a person may not be entered without the data referred to in Article 20(3)(a), (g), (k), (m), (n), **when such data is available** as well as, where applicable, (p), except for in the situations referred to in Article 40.

Or. en

Amendment 344
Marie-Christine Vergiat

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

1. An alert on a person may not be entered without the data referred to in Article 20(3)(a), (g), (k), (m), (n) as well as, where applicable, (p), except for in the situations referred to in Article 40.

Amendment

1. An alert on a person may not be entered without the data referred to in Article 20(3)(a), (b), (g), (h), (i), (k), (m), (n) as well as, where applicable, (p), except for in the situations referred to in Article 40.

Or. fr

Amendment 345

Kostas Chrysogonos

**Proposal for a regulation
Article 23 – paragraph 1**

Text proposed by the Commission

1. An alert on a person may not be entered without the data referred to in Article 20(3)(a), **(g)**, (k), (m), (n) as well as, where applicable, (p), except for in the situations referred to in Article 40.

Amendment

1. An alert on a person may not be entered without the data referred to in Article 20(3)(a), **(b)**, **(g)**, **(h)**, **(i)**, (k), (m), (n) as well as, where applicable, (p), except for in the situations referred to in Article 40.

Or. en

**Amendment 346
Elissavet Vozemberg-Vrionidi**

**Proposal for a regulation
Article 23 – paragraph 1**

Text proposed by the Commission

1. An alert on a person may not be entered without the data referred to in Article 20(3)(a), **(g)**, (k), (m), (n) as well as, where applicable, (p), except for in the situations referred to in Article 40.

Amendment

1. An alert on a person may not be entered without the data referred to in Article 20(3)(a), **(b)**, **(g)**, **(h)**, **(i)**, (k), (m), (n) as well as, where applicable, (p), except for in the situations referred to in Article 40.

Or. en

Justification

Elements “name” (b), “gender”(h) and “nationality” (i) of Art. 20 should be obligatory during the creation of an alert, so as to avoid misidentifications of persons, especially during external border controls.

**Amendment 347
Miriam Dalli, Péter Niedermüller, Emilian Pavel, Birgit Sippel**

**Proposal for a regulation
Article 23 – paragraph 2**

Text proposed by the Commission

2. Where available, **all** other data listed in Article 20(3) shall also be entered.

Amendment

2. Where available, **and provided that the conditions for entering such data have been met, the** other data listed in Article 20(3) shall also be entered.

Or. en

Justification

Not all personal data is entered in to the system in all situations. In particular, DNA profiles may be added only in very specific situations.

Amendment 348

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 23 – paragraph 2

Text proposed by the Commission

2. Where available, all other data listed in Article 20(3) shall also be entered.

Amendment

2. **Without prejudice to Article 22,** where available, all other data listed in Article 20(3) shall also be entered.

Or. fr

Amendment 349

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 23 a (new)

Text proposed by the Commission

Amendment

Article 23a

Updating an alert

if an issuing Member State has relevant additional or modified data as listed in Article 20(2), it shall complete or correct the alert in question without delay.

Amendment 350
Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation
Article 23 b (new)

Text proposed by the Commission

Amendment

Article 23b

Compatibility of alerts

- 1. Before a new alert is entered, the Member State shall verify whether the individual is already the subject of an alert in SIS.***
- 2. Only one alert per Member State may be entered in SIS II for any one person. Several Member States may enter an alert on the same person if the alerts are compatible.***
- 3. If a person is already the subject of an alert in SIS, the Member State wishing to enter a new alert shall verify, in accordance with the compatibility table for alerts on persons provided for in the SIRENE manual, that there is no incompatibility between the alerts. If there is no incompatibility, the Member State shall enter the new alert. If the alerts are incompatible, consultations between the relevant SIRENE Bureaux shall take place by means of exchanges of supplementary information so that an agreement can be reached in accordance with the order of priority of alerts provided for in the SIRENE manual. Departures from that order of priority may be made after consultation between the SIRENE Bureaux if essential national interests are at stake.***

Or. fr

Amendment 351

Miriam Dalli, Miltiadis Kyrkos, Péter Niedermüller

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

1. Where a Member State considers that to give effect to an alert entered in accordance with Articles 26, 32 **and 36** is incompatible with its national law, its international obligations or essential national interests, it may subsequently require that a flag be added to the alert to the effect that the action to be taken on the basis of the alert will not be taken in its territory. The flag shall be added by the SIRENE Bureau of the issuing Member State.

Amendment

1. Where a Member State considers that to give effect to an alert entered in accordance with Articles 26, 32, **36 and 40** is incompatible with its national law, its international obligations or essential national interests, it may subsequently require that a flag be added to the alert to the effect that the action to be taken on the basis of the alert will not be taken in its territory. The flag shall be added by the SIRENE Bureau of the issuing Member State.

Or. en

Justification

The new alert category provided for in Article 40 could equally lead to incompatibility issues with national law, international obligations or essential national interests, and so should be included in the list of Articles for which flag can be added to the alert.

Amendment 352

Gérard Deprez, Louis Michel, Petr Ježek

Proposal for a regulation

Article 25 a (new)

Text proposed by the Commission

Amendment

Article 25a

Requirements for alerts concerning persons involved in an activity referred to in Titles II and III of Directive (EU) 2017/541 on combating terrorism;

1. If a Member State intends to enter an alert on a person who is involved in an

activity covered by Directive 2017/541, it shall simultaneously share the information with Europol's European Centre for Combating Terrorism.

2. In the event of a hit regarding a person involved in an activity covered by the preceding paragraph, the executing Member State shall immediately inform the Member State that initiated the alert and Europol's European Centre for Combating Terrorism.

3. To that end, the Commission is authorised to adopt an implementing act in accordance with Article 72(2) in order to specify the methods of communication.

Or. fr

Justification

Hits regarding a person who is the subject of an alert in SIS are currently only known to the issuing Member State and the Member State carrying out the consultation. In accordance with recital xx, the Member States should share information on terrorism-related activity with Europol in parallel to introducing an alert in SIS, as well as hits and related information.

Amendment 353

Miriam Dalli, Péter Niedermüller

Proposal for a regulation

Article 26 – paragraph 4

Text proposed by the Commission

4. The issuing Member State may, in the case of an ongoing search operation and following the authorisation of the relevant judicial authority of the issuing Member State, temporarily make an existing alert for arrest issued under Article 26 of this Regulation unavailable for searching to the effect that the alert shall not be searchable by the end-user and will only be accessible to the SIRENE Bureaux. This functionality shall be used for a period not exceeding **48 hours**. *If operationally necessary, however, it may be extended by further periods of 48 hours.* Member

Amendment

4. The issuing Member State may, in the case of an ongoing search operation and following the authorisation of the relevant judicial authority of the issuing Member State, temporarily make an existing alert for arrest issued under Article 26 of this Regulation unavailable for searching to the effect that the alert shall not be searchable by the end-user and will only be accessible to the SIRENE Bureaux. This functionality shall be used for a period not exceeding **72 hours**. Member States shall keep statistics about the number of alerts where this functionality has been

States shall keep statistics about the number of alerts where this functionality has been used.

Or. en

Justification

It is unusual and unnecessary to create a time-limit for keeping an alert un-actionable, and then in the very next sentence to render that time-limit meaningless. It is easier to have onetime-limit covering the period of time that may be operationally necessary. Given the two time-limits proposed by the Commission, 72 hours seems a reasonable period.

Amendment 354
Emilian Pavel

Proposal for a regulation
Article 29 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Member State which entered the alert into SIS for extradition purposes shall communicate the following data *to the other Member States* through the exchange of supplementary information to all Member States:

Amendment

1. The Member State which entered the alert into SIS for extradition purposes shall communicate the following data through the exchange of supplementary information to all Member States:

Or. en