



**2017/0144(COD)**

30.11.2017

# **AMENDMENTS**

## **47 - 319**

### **Draft report**

**Daniel Dalton**

Establishing a centralised system for the identification of Member States holding conviction information on third country nationals and stateless persons (TCN) to supplement and support the European Criminal Records Information System (ECRIS-TCN system)

Proposal for a regulation

(COM(2017)0344 – C8-0217/2017 – 2017/0144(COD))



**Amendment 47**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Draft legislative resolution**

**Paragraph 1**

*Draft legislative resolution*

1. *Adopts its position at first reading hereinafter set out;*

*Amendment*

1. *Rejects the Commission proposal;*

Or. en

**Amendment 48**

**Auke Zijlstra**

**Proposal for a regulation**

**Recital 1**

*Text proposed by the Commission*

(1) The Union has set itself the objective of offering *its* citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured, *in conjunction with appropriate measures to prevent and combat crime*.

*Amendment*

(1) The Union has set itself the objective of offering *the* citizens *of Member States* an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured, *but in practice has created disunity and dissatisfaction in many Member States and enabled free movement of illegal immigration with followed Islamic terrorist attacks trying to destruct our society, democracy and destroying our national cultural identities, establishing an EU that is more divided than ever*.

Or. en

**Amendment 49**

**Maria Grapini**

**Proposal for a regulation**

**Recital 1**

*Text proposed by the Commission*

(1) The Union has set itself the objective of offering its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured, in conjunction with appropriate measures to prevent and combat crime.

*Amendment*

(1) The Union has set itself the objective of offering its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured, in conjunction with appropriate measures to prevent and combat crime ***and terrorism***.

Or. ro

**Amendment 50**  
**Dennis de Jong**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) This objective requires that information on convictions handed down in the Member States be taken into account outside the convicting Member State, ***both*** in the course of new criminal proceedings, as laid down in Council Framework Decision 2008/675/JHA<sup>19</sup>, ***as well as in order to prevent new offences***.

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<sup>19</sup> Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings (OJ L220, 15.8.2008, p. 32).

*Amendment*

(2) This objective requires that information on convictions handed down in the Member States be taken into account outside the convicting Member State, in the course of new criminal proceedings, as laid down in Council Framework Decision 2008/675/JHA<sup>19</sup>.

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<sup>19</sup> Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings (OJ L220, 15.8.2008, p. 32).

Or. en

**Amendment 51**  
**Auke Zijlstra**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) This objective ***requires*** that information on convictions handed down in the Member States be taken into account outside the convicting Member State, both in the course of new criminal proceedings, ***as laid down in Council Framework Decision 2008/675/JHA***<sup>19</sup>, as well as in order to prevent new offences.

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<sup>19</sup> Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings (OJ L220, 15.8.2008, p. 32).

*Amendment*

(2) This objective ***suggests*** that information on convictions ***of third country nationals and stateless persons*** handed down in the Member States be taken into account outside the convicting Member State, both in the course of new criminal proceedings as well as in order to prevent new offences.

Or. en

**Amendment 52**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation**

**Recital 3**

*Text proposed by the Commission*

(3) This objective ***presupposes*** the exchange of information extracted from criminal records between the competent authorities of the Member States. ***Such an exchange of information is organised and facilitated by the rules set out in Council Framework Decision 2009/315/JHA***<sup>20</sup> ***and by the European Criminal Records Information System (ECRIS) which has been established by Council Decision 2009/316/JHA***<sup>21</sup>.

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<sup>20</sup> Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member

*Amendment*

(3) This objective ***suggests*** the exchange of information extracted from criminal records between the competent authorities of the Member States.

*States (OJ L 93, 7.4.2009, p. 23).*

<sup>21</sup> *Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA (OJ L 93, 7.4.2009, p. 33).*

Or. en

## **Amendment 53**

**Auke Zijlstra**

### **Proposal for a regulation**

**Recital 4**

#### *Text proposed by the Commission*

(4) The ECRIS legal framework, however, does not sufficiently cover the particularities of requests concerning third country nationals. Although it is now possible to exchange information on third country nationals through ECRIS, there is no procedure or mechanism *in place to do so efficiently*.

#### *Amendment*

(4) The ECRIS legal framework, however, does not sufficiently cover the particularities of requests concerning third country nationals. Although it is now possible to exchange information on third country nationals through ECRIS, there is no procedure or mechanism *that could take place that has proved to be efficient and cost-effective*.

Or. en

## **Amendment 54**

**Maria Grapini**

### **Proposal for a regulation**

**Recital 4**

#### *Text proposed by the Commission*

(4) The ECRIS legal framework, however, does not sufficiently cover the particularities of requests concerning third country nationals. Although it is now possible to exchange information on third country nationals through ECRIS, there is no procedure or mechanism in place to do

#### *Amendment*

(4) The ECRIS legal framework, however, does not sufficiently cover the particularities of requests concerning third country nationals. Although it is now possible to exchange information on third country nationals through ECRIS, there is no procedure or mechanism in place to do

so efficiently.

so efficiently, *rapidly and accurately*.

Or. ro

## **Amendment 55**

**Anna Hedh**

### **Proposal for a regulation**

#### **Recital 4**

##### *Text proposed by the Commission*

(4) The ECRIS legal framework, however, does not sufficiently cover the particularities of requests concerning third country nationals. Although it is *now* possible to exchange information on third country nationals through ECRIS, there is no procedure or mechanism in place to do so efficiently.

##### *Amendment*

(4) The ECRIS legal framework, however, does not sufficiently cover the particularities of requests concerning third country nationals. Although it is *currently* possible to exchange information on third country nationals through ECRIS, there is no procedure or mechanism in place to do so efficiently.

Or. en

## **Amendment 56**

**Angelika Mlinar, Gérard Deprez, Louis Michel**

### **Proposal for a regulation**

#### **Recital 4**

##### *Text proposed by the Commission*

(4) The ECRIS legal framework, however, does not sufficiently cover the particularities of requests concerning third country nationals. Although it is *now* possible to exchange information on third country nationals through ECRIS, there is no procedure or mechanism in place to do so efficiently.

##### *Amendment*

(4) The ECRIS legal framework, however, does not sufficiently cover the particularities of requests concerning third country nationals. Although it is *currently* possible to exchange information on third country nationals through ECRIS, there is no procedure or mechanism in place to do so efficiently.

Or. en

## **Amendment 57**

Auke Zijlstra

Proposal for a regulation

Recital 5

*Text proposed by the Commission*

*Amendment*

(5) *Information on third country nationals is not gathered within the Union in the Member State of nationality as it is for nationals of Member States, but only stored in the Member States where the convictions have been handed down. A complete overview of the criminal history of a third country national can therefore be ascertained only if such information is requested from all Member States.*

*deleted*

Or. en

Amendment 58

Auke Zijlstra

Proposal for a regulation

Recital 6

*Text proposed by the Commission*

*Amendment*

(6) Such 'blanket requests' impose an administrative burden on all Member States, including those not holding information on that third country national. In practice, this burden deters Member States from requesting information on third country nationals, *and leads to Member States limiting the criminal record information to information stored in their national register.*

(6) Such 'blanket requests' impose an administrative burden on all Member States, including those not holding information on that third country national. In practice, this burden *causes Member States to contribute to an approximate waste of EUR 78 million of taxpayers' money and therefore* deters Member States from requesting information on third country nationals *in order to prevent further wastefulness.*

Or. en

Amendment 59

Maria Grapini



**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

(7) To improve the situation, a system should be established by which the central authority of a Member State can find out quickly and efficiently in which other Member State(s) criminal record information on a third country national is stored so that the existing ECRIS framework can then be used to request the criminal record information from that Member State or those Member States in accordance with Framework Decision 2009/315/JHA.

*Amendment*

(7) To improve the situation ***and increase trust among citizens travelling in the EU***, a system should be established by which the central authority of a Member State can find out quickly and efficiently in which other Member State(s) criminal record information on a third country national is stored so that the existing ECRIS framework can then be used to request the criminal record information from that Member State or those Member States in accordance with Framework Decision 2009/315/JHA.

Or. ro

**Amendment 60**  
**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

***(8) This Regulation should therefore lay down rules on creating a centralised system containing personal data at the level of the Union, the division of responsibilities between the Member State and the organisation responsible for its development and maintenance, as well as any specific data protection provisions needed to supplement the existing data protection arrangements and provide for an adequate overall level of data protection and data security. The fundamental rights of the persons concerned should be protected as well.***

*Amendment*

***deleted***

Or. en

**Amendment 61**  
**Angelika Mlinar, Gérard Deprez, Louis Michel**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

(8) This Regulation should therefore lay down rules on creating a centralised system containing personal data at the level of the Union, the division of responsibilities between the Member State and the organisation responsible for its development and maintenance, as well as any specific data protection provisions needed to supplement the existing data protection arrangements and provide for an adequate overall level of data protection and data security. The fundamental rights of the persons concerned should be protected as well.

*Amendment*

(8) This Regulation should therefore lay down rules on creating a centralised system containing **and protecting** personal data at the level of the Union, the division of responsibilities between the Member State and the organisation responsible for its development and maintenance, as well as any specific data protection provisions needed to supplement the existing data protection arrangements and provide for an adequate overall level of data protection and data security. The fundamental rights of the persons concerned should be protected as well.

Or. en

**Amendment 62**  
**Anna Hedh**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

(8) This Regulation should therefore lay down rules on creating a centralised system containing personal data at the level of the Union, the division of responsibilities between the Member State and the organisation responsible for its development and maintenance, as well as any specific data protection provisions needed to supplement the existing data protection arrangements and provide for an adequate overall level of data protection **and** data security. The fundamental rights of the persons concerned **should be protected as well**.

*Amendment*

(8) This Regulation should therefore lay down rules on creating a centralised system containing **and protecting** personal data at the level of the Union, the division of responsibilities between the Member State and the organisation responsible for its development and maintenance, as well as any specific data protection provisions needed to supplement the existing data protection arrangements and provide for an adequate overall level of data protection, data security **and the protection of** the fundamental rights of the persons concerned.

**Amendment 63**  
**Gérard Deprez, Louis Michel**

**Proposal for a regulation**  
**Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**(8a) The ECRIS-TCN system allows processing of fingerprint data and facial images with the aim of identifying the Member State(s) in possession of information on the criminal record of a third-country national and in order to confirm their identity. The introduction and use of fingerprint data and facial images must never exceed what is strictly necessary to achieve the aim, must respect fundamental rights, including the best interests of children, and must be in conformity with Directive (EU) 2016/680.**

Or. fr

*Justification*

*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.*

**Amendment 64**  
**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

*Amendment*

(9) The European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA) established by

(9) The European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA) established by

Regulation (EU) No 1077/2011 of the European Parliament and of the Council<sup>22</sup> to identify the Member State(s) holding information on previous convictions of third country nationals ('ECRIS-TCN system') should be entrusted with the task of developing and operating *the new* centralised ECRIS-TCN system, given its experience with managing other large scale systems in the area of justice and home affairs. Its mandate should be *amended to reflect these new tasks*.

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<sup>22</sup> Regulation (EU) No 1077/2011 of the European Parliament and of the Council 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 (OJ L 286 1.11.2011, p. 1).

Regulation (EU) No 1077/2011 of the European Parliament and of the Council<sup>22</sup> to identify the Member State(s) holding information on previous convictions of third country nationals ('ECRIS-TCN system') should *not* be entrusted with the task of developing and operating *another new inefficient* centralised ECRIS-TCN system, given its *lack of* experience with managing other large scale systems in the area of justice and home affairs. *Moreover*, its mandate should be *rejected as it is the exclusive right of any nation state to ensure, manage and control their own justice system and national security, including their national security systems*.

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<sup>22</sup> Regulation (EU) No 1077/2011 of the European Parliament and of the Council 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 (OJ L 286 1.11.2011, p. 1).

Or. en

## Amendment 65

Pál Csáky

### Proposal for a regulation

#### Recital 9

*Text proposed by the Commission*

(9) The European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA) established by Regulation (EU) No 1077/2011 of the European Parliament and of the Council<sup>22</sup> to identify the Member State(s) holding information on previous convictions of third country nationals ('ECRIS-TCN system') should be entrusted with the task of developing and operating the new

*Amendment*

(9) The European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA) established by Regulation (EU) No 1077/2011 of the European Parliament and of the Council<sup>22</sup> to identify the Member State(s) holding information on previous convictions of third country nationals ('ECRIS-TCN system') should be entrusted with the task of developing and operating the new

centralised ECRIS-TCN system, given its experience with managing other large scale systems in the area of justice and home affairs. Its mandate should be amended to reflect these new tasks.

centralised ECRIS-TCN system, given its experience with managing other large scale systems in the area of justice and home affairs. Its mandate should be amended ***and adequate additional financial and human resources should be made available*** to reflect these new tasks.

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<sup>22</sup> Regulation (EU) No 1077/2011 of the European Parliament and of the Council 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 (OJ L 286 1.11.2011, p. 1).

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<sup>22</sup> Regulation (EU) No 1077/2011 of the European Parliament and of the Council 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 (OJ L 286 1.11.2011, p. 1).

Or. en

#### **Amendment 66**

**Angelika Mlinar, Gérard Deprez, Louis Michel**

#### **Proposal for a regulation**

#### **Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***(9a) Adequate and proportionate financial and human resources should be allocated to the Agency in order to ensure the smooth implementation and management of the ECRIS-TCN system.***

Or. en

#### **Amendment 67**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

#### **Proposal for a regulation**

#### **Recital 10**

*Text proposed by the Commission*

*Amendment*

***(10) Given the need to create close technical links between the ECRIS-TCN***

***deleted***

*system and the current ECRIS system, eu-LISA should also be entrusted with the task of further developing and maintaining the ECRIS reference implementation, and its mandate should be amended to reflect this.*

Or. en

**Amendment 68**  
**Angelika Mlinar**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) The ECRIS-TCN system should contain only the identity information of third country nationals convicted by a criminal court within the Union. Such identity information should include alphanumeric data, fingerprint data in accordance with Framework Decision 2009/315/JHA, *and* facial images *in as far as they are recorded* in the *national criminal records databases of* the Member States.

*Amendment*

(11) The ECRIS-TCN system should contain only the identity information of third country nationals convicted by a criminal court within the Union. Such identity information should include alphanumeric data *and* fingerprint data in accordance with Framework Decision 2009/315/JHA. *Before envisaging the* facial images *functionality to be implemented* in the *ECRIS-TCN system, the Commission should present a report to the European Parliament and the Council on the availability and readiness of the required technology. The report should include an assessment of the impact on the fundamental rights of the third country nationals and of the necessity and proportionality of the use of facial images of natural persons to determine* the Member State(s) holding information on previous convictions of third country nationals.

Or. en

**Amendment 69**  
**Auke Zijlstra**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) The ECRIS-TCN system ***should*** contain ***only*** the identity information of third country nationals convicted by ***a*** criminal court ***within the Union***. Such identity information ***should*** include alphanumeric data, fingerprint data in accordance with Framework Decision 2009/315/JHA, and facial images in as far as they are recorded in the national criminal records databases of the Member States.

*Amendment*

(11) The ECRIS-TCN system ***may*** contain the identity information of third country nationals convicted by ***any*** criminal court ***and any other identity information that the Member State finds important to fill the system with by own initiative to track criminals or Islamic terrorists***. Such identity information ***may*** include alphanumeric data, ***biometric data such as*** fingerprint data in accordance with Framework Decision 2009/315/JHA, and facial images in as far as they are recorded in the national criminal records databases of the Member States.

Or. en

**Amendment 70**  
**Dennis de Jong**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) The ECRIS-TCN system should contain only the identity information of third country nationals convicted by a criminal court within the Union. Such identity information should include alphanumeric data, fingerprint data in accordance with Framework Decision 2009/315/JHA, ***and facial images in as far as they are recorded in the national criminal records databases of the Member States***.

*Amendment*

(11) The ECRIS-TCN system should contain only the identity information of third country nationals convicted by a criminal court within the Union, ***to the extent that the decision is entered in the criminal record of the convicting Member State***. Such identity information should include alphanumeric data, ***and*** fingerprint data in accordance with Framework Decision 2009/315/JHA

Or. en

## Amendment 71

Anna Hedh

### Proposal for a regulation

#### Recital 11

*Text proposed by the Commission*

(11) The ECRIS-TCN system should contain only the identity information of third country nationals convicted by a criminal court within the Union. Such identity information should include alphanumeric data, fingerprint data in accordance with Framework Decision 2009/315/JHA, **and facial images** in as far as they are recorded in the national criminal records databases of the Member States.

*Amendment*

(11) The ECRIS-TCN system should contain only the identity information of third country nationals convicted by a criminal court within the Union. Such identity information should include alphanumeric data **and** fingerprint data in accordance with Framework Decision 2009/315/JHA in as far as they are recorded in the national criminal records databases of the Member States.

Or. en

## Amendment 72

Jan Philipp Albrecht, Judith Sargentini

### Proposal for a regulation

#### Recital 11

*Text proposed by the Commission*

(11) The ECRIS-TCN system should contain only the identity information of third country nationals convicted by a criminal court within the Union. Such identity information should include alphanumeric data, fingerprint data in accordance with Framework Decision 2009/315/JHA, **and facial images** in as far as they are recorded in the national criminal records databases of the Member States.

*Amendment*

(11) The ECRIS-TCN system should contain only the identity information of third country nationals convicted by a criminal court within the Union. Such identity information should include alphanumeric data **and** fingerprint data in accordance with Framework Decision 2009/315/JHA in as far as they are recorded in the national criminal records databases of the Member States.

Or. en

## Amendment 73



**Proposal for a regulation**

**Recital 12**

*Text proposed by the Commission*

(12) In the event that there is a match between data recorded in the Central System and those used for search by a Member State (hit), the identity information against which a 'hit' was recorded is provided together with the hit. That information should only be used to assist in confirming the identity of the third country national concerned. This may include the recording of such data in the national criminal record database of the querying Member States as an alias of the third country national.

*Amendment*

(12) In the event that there is a match between data recorded in the Central System and those used for search by a Member State (hit), the identity information against which a 'hit' was recorded is provided together with the hit. That information should only be used to assist in confirming the identity of the third country national concerned ***in order to verify that the recorded data is accurately assigned to the correct person to which the hit relates.*** This may include the recording of such data in the national criminal record database of the querying Member States as an alias of the third country national.

Or. en

**Amendment 74**

**Anna Hedh**

**Proposal for a regulation**

**Recital 12**

*Text proposed by the Commission*

(12) In the event that there is a match between data recorded in the Central System and those used for search by a Member State (hit), the identity information against which a 'hit' was recorded is provided together with the hit. That information should only be used to assist in confirming the identity of the third country national concerned. This may include the recording of such data in the national criminal record database of the querying Member States as an alias of the third country national.

*Amendment*

(12) In the event that there is a match between data recorded in the Central System and those used for search by a Member State (hit), the identity information against which a 'hit' was recorded is provided together with the hit. That information should only be used to assist in confirming the identity of the third country national concerned ***in order to verify that the recorded data is accurately assigned to the correct person to which the hit relates.*** This may include the recording of such data in the national

criminal record database of the querying Member States as an alias of the third country national.

Or. en

#### **Amendment 75**

**Jan Philipp Albrecht, Judith Sargentini**

#### **Proposal for a regulation**

##### **Recital 13**

*Text proposed by the Commission*

*Amendment*

**(13) In the first instance, facial images included in the ECRIS-TCN system should only be used for the purpose of verifying the identity of a third country national. In the future, it is possible that, following the development of facial recognition software, facial images might be used for automated biometric matching, provided that the technical requirements to do so have been met.** **deleted**

Or. en

#### *Justification*

*Facial images of EU citizens are not recorded in ECRIS. In order to avoid any discrimination, facial images should therefore not be recorded in ECRIS-TCN.*

#### **Amendment 76**

**Angelika Mlinar**

#### **Proposal for a regulation**

##### **Recital 13**

*Text proposed by the Commission*

*Amendment*

**(13) In the first instance, facial images included in the ECRIS-TCN system should only be used for the purpose of verifying the identity of a third country national. In the future, it is possible that, following the development of facial** **deleted**

*recognition software, facial images might be used for automated biometric matching, provided that the technical requirements to do so have been met.*

Or. en

**Amendment 77**  
**Dennis de Jong**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

*Amendment*

*(13) In the first instance, facial images included in the ECRIS-TCN system should only be used for the purpose of verifying the identity of a third country national. In the future, it is possible that, following the development of facial recognition software, facial images might be used for automated biometric matching, provided that the technical requirements to do so have been met.* *deleted*

Or. en

**Amendment 78**  
**Anna Hedh**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

*Amendment*

*(13) In the first instance, facial images included in the ECRIS-TCN system should only be used for the purpose of verifying the identity of a third country national. In the future, it is possible that, following the development of facial recognition software, facial images might be used for automated biometric matching, provided that the technical* *deleted*

*requirements to do so have been met.*

Or. en

**Amendment 79**

**Dennis de Jong**

**Proposal for a regulation**

**Recital 14**

*Text proposed by the Commission*

*Amendment*

**(14) The use of biometrics is necessary as it is the most reliable method of identifying third country nationals within the territory of the Member States, who are often not in possession of documents or any other means of identification, as well as for more reliable matching of third country nationals data.** **deleted**

Or. en

**Amendment 80**

**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**

**Recital 14**

*Text proposed by the Commission*

*Amendment*

**(14) The use of biometrics is necessary as it is the most reliable method of identifying third country nationals within the territory of the Member States, who are often not in possession of documents or any other means of identification, as well as for more reliable matching of third country nationals data.** **deleted**

Or. en

### *Justification*

*Biometric data (fingerprints) should only be processed in ECRIS-TCN where they have been already collected, as is the case for EU Citizens under FD 2009/315. Collecting more data about TCNs would constitute discrimination.*

#### **Amendment 81**

**Maria Grapini**

#### **Proposal for a regulation**

##### **Recital 14**

###### *Text proposed by the Commission*

(14) The use of biometrics is necessary as it is the most reliable method of identifying third country nationals within the territory of the Member States, who are often not in possession of documents or any other means of identification, as well as for more reliable matching of third country nationals data.

###### *Amendment*

(14) The use of biometrics is necessary as it is the most reliable, **accurate and rapid** method of identifying third country nationals within the territory of the Member States, who are often not in possession of documents or any other means of identification, as well as for more reliable matching of third country nationals data.

Or. ro

#### **Amendment 82**

**Angelika Mlinar, Gérard Deprez, Louis Michel**

#### **Proposal for a regulation**

##### **Recital 14**

###### *Text proposed by the Commission*

(14) The use of biometrics is necessary as it is the most reliable method of identifying third country nationals within the territory of the Member States, who are **often** not in possession of documents or any other means of identification, as well as for more reliable matching of third country nationals data.

###### *Amendment*

(14) The use of biometrics is necessary as it is the most reliable method of identifying third country nationals within the territory of the Member States, who **sometimes** are not in possession of documents or any other means of identification, as well as for more reliable matching of third country nationals data.

Or. en

## Amendment 83

Anna Hedh

### Proposal for a regulation

#### Recital 14

*Text proposed by the Commission*

(14) The use of biometrics is **necessary** as it is the most reliable method of identifying third country nationals within the territory of the Member States, who are **often** not in possession of documents or **any** other means of identification, as well as for more reliable matching of third country nationals data.

*Amendment*

(14) The use of biometrics is **useful** as it is the most reliable method of identifying third country nationals within the territory of the Member States, who **sometimes** are not in possession of documents or other means of identification, as well as for more reliable matching of third country nationals data.

Or. en

## Amendment 84

Auke Zijlstra, Gilles Lebreton, Nicolas Bay

### Proposal for a regulation

#### Recital 15

*Text proposed by the Commission*

(15) Member States **should** create records in the ECRIS-TCN system regarding convicted third country nationals **as soon as possible** after their conviction was entered into the national criminal record.

*Amendment*

(15) Member States **are free to decide whether they desire to** create records **or not** in the ECRIS-TCN system regarding convicted third country nationals after their conviction was entered into the national criminal record.

Or. en

## Amendment 85

Auke Zijlstra

### Proposal for a regulation

#### Recital 16

*Text proposed by the Commission*

(16) Member States **should also** create records in the ECRIS-TCN system

*Amendment*

(16) Member States **are free to decide whether they desire to** create records in the

regarding third country nationals convicted prior to the entry into force of the Regulation in order to ensure the maximum effectiveness of the system. However, for this purpose Member States should not be obliged to collect information which was not already entered into their criminal records prior to the entry into force of this Regulation.

ECRIS-TCN system regarding third country nationals convicted prior to the entry into force of the Regulation in order to ensure the maximum effectiveness of the system. However, for this purpose Member States should not be obliged to collect information which was not already entered into their criminal records prior to the entry into force of this Regulation.

Or. en

#### **Amendment 86**

**Dennis de Jong**

#### **Proposal for a regulation**

##### **Recital 16**

*Text proposed by the Commission*

(16) Member States ***should*** also create records in the ECRIS-TCN system regarding third country nationals convicted prior to the entry into force of the Regulation in order to ensure the maximum effectiveness of the system. However, for this purpose Member States should not ***be obliged to*** collect information which was not already entered into their criminal records prior to the entry into force of this Regulation.

*Amendment*

(16) Member States ***may*** also create records in the ECRIS-TCN system regarding third country nationals convicted prior to the entry into force of the Regulation in order to ensure the maximum effectiveness of the system. However, for this purpose Member States should not collect information which was not already entered into their criminal records prior to the entry into force of this Regulation.

Or. en

#### **Amendment 87**

**Gérard Deprez, Louis Michel**

#### **Proposal for a regulation**

##### **Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***(16a) The Member States should also be able to create a record in the ECRIS-TCN system whenever they obtain, in the***

*course of a criminal procedure,  
information on convictions linked to  
terrorist offences or serious crime handed  
down to a national of a third country with  
which Eurojust has signed a judicial  
cooperation agreement.*

Or. fr

## **Amendment 88**

**Dennis de Jong**

### **Proposal for a regulation**

#### **Recital 17**

*Text proposed by the Commission*

(17) Improving the circulation of information on convictions should assist Member States in their implementation of Framework Decision 2008/675/JHA, which obliges the Member States to take account of previous convictions in the course of new criminal proceedings.

*Amendment*

(17) Improving the circulation of information on convictions should assist Member States in their implementation of Framework Decision 2008/675/JHA, which obliges the Member States to take account of previous convictions in ***other Member States in*** the course of new criminal proceedings, ***to the extent previous national convictions are taken into account in accordance with national law.***

Or. en

## **Amendment 89**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

### **Proposal for a regulation**

#### **Recital 17**

*Text proposed by the Commission*

(17) Improving the circulation of information on convictions ***should*** assist Member States ***in their implementation of Framework Decision 2008/675/JHA, which obliges the Member States to take account of previous convictions*** in the

*Amendment*

(17) Improving the circulation of information on convictions ***may*** assist Member States in the course of new criminal proceedings.



course of new criminal proceedings.

Or. en

#### **Amendment 90**

**Jan Philipp Albrecht, Judith Sargentini**

#### **Proposal for a regulation**

##### **Recital 18**

###### *Text proposed by the Commission*

(18) Member States should be obliged to make use of the ECRIS-TCN system in all cases where they receive a request for information on previous convictions of third country nationals in accordance with national law, and follow up on any hits with the Member States identified through the ECRIS system. This obligation should not be limited only to requests in connection with criminal investigations.

###### *Amendment*

(18) Member States should be obliged to make use of the ECRIS-TCN system in all cases where they receive a request for information on previous convictions of third country nationals in accordance with national law, and follow up on any hits with the Member States identified through the ECRIS system. This obligation should not be limited only to requests in connection with criminal investigations, ***but a clear list of other possible purposes should be set out in this Regulation.***

Or. en

###### *Justification*

*Alignment with our amendment on Article 7 which lists the other possible purposes for using ECRIS TCN.*

#### **Amendment 91**

**Dennis de Jong**

#### **Proposal for a regulation**

##### **Recital 18**

###### *Text proposed by the Commission*

(18) Member States should ***be obliged to*** make use of the ECRIS-TCN system in all cases where they receive a request for information on previous convictions of third country nationals in accordance with national law, and follow up on any hits

###### *Amendment*

(18) Member States should make use of the ECRIS-TCN system in all cases where they receive a request for information on previous convictions of third country nationals in accordance with national law, and follow up on any hits with the Member

with the Member States identified through the ECRIS system. ***This obligation should not be limited only to requests in connection with criminal investigations.***

States identified through the ECRIS system.

Or. en

**Amendment 92**  
**Auke Zijlstra**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

(18) Member States ***should be obliged*** to make use of the ECRIS-TCN system in all cases where they receive a request for information on previous convictions of third country nationals in accordance with national law, and follow up on any hits with the Member States identified through the ECRIS system. ***This obligation should not be limited only to requests in connection with criminal investigations.***

*Amendment*

(18) Member States ***are free to decide if they want*** to make use of the ECRIS-TCN system in all cases where they receive a request for information on previous convictions of third country nationals in accordance with national law, and follow up on any hits with the Member States identified through the ECRIS system.

Or. en

**Amendment 93**  
**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**  
**Recital 19**

*Text proposed by the Commission*

(19) A hit indicated by the ECRIS-TCN system should not automatically mean that the third country national concerned was convicted in the indicated Member State(s), ***nor that the indicated Member State(s) hold criminal record information on that third country national.*** The existence of previous convictions should only be confirmed based on information

*Amendment*

(19) A hit indicated by the ECRIS-TCN system should not automatically mean that the third country national concerned was convicted in the indicated Member State(s). The existence of previous convictions should only be confirmed based on information received from the criminal records of the Member States concerned.

received from the criminal records of the Member States concerned.

Or. en

*Justification*

*The whole point of ECRIS-TCN is to identify which MS holds criminal records information on a TCN. It therefore seems illogical to assume that a hit would occur if a Member State does not hold criminal record information on that third country national.*

**Amendment 94**

**Auke Zijlstra**

**Proposal for a regulation**

**Recital 20**

*Text proposed by the Commission*

(20) Notwithstanding the possibility of using the Union's financial programmes in accordance with the applicable rules, each Member State should bear its own costs arising from the implementation, administration, use and maintenance of its criminal records database and national fingerprint databases, and from the implementation, administration, use and maintenance of the technical alterations necessary to be able to use the ECRIS-TCN system, including their connections to the national central access point.

*Amendment*

(20) Notwithstanding the possibility of using the Union's financial programmes in accordance with the applicable rules, each ***non-obligatory participating*** Member State should bear its own costs arising from the implementation, administration, use and maintenance of its criminal records database and national fingerprint databases, and from the implementation, administration, use and maintenance of the technical alterations necessary to be able to use the ECRIS-TCN system, including their connections to the national central access point ***and therefore should be well considered before deciding to partake in the cooperation with ECRIS-TCN.***

Or. en

**Amendment 95**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation**

**Recital 21**

*Text proposed by the Commission*

*Amendment*

**(21) The European Union Agency for Law Enforcement Cooperation (Europol) established by Regulation (EU) 2016/794 of the European Parliament and of the Council<sup>23</sup>, Eurojust established by Council Decision 2002/187/JHA<sup>24</sup> [and the European Public Prosecutor's Office established by Regulation (EU) .../...<sup>25</sup> ] should have access to the ECRIS-TCN system for identifying the Member State(s) holding criminal record information on a third country national in order to support their statutory tasks.**

*deleted*

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<sup>23</sup> 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, 24.5.2016, p. 53).

<sup>24</sup> Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (OJ L 063, 6.3.2002, p.1).

<sup>25</sup> Regulation (EU) .../... (OJ L ...).

Or. en

**Amendment 96**  
**Angelika Mlinar**

**Proposal for a regulation**  
**Recital 21**

*Text proposed by the Commission*

**(21) The European Union Agency for Law Enforcement Cooperation (Europol) established by Regulation (EU) 2016/794 of the European Parliament and of the Council<sup>23</sup>, Eurojust established by Council**

*Amendment*

**(21) Eurojust established by Council Decision 2002/187/JHA<sup>24</sup> [and the European Public Prosecutor's Office established by Regulation (EU) .../...<sup>25</sup> ] should have access to the ECRIS-TCN**

Decision 2002/187/JHA<sup>24</sup> [and the European Public Prosecutor's Office established by Regulation (EU) .../...<sup>25</sup> ] should have access to the ECRIS-TCN system for identifying the Member State(s) holding criminal record information on a third county national in order to support their statutory tasks.

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<sup>23</sup> ***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, 24.5.2016, p. 53).***

<sup>24</sup> Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (OJ L 063, 6.3.2002, p.1).

<sup>25</sup> Regulation (EU) .../... (OJ L ...).

system for identifying the Member State(s) holding criminal record information on a third county national in order to support their statutory tasks.

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<sup>24</sup> Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (OJ L 063, 6.3.2002, p.1).

<sup>25</sup> Regulation (EU) .../... (OJ L ...).

Or. en

## **Amendment 97**

### **Anna Hedh**

#### **Proposal for a regulation**

#### **Recital 21**

*Text proposed by the Commission*

(21) ***The European Union Agency for Law Enforcement Cooperation (Europol) established by Regulation (EU) 2016/794 of the European Parliament and of the Council***<sup>23</sup>, Eurojust established by Council Decision 2002/187/JHA<sup>24</sup> [and the European Public Prosecutor's Office established by Regulation (EU) .../...<sup>25</sup> ] should have access to the ECRIS-TCN system for identifying the Member State(s)

*Amendment*

(21) Eurojust established by Council Decision 2002/187/JHA<sup>24</sup> [and the European Public Prosecutor's Office established by Regulation (EU) .../...<sup>25</sup> ] should have access to the ECRIS-TCN system for identifying the Member State(s) holding criminal record information on a third county national in order to support their statutory tasks.

holding criminal record information on a third country national in order to support their statutory tasks.

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<sup>23</sup> *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, 24.5.2016, p. 53).*

<sup>24</sup> Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (OJ L 063, 6.3.2002, p.1).

<sup>25</sup> Regulation (EU) .../... (OJ L ...).

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<sup>24</sup> Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (OJ L 063, 6.3.2002, p.1).

<sup>25</sup> Regulation (EU) .../... (OJ L ...).

Or. en

## **Amendment 98**

**Jan Philipp Albrecht, Judith Sargentini**

### **Proposal for a regulation**

**Recital 21**

#### *Text proposed by the Commission*

(21) The European Union Agency for Law Enforcement Cooperation (Europol) established by Regulation (EU) 2016/794 of the European Parliament and of the Council<sup>23</sup>, Eurojust established by Council Decision 2002/187/JHA<sup>24</sup> [and the European Public Prosecutor's Office established by Regulation (EU) .../...<sup>25</sup>] should have access to the ECRIS-TCN system for identifying the Member State(s) holding criminal record information on a third country national *in order to support their statutory tasks.*

#### *Amendment*

(21) The European Union Agency for Law Enforcement Cooperation (Europol) established by Regulation (EU) 2016/794 of the European Parliament and of the Council<sup>23</sup>, Eurojust established by Council Decision 2002/187/JHA<sup>24</sup> [and the European Public Prosecutor's Office established by Regulation (EU) .../...<sup>25</sup>] should have access to the ECRIS-TCN system for identifying the Member State(s) holding criminal record information on a third country national *for the prevention, detection, investigation and prosecution of criminal offences.*

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<sup>23</sup> 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, 24.5.2016, p. 53).

<sup>24</sup> Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (OJ L 063, 6.3.2002, p.1).

<sup>25</sup> Regulation (EU) .../... (OJ L ...).

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<sup>23</sup> 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, 24.5.2016, p. 53).

<sup>24</sup> Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (OJ L 063, 6.3.2002, p.1).

<sup>25</sup> Regulation (EU) .../... (OJ L ...).

Or. en

## **Amendment 99**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

### **Proposal for a regulation**

#### **Recital 22**

*Text proposed by the Commission*

***(22) This Regulation establishes strict access rules to the ECRIS-TCN system and the necessary safeguards, including the responsibility of the Member States in collecting and using the data. It also sets out the individuals' rights to compensation, access, correction, deletion and redress, in particular the right to an effective remedy and the supervision of processing operations by public independent authorities. It therefore respects the fundamental rights and freedoms and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including the right to protection of personal data, the principle of equality before the law and the general prohibition of discrimination.***

*Amendment*

***deleted***

**Amendment 100****Jan Philipp Albrecht, Judith Sargentini****Proposal for a regulation****Recital 22***Text proposed by the Commission*

(22) This Regulation establishes strict access rules to the ECRIS-TCN system and the necessary safeguards, including the responsibility of the Member States in collecting and using the data. It also sets out **the** individuals' rights to compensation, access, correction, deletion and redress, in particular the right to an effective remedy and the supervision of processing operations by public independent authorities. It therefore respects the fundamental rights and freedoms and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including the right to protection of personal data, the principle of equality before the law and the general prohibition of discrimination.

*Amendment*

(22) This Regulation establishes strict access rules to the ECRIS-TCN system and the necessary safeguards, including the responsibility of the Member States in collecting and using the data. It also sets out **how** individuals **may exercise their** rights to compensation, access, correction, deletion and redress, in particular the right to an effective remedy and the supervision of processing operations by public independent authorities. It therefore respects the fundamental rights and freedoms and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including the right to protection of personal data, the principle of equality before the law and the general prohibition of discrimination, **taking also into account the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, and other human rights obligations under international law.**

Or. en

*Justification*

*The rights are set by Directive 2016/680 - this Regulation only clarifies how these rights can work with ECRIS-TCN.*

**Amendment 101****Auke Zijlstra, Gilles Lebreton, Nicolas Bay**



**Proposal for a regulation**  
**Recital 23**

*Text proposed by the Commission*

*Amendment*

**(23) Directive (EU) 2016/680 of the European Parliament and of the Council<sup>26</sup> should apply to the processing of personal data by competent national authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>27</sup> should apply to the processing of personal data by national authorities provided that national provisions transposing Directive (EU) 2016/680 do not apply. Coordinated supervision should be ensured in accordance with Article 62 of [the new data protection regulation for Union institutions and bodies].**

**deleted**

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<sup>26</sup> *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, p. 89)*

<sup>27</sup> *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).*

**Amendment 102****Jan Philipp Albrecht, Judith Sargentini****Proposal for a regulation****Recital 23***Text proposed by the Commission*

(23) Directive (EU) 2016/680 of the European Parliament and of the Council<sup>26</sup> should apply to the processing of personal data by competent national authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>27</sup> should apply to the processing of personal data by national authorities provided that national provisions transposing Directive (EU) 2016/680 do not apply. Coordinated supervision should be ensured in accordance with Article 62 of [the new data protection regulation for Union institutions and bodies].

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<sup>26</sup> 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

*Amendment*

(23) Directive (EU) 2016/680 of the European Parliament and of the Council<sup>26</sup> should apply to the processing of personal data by competent national authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>27</sup> should apply to the processing of personal data by national authorities provided that national provisions transposing Directive (EU) 2016/680 do not apply. Coordinated supervision should be ensured in accordance with Article 62 of [the new data protection regulation for Union institutions and bodies]. ***[The new data protection regulation for Union institutions and bodies] should apply to the processing of personal data by eu-LISA.***

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<sup>26</sup> 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, p. 89)

<sup>27</sup> 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).

119, 4.5.2016, p. 89)

<sup>27</sup> 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*

*Aligned with the current text of Article 21(2).*

### **Amendment 103**

**Angelika Mlinar, Gérard Deprez, Louis Michel**

### **Proposal for a regulation**

### **Recital 23**

#### *Text proposed by the Commission*

(23) Directive (EU) 2016/680 of the European Parliament and of the Council<sup>26</sup> should apply to the processing of personal data by competent national authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>27</sup> should apply to the processing of personal data by national authorities ***provided that national provisions transposing Directive (EU) 2016/680 do not apply***. Coordinated supervision should be ensured in accordance with Article 62 of [the new data protection regulation for Union institutions and bodies].

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<sup>26</sup> Directive (EU) 2016/680 of the European

#### *Amendment*

(23) Directive (EU) 2016/680 of the European Parliament and of the Council<sup>26</sup> should apply to the processing of personal data by competent national authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>27</sup> should apply to the processing of personal data by national authorities. Coordinated supervision should be ensured in accordance with Article 62 of [the new data protection regulation for Union institutions and bodies].

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<sup>26</sup> 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, p. 89)

<sup>27</sup> 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).

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, p. 89)

<sup>27</sup> 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

#### **Amendment 104** **Anna Hedh**

#### **Proposal for a regulation** **Recital 23**

##### *Text proposed by the Commission*

(23) Directive (EU) 2016/680 of the European Parliament and of the Council<sup>26</sup> should apply to the processing of personal data by competent national authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>27</sup> should apply to the processing of personal data by national authorities ***provided that national provisions transposing Directive (EU) 2016/680 do not apply***. Coordinated supervision should be ensured in

##### *Amendment*

(23) Directive (EU) 2016/680 of the European Parliament and of the Council<sup>26</sup> should apply to the processing of personal data by competent national authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>27</sup> should apply to the processing of personal data by national authorities. Coordinated supervision should be ensured in accordance with Article 62 of [the new data protection regulation for

accordance with Article 62 of [the new data protection regulation for Union institutions and bodies].

Union institutions and bodies].

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<sup>26</sup> 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, p. 89)

<sup>27</sup> 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).

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<sup>26</sup> 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, p. 89)

<sup>27</sup> 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

## **Amendment 105**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

### **Proposal for a regulation**

#### **Recital 24**

*Text proposed by the Commission*

***(24) Rules on the liability of the Member States in respect to damage arising from any breach of this Regulation should be laid down.***

*Amendment*

***deleted***

Or. en

## **Amendment 106**

**Maria Grapini**

**Proposal for a regulation**  
**Recital 24**

*Text proposed by the Commission*

(24) Rules on the liability of the Member States in respect to damage arising from any breach of this Regulation *should be laid down*.

*Amendment*

(24) Rules on the liability of the Member States in respect to damage arising from any breach of this Regulation, *including for any intentional erroneous data entries or the use of personal data for other purposes*.

Or. ro

**Amendment 107**  
**Dennis de Jong**

**Proposal for a regulation**  
**Recital 24**

*Text proposed by the Commission*

(24) Rules on the liability of the Member States in respect to damage arising from any breach of this Regulation should be laid down.

*Amendment*

(24) Rules on the liability of the Member States *and Union agencies making use of the ECRIS-TCN system* in respect to damage arising from any breach of this Regulation should be laid down

Or. en

**Amendment 108**  
**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**  
**Recital 24 a (new)**

*Text proposed by the Commission*

*Amendment*

*(24a) eu-LISA should provide regular statistics on the recording, storage and exchange of information extracted from criminal records through the ECRIS-TCN system, including through the use of statistics provided by Member States on*

*the number of convicted third country nationals. However, these statistics should take into account the statistical bias stemming from the use of unrepresentative samples of the population, in this case third country nationals, and not draw any conclusions in comparative analyses.*

Or. en

*Justification*

*This recital warns about the risk of statistical bias in using statistics of convicted third country nationals only. Comparing the number of convicted TCNs and the number of convicted EU nationals should not lead to the conclusion that TCNs are more prone to commit crimes, as this is not representative of reality.*

**Amendment 109**

**Gérard Deprez, Louis Michel, Angelika Mlinar**

**Proposal for a regulation**

**Recital 24 a (new)**

*Text proposed by the Commission*

*Amendment*

*(24a) Since using the ECRIS-TCN system involves submitting a specific request for information on possible convictions in a Member State, the Commission should, when reviewing this Regulation, assess the possibility and opportunity of creating a European criminal record, from which third-country nationals and Member State nationals would be able to obtain an extract on request.*

Or. fr

**Amendment 110**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation**

**Recital 25**

*Text proposed by the Commission*

(25) *Since* the objective of this Regulation, namely to enable the rapid and efficient exchange of criminal record information on third country nationals, ***cannot*** be sufficiently achieved by the Member States, ***but can rather, by reason of the necessary synergy and interoperability, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.***

*Amendment*

(25) The objective of this Regulation, namely to enable the rapid and efficient exchange of criminal record information on third country nationals, ***can*** be sufficiently achieved by the Member States ***by own initiative.***

Or. en

**Amendment 111**

**Maria Grapini**

**Proposal for a regulation**

**Recital 25**

*Text proposed by the Commission*

(25) Since the objective of this Regulation, namely to enable the rapid ***and efficient*** exchange of criminal record information on third country nationals, cannot be sufficiently achieved by the Member States, but can rather, by reason of the necessary synergy and interoperability, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.

*Amendment*

(25) Since the objective of this Regulation, namely to enable the rapid, ***efficient and accurate as possible*** exchange of criminal record information on third country nationals, cannot be sufficiently achieved by the Member States, but can rather, by reason of the necessary synergy and interoperability, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.



**Amendment 112**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation**

**Recital 26**

*Text proposed by the Commission*

*Amendment*

**(26) In order to ensure uniform conditions for the establishment and operational management of the ECRIS-TCN system, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council<sup>28</sup>.**

**deleted**

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<sup>28</sup> Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13)

**Amendment 113**

**Dennis de Jong**

**Proposal for a regulation**

**Recital 26**

*Text proposed by the Commission*

*Amendment*

**(26) In order to ensure uniform conditions for the establishment and operational management of the ECRIS-TCN system, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the**

**(26) In order to ensure uniform conditions for the establishment and operational management of the ECRIS-TCN system, implementing *and delegated* powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation**

European Parliament and the Council<sup>28</sup> .

(EU) No 182/2011 of the European Parliament and the Council<sup>28</sup> .

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<sup>28</sup> Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13)

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<sup>28</sup> Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13)

Or. en

#### **Amendment 114** **Auke Zijlstra**

##### **Proposal for a regulation** **Recital 29**

###### *Text proposed by the Commission*

(29) Since the United Kingdom notified on 29 March 2017 its intention to leave the Union, pursuant to Article 50 of the Treaty on European Union, the Treaties will cease to apply to the United Kingdom from the date of the entry into force of the withdrawal agreement or, failing that, two years after the notification, unless the European Council, in agreement with the United Kingdom, decides to extend that period. As a consequence, and without prejudice to any provisions of the withdrawal agreement, this above-mentioned description of the participation of the UK in proposal ***only applies*** until ***the United Kingdom*** ceases to be a ***Member State***.

###### *Amendment*

(29) Since the United Kingdom notified on 29 March 2017 its intention to leave the Union, pursuant to Article 50 of the Treaty on European Union, the Treaties will cease to apply to the United Kingdom from the date of the entry into force of the withdrawal agreement or, failing that, two years after the notification, unless the European Council, in agreement with the United Kingdom, decides to extend that period. As a consequence, and without prejudice to any provisions of the withdrawal agreement, this above-mentioned description of the participation of the UK in proposal ***should therefore not be required unless the UK prefers to partake*** until ***it*** ceases to be ***part of the Union***.

Or. en

#### **Amendment 115** **Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**  
**Recital 30**

*Text proposed by the Commission*

*Amendment*

**(30) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>29</sup> and delivered an opinion on ...<sup>30</sup>,** **deleted**

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<sup>29</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 008, 12.1.2001, p.1).

<sup>30</sup> OJ C ...

Or. en

*Justification*

*There is no EDPS opinion on this proposal for a centralised ECRIS-TCN, only on the ECRIS-TCN Directive from 2016.*

**Amendment 116**  
**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation**  
**Recital 30**

*Text proposed by the Commission*

*Amendment*

**(30) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>29</sup> and delivered an opinion on ...<sup>30</sup>,** **deleted**

<sup>29</sup> *Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 008, 12.1.2001, p.1).*

<sup>30</sup> *OJ C ...*

Or. en

#### **Amendment 117**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) establishes **a** system to identify the Member State(s) holding information on previous convictions of third country nationals ('ECRIS-TCN system');

*Amendment*

(a) establishes **no new** system to identify the Member State(s) holding information on previous convictions of third country nationals ('ECRIS-TCN system');

Or. en

#### **Amendment 118**

**Auke Zijlstra**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) lays down the conditions under which the ECRIS-TCN system **shall** be used by competent authorities in order to obtain information on such previous convictions through the European Criminal Records Information System (ECRIS) established by Decision 2009/316/JHA.

*Amendment*

(b) lays down the conditions under which the ECRIS-TCN system **may** be used by competent authorities in order to obtain information on such previous convictions through the European Criminal Records Information System (ECRIS) established by Decision 2009/316/JHA.

Or. en

**Amendment 119**  
**Lorenzo Fontana**

**Proposal for a regulation**  
**Article 2 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*"Final" could be misunderstanding considering the different MS law system*

**Amendment 120**  
**Pál Csáky**

**Proposal for a regulation**  
**Article 2 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The provisions of this Regulation that apply to third country nationals shall also apply to citizens of the Union within the meaning of Article 20(1) TFEU who hold the nationality of a third country and who have been subject to final decisions against them of criminal courts in the Member States .***

Or. en

**Amendment 121**  
**Pál Csáky**

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

*Text proposed by the Commission*

(c) 'criminal record' means the national register or registers **recording** convictions in accordance with national law;

*Amendment*

(c) 'criminal record' means **the information stored in** the national register or registers **regarding** convictions **handed down against a person** in accordance with national law;

Or. en

**Amendment 122**  
**Auke Zijlstra**

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

*Text proposed by the Commission*

(e) 'central authority' means the authority(ies) designated **in accordance with Article 3(1) of Framework Decision 2009/315/JHA**;

*Amendment*

(e) 'central **national** authority' means the **national** authority(ies) designated **by the Member States willing to participate**;

Or. en

**Amendment 123**  
**Dennis de Jong**

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

*Text proposed by the Commission*

(g) 'third country national' means a **national of a country other than a Member State regardless of whether the person also holds the nationality of a Member State, or a stateless person or a person whose nationality is unknown to the convicting Member State**;

*Amendment*

(g) 'third country national' means a person **who is not a citizen of the Union within the meaning of Article 20(1) TFEU**;

Or. en

## Amendment 124

Anna Hedh

### Proposal for a regulation

#### Article 3 – paragraph 1 – point g

*Text proposed by the Commission*

(g) 'third country national' means a national of a country other than a Member State ***regardless of whether the person also holds the nationality of a Member State***, or a stateless person or a person whose nationality is unknown to the convicting Member State;

*Amendment*

(g) 'third country national' means a national of a country other than a Member State or a stateless person or a person whose nationality is unknown to the convicting Member State;

Or. en

## Amendment 125

Jan Philipp Albrecht, Judith Sargentini

### Proposal for a regulation

#### Article 3 – paragraph 1 – point g

*Text proposed by the Commission*

(g) 'third country national' means a national of a country other than ***a Member State regardless of whether the person also holds the nationality of*** a Member State, or a stateless person or a person whose nationality is unknown to the convicting Member State;

*Amendment*

(g) 'third country national' means a national of a country other than a Member State, or a stateless person or a person whose nationality is unknown to the convicting Member State;

Or. en

*Justification*

*Following the recommendation by the Meijers Committee – this would constitute discrimination of EU citizens who are also citizens of a third country.*

## Amendment 126

Angelika Mlinar

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

*Text proposed by the Commission*

(g) 'third country national' means a national of a country other than a Member State ***regardless of whether the person also holds the nationality of a Member State***, or a stateless person or a person whose nationality is unknown to the convicting Member State;

*Amendment*

(g) 'third country national' means a national of a country other than a Member State or a stateless person or a person whose nationality is unknown to the convicting Member State;

Or. en

**Amendment 127**  
**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

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

*Text proposed by the Commission*

(h) ***'Central System' means the database(s) holding identity information on third country nationals who have been subject to final decisions against them of criminal courts in the Member States, developed and maintained by eu-LISA;***

*Amendment*

***deleted***

Or. en

**Amendment 128**  
**Dennis de Jong**

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

*Text proposed by the Commission*

(l) 'fingerprint data' means the data relating to plain and rolled impressions of ***the*** fingerprints ***of all ten fingers***;

*Amendment*

(l) 'fingerprint data' means the data relating to plain and rolled impressions of fingerprints ***that have been collected during criminal proceedings in accordance with national law***;



**Amendment 129**

**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point l**

*Text proposed by the Commission*

(l) 'fingerprint data' means the data relating to plain and rolled impressions of the fingerprints ***of all ten fingers***;

*Amendment*

(l) 'fingerprint data' means the data relating to plain and rolled impressions of the fingerprints ***already collected by Member States' authorities***;

Or. en

*Justification*

*Only those fingerprints that are already collected by Member States' authorities anyway should be part of ECRIS, in line with the fingerprints of EU citizens under Article 11(1)(c)(ii) of FD 2009/315.*

**Amendment 130**

**Dennis de Jong**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point m**

*Text proposed by the Commission*

(m) '***facial image***' means a digital image of the face;

*Amendment*

***deleted***

Or. en

**Amendment 131**

**Angelika Mlinar**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point m**

*Text proposed by the Commission*

*Amendment*

**(m) 'facial image' means a digital image of the face;** **deleted**

Or. en

**Amendment 132**

**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point m**

*Text proposed by the Commission*

*Amendment*

**(m) 'facial image' means a digital image of the face;** **deleted**

Or. en

*Justification*

*Facial images of EU citizens are not recorded in ECRIS. In order to avoid any discrimination, facial images should therefore not be recorded in ECRIS-TCN.*

**Amendment 133**

**Anna Hedh**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point m**

*Text proposed by the Commission*

*Amendment*

**(m) 'facial image' means a digital image of the face;** **deleted**

Or. en

**Amendment 134**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point p**

*Text proposed by the Commission*

*Amendment*

**(p) 'ECRIS reference implementation'** *deleted*  
*means the software developed by the Commission and made available to the Member States for the exchange of criminal records information through ECRIS.*

Or. en

**Amendment 135**  
**Lorenzo Fontana**

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) a Central System where identity information on convicted third country nationals is stored;

(a) a Central System where identity information on convicted third country nationals is stored ***and shared***;

Or. en

**Amendment 136**  
**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation**  
**Article 4 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The Central System shall be hosted by eu-LISA in its two technical sites.** *deleted*

Or. en

**Amendment 137**  
**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation**  
**Article 4 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. The Interface Software shall be integrated with the ECRIS reference implementation. The Member States shall use the ECRIS reference implementation to query the ECRIS-TCN system, as well as to send subsequent requests for criminal records information.**

**deleted**

Or. en

**Amendment 138**  
**Auke Zijlstra**

**Proposal for a regulation**  
**Article 4 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The Interface Software shall be integrated with the ECRIS reference implementation. The Member States **shall** use the ECRIS reference implementation to query the ECRIS-TCN system, as well as to send subsequent requests for criminal records information.

3. The Interface Software shall be integrated with the ECRIS reference implementation. The Member States **may voluntarily** use the ECRIS reference implementation to query the ECRIS-TCN system, as well as to send subsequent requests for criminal records information.

Or. en

**Amendment 139**  
**Auke Zijlstra**

**Proposal for a regulation**  
**Chapter 2 – title**

*Text proposed by the Commission*

*Amendment*

Entry and use of data by central authorities

Entry and use of data by central **national** authorities

Or. en

## Amendment 140

Dennis de Jong

### Proposal for a regulation

#### Article 5 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. For each convicted third country national, ***the central authority*** of the convicting Member State shall create a data record in the Central System. The data record shall include the following data:

*Amendment*

1. For each convicted third country national, ***whose data have been entered in the criminal record*** of the convicting Member ***State, the central authority of that*** State shall create a data record in the Central System. The data record shall include the following data:

Or. en

## Amendment 141

Jan Philipp Albrecht, Judith Sargentini

### Proposal for a regulation

#### Article 5 – paragraph 1 – point a

*Text proposed by the Commission*

(a) surname (family name); first name(s) (given names); date of birth; place of birth (town and country); nationality or nationalities; gender; ***parents' names***; where applicable previous names, pseudonym(s) and/or alias name(s); the code of the convicting Member State;

*Amendment*

(a) surname (family name); first name(s) (given names); date of birth; place of birth (town and country); nationality or nationalities; gender; where applicable previous names, pseudonym(s) and/or alias name(s); the code of the convicting Member State;

Or. en

#### *Justification*

*Parents' names are not necessary nor proportionate for the purpose of verification of the identity of the third country national concerned. Parents' names should only be transmitted with the criminal record information in accordance with FD 2009/315, once the MS holding the conviction has been identified.*

## Amendment 142

Anna Hedh

**Proposal for a regulation**  
**Article 5 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) surname (family name); first name(s) (given names); date of birth; place of birth (town and country); nationality or nationalities; gender; ***parents' names***; where applicable previous names, pseudonym(s) and/or alias name(s); the code of the convicting Member State;

*Amendment*

(a) surname (family name); first name(s) (given names); date of birth; place of birth (town and country); nationality or nationalities; gender; where applicable previous names, pseudonym(s) and/or alias name(s); the code of the convicting Member State;

Or. en

**Amendment 143**  
**Angelika Mlinar**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) surname (family name); first name(s) (given names); date of birth; place of birth (town and country); nationality or nationalities; gender; ***parents' names***; where applicable previous names, pseudonym(s) and/or alias name(s); the code of the convicting Member State;

*Amendment*

(a) surname (family name); first name(s) (given names); date of birth; place of birth (town and country); nationality or nationalities; gender; where applicable previous names, pseudonym(s) and/or alias name(s); the code of the convicting Member State;

Or. en

**Amendment 144**  
**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) fingerprint data in accordance with Framework Decision 2009/315/JHA<sup>31</sup> and with the specifications for the resolution and use of fingerprints referred to in point (b) of Article 10(1); the reference number

*Amendment*

(b) fingerprint data, ***only when the national law of a Member State where a conviction is handed down allows for collection and storage of fingerprints of a convicted person, and*** in accordance with

of the fingerprint data of the convicted person including the code of the convicting Member State.

Framework Decision 2009/315/JHA<sup>31</sup> and with the specifications for the resolution and use of fingerprints referred to in point (b) of Article 10(1); the reference number of the fingerprint data of the convicted person including the code of the convicting Member State.

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<sup>31</sup> As amended by Directive of the European Parliament and the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA (...).

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<sup>31</sup> As amended by Directive of the European Parliament and the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA (...).

Or. en

#### *Justification*

*In line with amendment 17 in the adopted LIBE report on the ECRIS-TCN Directive.*

#### **Amendment 145** **Anna Hedh**

#### **Proposal for a regulation** **Article 5 – paragraph 1 – point b**

##### *Text proposed by the Commission*

(b) fingerprint data in accordance with Framework Decision 2009/315/JHA<sup>31</sup> and with the specifications for the resolution and use of fingerprints referred to in point (b) of Article 10(1); the reference number of the fingerprint data of the convicted person including the code of the convicting Member State.

##### *Amendment*

(b) fingerprint data in accordance with Framework Decision 2009/315/JHA<sup>31</sup>, ***only when the national law of the convicting Member State allows for collection and storage of fingerprints of a convicted person***, and with the specifications for the resolution and use of fingerprints referred to in point (b) of Article 10(1); the reference number of the fingerprint data of the convicted person including the code of the convicting Member State.

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<sup>31</sup> As amended by Directive of the

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<sup>31</sup> As amended by Directive of the

European Parliament and the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA (....).

European Parliament and the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA (....).

Or. en

**Amendment 146**  
**Angelika Mlinar**

**Proposal for a regulation**  
**Article 5 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The data record may also contain facial images of the convicted third country national.** **deleted**

Or. en

**Amendment 147**  
**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**  
**Article 5 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The data record may also contain facial images of the convicted third country national.** **deleted**

Or. en

*Justification*

*Facial images of EU citizens are not recorded in ECRIS. In order to avoid any discrimination, facial images should therefore not be recorded in ECRIS-TCN.*



**Amendment 148**

**Dennis de Jong**

**Proposal for a regulation**

**Article 5 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The data record may also contain facial images of the convicted third country national.** **deleted**

Or. en

**Amendment 149**

**Anna Hedh**

**Proposal for a regulation**

**Article 5 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The data record may also contain facial images of the convicted third country national.** **deleted**

Or. en

**Amendment 150**

**Gérard Deprez, Louis Michel, Angelika Mlinar**

**Proposal for a regulation**

**Article 5 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. The convicting Member State shall create the data record *as soon as possible after* the conviction *was* entered into the national criminal records register.**

**3. The convicting Member State shall *systematically* create the data record *without delay and in any case within 24 hours of* the conviction *being* entered into the national criminal records register.**

Or. fr

## Amendment 151

Auke Zijlstra

### Proposal for a regulation

#### Article 5 – paragraph 3

*Text proposed by the Commission*

3. The convicting Member State **shall** create the data record ***as soon as possible*** after the conviction was entered into the national criminal records register.

*Amendment*

3. The convicting Member State **may** create the data record after the conviction was entered into the national criminal records register.

Or. en

## Amendment 152

Maria Grapini

### Proposal for a regulation

#### Article 5 – paragraph 3

*Text proposed by the Commission*

3. The convicting Member State shall create the data record ***as soon as possible*** after the conviction ***was*** entered into the national criminal records register.

*Amendment*

3. The convicting Member State shall create the data record ***immediately*** after the conviction ***has been*** entered into the national criminal records register.

Or. ro

## Amendment 153

Gérard Deprez, Louis Michel, Angelika Mlinar

### Proposal for a regulation

#### Article 5 – paragraph 4

*Text proposed by the Commission*

4. The convicting Member States shall create data records also for convictions handed down prior to [date of entry into force of this Regulation] to the extent that such data are stored in its national criminal records or national fingerprints database.

*Amendment*

4. The convicting Member States shall, ***within no more than one month of the ECRIS-TCN system coming online***, create data records also for convictions handed down prior to [date of entry into force of this Regulation] to the extent that such data are stored in its national criminal

records or national fingerprints database.

Or. fr

*Justification*

*A maximum deadline should be set for convictions handed down before this regulation is adopted.*

**Amendment 154**

**Auke Zijlstra**

**Proposal for a regulation**

**Article 5 – paragraph 4**

*Text proposed by the Commission*

4. The convicting Member States ***shall*** create data records also for convictions handed down prior to [date of entry into force of this Regulation] to the extent that such data are stored in its national criminal records or national fingerprints database.

*Amendment*

4. The convicting Member States ***may*** create data records also for convictions handed down prior to [date of entry into force of this Regulation] to the extent that such data are stored in its national criminal records or national fingerprints database.

Or. en

**Amendment 155**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Article 5 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Whenever a Member State obtains, in the course of a criminal proceeding, information on convictions linked to terrorist offences as set out in Articles 3 to 12 of Directive (EU) 2017/541 or to serious crime as defined in Article 2.2 of Council Framework Decision 2002/584/JAI which have been handed down to third-country nationals by a judicial authority of a third country with which Eurojust has signed a judicial***

*cooperation agreement, that Member State may create a record in the ECRIS-TCN system.*

Or. fr

*Justification*

*This possibility should also be made available to EU citizens convicted outside the EU, but the current legal basis applies only to third-country nationals.*

**Amendment 156**

**Angelika Mlinar**

**Proposal for a regulation**

**Article 6**

*Text proposed by the Commission*

*Amendment*

*Article 6*

*deleted*

*Specific rules for facial images*

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

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

Or. en

**Amendment 157**

**Angelika Mlinar**

**Proposal for a regulation**

## Article 6

*Text proposed by the Commission*

*Amendment*

### *Article 6*

*deleted*

#### *Specific rules for facial images*

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

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

Or. en

## Amendment 158

Jan Philipp Albrecht, Judith Sargentini

### Proposal for a regulation

#### Article 6

*Text proposed by the Commission*

*Amendment*

### *Article 6*

*deleted*

#### *Specific rules for facial images*

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

**2. As soon as this becomes technically possible, facial images may also be used to identify a third country national on the basis of this biometric**

*identifier. Before this functionality is implemented in the ECRIS-TCN system, the Commission shall present a report on the availability and readiness of the required technology, on which the European Parliament shall be consulted.*

Or. en

*Justification*

*Facial images of EU citizens are not recorded in ECRIS. In order to avoid any discrimination, facial images should therefore not be recorded in ECRIS-TCN.*

**Amendment 159**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 6**

*Text proposed by the Commission*

*Amendment*

*Article 6*

*deleted*

*Specific rules for facial images*

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

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

Or. en

**Amendment 160**

Anna Hedh

**Proposal for a regulation**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. en

**Amendment 161**  
**Angelika Mlinar**

**Proposal for a regulation**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. en

**Amendment 162**  
**Auke Zijlstra**

**Proposal for a regulation**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

fingerprints.

fingerprints.

Or. en

#### **Amendment 163**

**Anna Hedh**

#### **Proposal for a regulation**

#### **Article 6 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. en

#### **Amendment 164**

**Auke Zijlstra**

#### **Proposal for a regulation**

#### **Article 6 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

**2. As soon as this becomes technically possible, facial images may also be used to identify a third country national on the basis of this biometric identifier.**

Or. en



## Amendment 165

Daniel Dalton

### Proposal for a regulation

#### Article 6 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 166

Dennis de Jong

### Proposal for a regulation

#### Article 7 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 167

Jan Philipp Albrecht, Judith Sargentini

### Proposal for a regulation

#### Article 7 – paragraph 1

##### *Text proposed by the Commission*

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

##### *Amendment*

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

Or. en

##### *Justification*

*Moved to the next para 1a (new) which lists the possible additional purposes for checking criminal records.*

## Amendment 168

Auke Zijlstra

### Proposal for a regulation

#### Article 7 – paragraph 1

##### *Text proposed by the Commission*

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

##### *Amendment*

1. When criminal records information on a third country national is requested in a Member State for the purposes of criminal proceedings against that third country national or for any purposes other than that of criminal proceedings in accordance with its national law, the central ***national*** authority of that Member State ***is free to decide if they*** use the

State(s) holding criminal record information on that third country national in order to obtain information on previous convictions through ECRIS.

ECRIS-TCN system to identify the Member State(s) holding criminal record information on that third country national in order to obtain information on previous convictions through ECRIS.

Or. en

## **Amendment 169**

**Jan Philipp Albrecht, Judith Sargentini**

### **Proposal for a regulation**

#### **Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States authorities shall have access to the ECRIS-TCN system also for the following purposes, where provided for in their national law:***

- (a) the prevention, detection, investigation of criminal offences;***
- (b) security clearances;***
- (c) employment in professions with sensitive tasks;***
- (d) requests for information of the concerned person on his or her own criminal record;***
- (e) licences for firearms or other hazardous materials;***
- (f) the issuing of residence permits;***
- (g) visa procedures;***
- (h) naturalisation procedures;***
- (i) adoption of children;***
- (j) choice of foster care parents.***

***Member States shall use the ECRIS-TCN system through their central authority to identify the Member State(s) holding criminal record information on that third country national in order to obtain information on previous convictions through ECRIS.***

*Justification*

*The purposes of data processing should be defined by the legislator. Therefore, this amendment establishes the list of possible other purposes for checking criminal records, based on the information provided for by the European Commission in its Impact Assessment (document SWD(2016) 4).*

**Amendment 170**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation****Article 7 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. *Europol, Eurojust [and the European Public Prosecutor's Office] shall have access to the ECRIS-TCN system for identifying the Member State(s) holding criminal record information on a third county national in accordance with Articles 14, 15 and 16.*** ***deleted***

**Amendment 171**

**Anna Hedh**

**Proposal for a regulation****Article 7 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. *Europol, Eurojust [and the European Public Prosecutor's Office] shall have access to the ECRIS-TCN system for identifying the Member State(s) holding criminal record information on a third county national in accordance with Articles 14, 15 and 16.***

**2. Eurojust [and the European Public Prosecutor's Office] shall have access to the ECRIS-TCN system for identifying the Member State(s) holding criminal record information on a third county national in accordance with Articles 14, 15 and 16.**

**Amendment 172**

**Auke Zijlstra**

**Proposal for a regulation**

**Article 7 – paragraph 3**

*Text proposed by the Commission*

3. ***The competent*** authorities may query the ECRIS-TCN system using the data referred to in Article 5(1).

*Amendment*

3. ***National*** authorities may query the ECRIS-TCN system using the data referred to in Article 5(1).

Or. en

**Amendment 173**

**Dennis de Jong**

**Proposal for a regulation**

**Article 7 – paragraph 4**

*Text proposed by the Commission*

4. ***The competent authorities may also query the ECRIS-TCN system using the facial images referred to in Article 5(2), provided that such functionality has been implemented in accordance with Article 6(2).***

*Amendment*

***deleted***

Or. en

**Amendment 174**

**Anna Hedh**

**Proposal for a regulation**

**Article 7 – paragraph 4**

*Text proposed by the Commission*

4. ***The competent authorities may also query the ECRIS-TCN system using the facial images referred to in Article 5(2), provided that such functionality has been implemented in accordance with Article 6(2).***

*Amendment*

***deleted***

**Amendment 175**

**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**

**Article 7 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4.      *The competent authorities may also query the ECRIS-TCN system using the facial images referred to in Article 5(2), provided that such functionality has been implemented in accordance with Article 6(2).***      ***deleted***

Or. en

*Justification*

*Aligned with our other amendments deleting facial images.*

**Amendment 176**

**Angelika Mlinar**

**Proposal for a regulation**

**Article 7 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4.      *The competent authorities may also query the ECRIS-TCN system using the facial images referred to in Article 5(2), provided that such functionality has been implemented in accordance with Article 6(2).***      ***deleted***

Or. en

**Amendment 177**

**Auke Zijlstra**

**Proposal for a regulation**

## Article 7 – paragraph 4

*Text proposed by the Commission*

4. ***The competent*** authorities may also query the ECRIS-TCN system using the facial images referred to in Article 5(2), provided that such functionality has been implemented in accordance with Article 6(2).

*Amendment*

4. ***National*** authorities may also query the ECRIS-TCN system using the facial images referred to in Article 5(2), provided that such functionality has been implemented in accordance with Article 6(2).

Or. en

## Amendment 178

Gérard Deprez, Louis Michel

### Proposal for a regulation

#### Article 7 a (new)

*Text proposed by the Commission*

*Amendment*

#### ***Article 7a***

#### ***Use of the ECRIS-TCN system for the assessment of ETIAS applications***

1. ***For the purposes of the automated processing referred to in Article 18(2)(l) of [the ETIAS Regulation], the ETIAS Central System shall compare the relevant data from the application file with the data present in records registered in the ECRIS-TCN system to verify whether the applicant is a third country national convicted for a serious crime listed in Annex I of the [ETIAS Regulation] or for a terrorist offence and whose data are recorded in ECRIS-TCN system.***

2. ***The ETIAS Central System shall query the ECRIS-TCN system using the following data as referred to in Article 5(1)(a): surname or family name; first name(s) (given name(s)); sex; date of birth; place and country of birth; nationality or nationalities; gender and where applicable previous names, pseudonyms(s) and/or alias name(s).***

3. *In the event of a hit, when examining and deciding on a travel authorisation applications in accordance with Article 20 of the [ETIAS Regulation], the ETIAS Central Unit shall have access to the following data of Article 5(1)(a):surname or family name; first name(s) (given name(s));sex; date of birth; place and country of birth; nationality or nationalities; gender and where applicable previous names, pseudonyms(s) and/or alias name(s).*

4. *When examining and deciding on a travel authorisation applications in accordance with Article 22 of the [ETIAS Regulation], the , ETIAS National Units shall have access to the data referred to in Article 5(1)(a) and (c).*

Or. en

#### **Amendment 179**

**Jan Philipp Albrecht, Judith Sargentini**

#### **Proposal for a regulation**

#### **Article 8 – paragraph 2**

*Text proposed by the Commission*

2. Upon expiry of the retention period referred to in paragraph 1, the central authority of the convicting Member State shall erase the individual data record ***without delay*** from the Central System, ***and in any event no later than one month after the expiry of that retention period.***

*Amendment*

2. Upon expiry of the retention period referred to in paragraph 1, the central authority of the convicting Member State shall erase the individual data record ***immediately*** from the Central System.

Or. en

*Justification*

*The data in ECRIS-TCN should be synchronised as much as possible with the data on criminal records stored in the national criminal records register.*

#### **Amendment 180**



Auke Zijlstra

**Proposal for a regulation**  
**Article 8 – paragraph 2**

*Text proposed by the Commission*

2. Upon expiry of the retention period referred to in paragraph 1, the central authority of the convicting Member State **shall** erase the individual data record ***without delay*** from the ***Central*** System, ***and in any event no later than one month after the expiry of that retention period.***

*Amendment*

2. Upon expiry of the retention period referred to in paragraph 1, the central ***national*** authority of the convicting Member State ***may*** erase the individual data record ***when they find this necessary*** from the System.

Or. en

**Amendment 181**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 8 – paragraph 2**

*Text proposed by the Commission*

2. Upon expiry of the retention period referred to in paragraph 1, the central authority of the convicting Member State shall erase the individual data record without delay from the Central System, ***and in any event no later than one month after the expiry of that retention period.***

*Amendment*

2. Upon expiry of the retention period referred to in paragraph 1, the central authority of the convicting Member State shall ***immediately and permanently*** erase the individual data record without delay from the Central System.

Or. en

**Amendment 182**  
**Angelika Mlinar**

**Proposal for a regulation**  
**Article 8 – paragraph 2**

*Text proposed by the Commission*

2. Upon expiry of the retention period referred to in paragraph 1, the central authority of the convicting Member State

*Amendment*

2. Upon expiry of the retention period referred to in paragraph 1, the central authority of the convicting Member State

shall erase the individual data record without delay from the Central System, and in any event no later than one month after the expiry of that retention period.

shall **permanently** erase the individual data record without delay from the Central System, and in any event no later than one month after the expiry of that retention period.

Or. en

#### **Amendment 183**

**Gérard Deprez, Louis Michel, Angelika Mlinar**

#### **Proposal for a regulation**

#### **Article 8 – paragraph 2**

##### *Text proposed by the Commission*

2. Upon expiry of the retention period referred to in paragraph 1, the central authority of the convicting Member State shall erase the individual data record without delay from the Central System, and in any event no later than **one month** after the expiry of that retention period.

##### *Amendment*

2. Upon expiry of the retention period referred to in paragraph 1, the central authority of the convicting Member State shall erase the individual data record without delay from the Central System, and in any event no later than **24 hours** after the expiry of that retention period.

Or. fr

#### **Amendment 184**

**Anna Hedh**

#### **Proposal for a regulation**

#### **Article 8 – paragraph 2**

##### *Text proposed by the Commission*

2. Upon expiry of the retention period referred to in paragraph 1, the central authority of the convicting Member State shall erase the **individual** data record without delay from the Central System, and in any event no later than one **month** after the expiry of that retention period.

##### *Amendment*

2. Upon expiry of the retention period referred to in paragraph 1, the central authority of the convicting Member State shall **permanently** erase the data record without delay from the Central System, and in any event no later than one **week** after the expiry of that retention period.

Or. en

## Amendment 185

Auke Zijlstra

### Proposal for a regulation

#### Article 9 – paragraph 2

##### *Text proposed by the Commission*

2. Any subsequent amendment in the national criminal records of the information which led to the creation of a data record in accordance with Article 5 **shall** entail identical amendment of the information stored in that data record in the Central System by the convicting Member State.

##### *Amendment*

2. Any subsequent amendment in the national criminal records of the information which led to the creation of a data record in accordance with Article 5 **may** entail identical amendment of the information stored in that data record in the Central System by the convicting Member State.

Or. en

## Amendment 186

Dennis de Jong

### Proposal for a regulation

#### Article 9 – paragraph 3

##### *Text proposed by the Commission*

3. If a Member State has reason to believe that the data it has recorded in the Central System are inaccurate or that data were processed in the Central System in contravention of this Regulation, it shall check the data concerned and, if necessary, amend them or delete them from the Central System **without delay**.

##### *Amendment*

3. If a Member State has reason to believe that the data it has recorded in the Central System are inaccurate or that data were processed in the Central System in contravention of this Regulation, it shall check the data concerned and, if necessary, **immediately** amend them or delete them from the Central System. **It shall immediately inform the European Data Protection Supervisor and the national supervisory authority for data protection of any such incidents.**

Or. en

## Amendment 187

Auke Zijlstra

**Proposal for a regulation**  
**Article 9 – paragraph 3**

*Text proposed by the Commission*

3. If a Member State has reason to believe that the data it has recorded in the Central System are inaccurate or that data were processed in the Central System in contravention of this Regulation, it **shall** check the data concerned and, if necessary, amend them or delete them from the Central System **without delay**.

*Amendment*

3. If a Member State has reason to believe that the data it has recorded in the Central System are inaccurate or that data were processed in the Central System in contravention of this Regulation, it **may** check the data concerned and, if necessary, amend them or delete them from the Central System.

Or. en

**Amendment 188**  
**Gérard Deprez, Louis Michel, Angelika Mlinar**

**Proposal for a regulation**  
**Article 9 – paragraph 3**

*Text proposed by the Commission*

3. If a Member State has reason to believe that the data it has recorded in the Central System are inaccurate or that data were processed in the Central System in contravention of this Regulation, it shall check the data concerned and, if necessary, amend them or delete them from the Central System **without delay**.

*Amendment*

3. If a Member State has reason to believe that the data it has recorded in the Central System are inaccurate or that data were processed in the Central System in contravention of this Regulation, it shall check the data concerned and, if necessary, amend them or delete them from the Central System **immediately**.

Or. fr

**Amendment 189**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 9 – paragraph 4**

*Text proposed by the Commission*

4. If a Member State other than the Member State which entered the data has reason to believe that data recorded in the

*Amendment*

4. If a Member State other than the Member State which entered the data has reason to believe that data recorded in the

Central System are inaccurate or that data was processed in the Central System in contravention of this Regulation, it shall contact the central authority of the convicting Member State ***without delay***. The convicting Member State shall check the accuracy of the data and the lawfulness of its processing within one month.

Central System are inaccurate or that data was processed in the Central System in contravention of this Regulation, it shall ***immediately*** contact the central authority of the convicting Member State. The convicting Member State shall ***promptly*** check the accuracy of the data and the lawfulness of its processing, ***and in any event not later than*** within one month. ***In these cases, the convicting Member State shall immediately inform the European Data Protection Supervisor and the national supervisory authority for data protection of any such incidents.***

Or. en

**Amendment 190**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 9 – paragraph 4**

*Text proposed by the Commission*

4. If a Member State other than the Member State which entered the data has reason to believe that data recorded in the Central System are inaccurate or that data was processed in the Central System in contravention of this Regulation, it shall ***contact*** the central authority of the convicting Member State without delay. The convicting Member State shall check the accuracy of the data and the lawfulness of its processing within one month.

*Amendment*

4. If a Member State other than the Member State which entered the data has reason to believe that data recorded in the Central System are inaccurate or that data was processed in the Central System in contravention of this Regulation, it shall ***refer the matter to*** the central authority of the convicting Member State without delay. The convicting Member State shall check the accuracy of the data and the lawfulness of its processing within one month ***and shall then report the findings of those checks.***

Or. ro

**Amendment 191**  
**Anna Hedh**

**Proposal for a regulation**

## Article 9 – paragraph 4

### *Text proposed by the Commission*

4. If a Member State other than the Member State which entered the data has reason to believe that data recorded in the Central System are inaccurate or that data was processed in the Central System in contravention of this Regulation, it shall contact the central authority of the convicting Member State without delay. The convicting Member State shall check the accuracy of the data and the lawfulness of its processing within one **month**.

### *Amendment*

4. If a Member State other than the Member State which entered the data has reason to believe that data recorded in the Central System are inaccurate or that data was processed in the Central System in contravention of this Regulation, it shall contact the central authority of the convicting Member State without delay. The convicting Member State shall check the accuracy of the data and the lawfulness of its processing within one **week**.

Or. en

## Amendment 192

Auke Zijlstra

### Proposal for a regulation

#### Article 9 – paragraph 4

### *Text proposed by the Commission*

4. If a Member State other than the Member State which entered the data has reason to believe that data recorded in the Central System are inaccurate or that data was processed in the Central System in contravention of this Regulation, it **shall** contact the central authority of the convicting Member State **without delay**. The convicting Member State shall check the accuracy of the data and the lawfulness of its processing **within one month**.

### *Amendment*

4. If a Member State other than the Member State which entered the data has reason to believe that data recorded in the Central System are inaccurate or that data was processed in the Central System in contravention of this Regulation, it **may** contact the central authority of the convicting Member State. The convicting Member State shall check the accuracy of the data and the lawfulness of its processing.

Or. en

## Amendment 193

Auke Zijlstra, Gilles Lebreton, Nicolas Bay

### Proposal for a regulation

#### Article 10 – paragraph 1

**1. The Commission shall adopt the acts necessary for the development and technical implementation of the ECRIS-TCN system, and in particular rules on:** *deleted*

**(a) the technical specifications for the processing of the alphanumeric data;**

**(b) the technical specifications for the resolution and processing of fingerprints in the ECRIS-TCN system;**

**(c) the technical specifications of the Interface Software referred to in point (c) of Article 4(1);**

**(d) the technical specifications for the processing of facial images;**

**(e) data quality, including a mechanism and procedures to carry out data quality checks;**

**(f) entering the data in accordance with Article 5;**

**(g) accessing the data in accordance with Article 7;**

**(h) amending and deleting the data in accordance with Articles 8 and 9;**

**(i) keeping and accessing the logs in accordance with Article 29;**

**(j) providing statistics in accordance with Article 30;**

**(k) performance and availability requirements of the ECRIS-TCN system.**

Or. en

#### **Amendment 194**

**Jan Philipp Albrecht, Judith Sargentini**

#### **Proposal for a regulation**

#### **Article 10 – paragraph 1 – introductory part**

1. The Commission shall adopt the acts necessary for the development and technical implementation of the ECRIS-TCN system, and in particular rules on:

1. The Commission shall adopt, ***before [two years after the entry into force of this Regulation]***, the acts necessary for the development and technical implementation of the ECRIS-TCN system, and in particular rules on:

Or. en

*Justification*

*Necessary in order to set a concrete date for the start of the ECRIS-TCN system in Article 11.*

**Amendment 195**  
**Angelika Mlinar**

**Proposal for a regulation**  
**Article 10 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

***(d) the technical specifications for the processing of facial images;*** ***deleted***

Or. en

**Amendment 196**  
**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**  
**Article 10 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

***(d) the technical specifications for the processing of facial images;*** ***deleted***

Or. en

*Justification*

*In line with our other amendments deleting facial images.*

**Amendment 197**



**Anna Hedh**

**Proposal for a regulation**

**Article 10 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) the technical specifications for the processing of facial images;** **deleted**

Or. en

**Amendment 198**

**Dennis de Jong**

**Proposal for a regulation**

**Article 10 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) the technical specifications for the processing of facial images;** **deleted**

Or. en

**Amendment 199**

**Angelika Mlinar, Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Article 10 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

**(e) data quality, including a mechanism and procedures to carry out data quality checks;**

**(e) the technical specifications for data quality, including a mechanism and procedures to carry out data quality checks;**

Or. en

**Amendment 200**

**Anna Hedh**

**Proposal for a regulation**

**Article 10 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) data quality, including a mechanism and procedures to carry out data quality checks;

*Amendment*

(e) ***the technical specifications for*** data quality, including a mechanism and procedures to carry out data quality checks;

Or. en

**Amendment 201**

**Maria Grapini**

**Proposal for a regulation**

**Article 10 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) data quality, including a mechanism and procedures to carry out data quality checks;

*Amendment*

(e) data quality, including a mechanism and procedures to carry out data quality ***and accuracy*** checks;

Or. ro

**Amendment 202**

**Dennis de Jong**

**Proposal for a regulation**

**Article 10 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) ***entering the data in accordance with Article 5;***

*Amendment*

***deleted***

Or. en

**Amendment 203**

**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**

**Article 10 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

**(f) entering the data in accordance with Article 5;** **deleted**

Or. en

*Justification*

*Moved to next Article 10a (new) for a delegated rather than implementing act.*

#### **Amendment 204**

**Dennis de Jong**

#### **Proposal for a regulation**

#### **Article 10 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

**(g) accessing the data in accordance with Article 7;** **deleted**

Or. en

#### **Amendment 205**

**Jan Philipp Albrecht, Judith Sargentini**

#### **Proposal for a regulation**

#### **Article 10 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

**(g) accessing the data in accordance with Article 7;** **deleted**

Or. en

*Justification*

*Moved to next Article 10a (new) for a delegated rather than implementing act.*

#### **Amendment 206**

**Dennis de Jong**

**Proposal for a regulation**  
**Article 10 – paragraph 1 – point h**

*Text proposed by the Commission*

*Amendment*

**(h) amending and deleting the data in  
accordance with Articles 8 and 9;** **deleted**

Or. en

**Amendment 207**  
**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**  
**Article 10 – paragraph 1 – point h**

*Text proposed by the Commission*

*Amendment*

**(h) amending and deleting the data in  
accordance with Articles 8 and 9;** **deleted**

Or. en

*Justification*

*Moved to next Article 10a (new) for a delegated rather than implementing act.*

**Amendment 208**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 10 – paragraph 1 – point i**

*Text proposed by the Commission*

*Amendment*

**(i) keeping and accessing the logs in  
accordance with Article 29;** **deleted**

Or. en

**Amendment 209**  
**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**

**Article 10 – paragraph 1 – point i**

*Text proposed by the Commission*

*Amendment*

**(i) keeping and accessing the logs in accordance with Article 29;** **deleted**

Or. en

*Justification*

*Moved to next Article 10a (new) for a delegated rather than implementing act.*

**Amendment 210**

**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**

**Article 10 – paragraph 1 – point j**

*Text proposed by the Commission*

*Amendment*

**(j) providing statistics in accordance with Article 30;** **deleted**

Or. en

*Justification*

*Moved to next Article 10a (new) for a delegated rather than implementing act.*

**Amendment 211**

**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**

**Article 10 – paragraph 1 – point k**

*Text proposed by the Commission*

*Amendment*

**(k) performance and availability requirements of the ECRIS-TCN system.** **deleted**

Or. en

*Justification*

*Moved to next Article 10a (new) for a delegated rather than implementing act.*

**Amendment 212**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation**

**Article 10 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The implementing acts referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 35(2).** **deleted**

Or. en

**Amendment 213**

**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**

**Article 10 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 10a**

**Adoption of delegated acts by the Commission**

**The Commission shall adopt the delegated acts in accordance with Article 35a concerning the development and technical implementation of the ECRIS-TCN system, and in particular rules on:**

- (a) entering the data in accordance with Article 5;**
- (b) accessing the data in accordance with Article 7;**
- (c) amending and deleting the data in accordance with Articles 8 and 9;**
- (d) keeping and accessing the logs in accordance with Article 29;**
- (e) providing statistics in accordance with Article 30;**
- (f) performance and availability**

*requirements of the ECRIS-TCN system.*

Or. en

*Justification*

*New article for delegated acts on some of the categories of Article 10 - linked to new Article 35a.*

**Amendment 214**

**Dennis de Jong**

**Proposal for a regulation**

**Article 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 10a***

***Adoption of delegated acts by the  
Commission***

***The Commission shall adopt delegated  
acts in accordance with Article 35a  
concerning:***

- (a) entering the data in accordance  
with Article 5;***
- (b) accessing the data in accordance  
with Article 7;***
- (c) amending and deleting the data in  
accordance with Articles 8 and 9;***
- (d) keeping and accessing the logs in  
accordance with Article 29;***

Or. en

**Amendment 215**

**Dennis de Jong**

**Proposal for a regulation**

**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. eu-LISA shall be responsible for the development **and** operational management of the ECRIS-TCN system. The development shall consist of the elaboration and implementation of the technical specifications, testing and overall project coordination.

*Amendment*

1. eu-LISA shall be responsible for the development **of the ECRIS-TCN system in accordance with the principle of data protection by design and by default. In addition, eu-LISA shall be responsible for the** operational management of the ECRIS-TCN system. The development shall consist of the elaboration and implementation of the technical specifications, testing and overall project coordination.

Or. en

**Amendment 216**

**Auke Zijlstra**

**Proposal for a regulation**

**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. **eu-LISA shall be responsible for the** development and operational management of the ECRIS-TCN system. The development shall consist of the elaboration and implementation of the technical specifications, testing and overall project coordination.

*Amendment*

1. **Member States have the freedom to decide on possible** development and operational management of the ECRIS-TCN system. The development shall consist of the elaboration and implementation of the technical specifications, testing and overall project coordination.

Or. en

**Amendment 217**

**Auke Zijlstra**

**Proposal for a regulation**

**Article 11 – paragraph 2**

*Text proposed by the Commission*

2. **eu-LISA shall also be responsible** for the further development and

*Amendment*

2. **Member States have the freedom to decide on whether to take responsibility**



maintenance of the ECRIS reference implementation.

for the further development and maintenance of the ECRIS reference implementation, *to outsource or to not partake at all.*

Or. en

#### **Amendment 218**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

#### **Proposal for a regulation**

#### **Article 11 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. eu-LISA shall define the design of the physical architecture of the ECRIS-TCN system including its technical specifications and their evolution as regards the Central System referred to in point (a) of Article 4(1), the national central access point referred to in point (b) of Article 4(1) and the Interface Software referred to in point (c) of Article 4(1). That design shall be adopted by its Management Board, subject to a favourable opinion of the Commission.**

**deleted**

Or. en

#### **Amendment 219**

**Pál Csáky**

#### **Proposal for a regulation**

#### **Article 11 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. eu-LISA shall define the design of the physical architecture of the ECRIS-TCN system including its technical specifications and their evolution as regards the Central System referred to in point (a) of Article 4(1), the national central access point referred to in point (b)**

**3. eu-LISA shall define the design of the physical architecture of the ECRIS-TCN system including its technical specifications and their evolution as regards the Central System referred to in point (a) of Article 4(1), the national central access point referred to in point (b)**

of Article 4(1) and the Interface Software referred to in point (c) of Article 4(1). ***That design shall be adopted by its Management Board, subject to a favourable opinion of the Commission.***

of Article 4(1) and the Interface Software referred to in point (c) of Article 4(1).

Or. en

#### **Amendment 220**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

#### **Proposal for a regulation**

#### **Article 11 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. eu-LISA shall develop and implement the ECRIS-TCN system before [two years after the entry into force of this Regulation] and following the adoption by the Commission of the measures provided for in Article 10.**

***deleted***

Or. en

#### **Amendment 221**

**Jan Philipp Albrecht, Judith Sargentini**

#### **Proposal for a regulation**

#### **Article 11 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. eu-LISA shall develop and implement the ECRIS-TCN system before [two years after the entry into force of this Regulation] and following the adoption by the Commission of the measures provided for in Article 10.**

**4. eu-LISA shall develop and implement the ECRIS-TCN system before [two years after the entry into force of this Regulation].**

Or. en

### *Justification*

*Deletion in order to remove the double conditionality for the start of the system. Our similar amendment to Article 10 forces the Commission to adopt the measures maximum 2 years after entry into force of this Regulation.*

#### **Amendment 222**

**Pál Csáky**

#### **Proposal for a regulation**

##### **Article 11 – paragraph 4**

###### *Text proposed by the Commission*

4. eu-LISA shall develop and implement the ECRIS-TCN system ***before [two years after the entry into force of this Regulation] and following*** the adoption by the Commission of the measures provided for in Article 10.

###### *Amendment*

4. eu-LISA shall develop and implement the ECRIS-TCN system ***as soon as possible*** after the entry into force of this Regulation ***and*** the adoption by the Commission of the measures provided for in Article 10.

Or. en

#### **Amendment 223**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

#### **Proposal for a regulation**

##### **Article 11 – paragraph 5**

###### *Text proposed by the Commission*

***5. Prior to the design and development phase, a Programme Management Board composed of a maximum of ten members shall be established by the Management Board of eu-LISA. It shall be composed of eight representatives appointed by the Management Board, the Chair of the ECRIS-TCN system Advisory Group referred to in Article 36 and one member appointed by the Commission. The members appointed by the Management Board shall be elected only from those Member States which are fully bound under Union law by the legislative***

###### *Amendment*

***deleted***

*instruments governing the ECRIS and which will participate in the ECRIS-TCN system. The Management Board shall ensure that the representatives it appoints shall have the necessary experience and expertise in the development and management of IT systems supporting judicial and criminal records authorities. The Programme Management Board shall meet at least once every three months, and more often when necessary. It shall ensure the adequate management of the design and development phase of the ECRIS-TCN system. The Programme Management Board shall submit written reports every month to eu-LISA's Management Board on progress of the project. It shall have no decision-making power nor any mandate to represent the members of the Management Board.*

Or. en

#### **Amendment 224**

**Pál Csáky**

#### **Proposal for a regulation**

#### **Article 11 – paragraph 5**

##### *Text proposed by the Commission*

5. Prior to the design and development phase, a Programme Management Board composed of a maximum of ten members shall be established by the Management Board of eu-LISA. It shall be composed of **eight** representatives appointed by the Management Board, the Chair of the ECRIS-TCN system Advisory Group referred to in Article 36 and one member appointed by the Commission. The members appointed by the Management Board shall be elected only from those Member States which are fully bound under Union law by the legislative instruments governing the ECRIS and which will participate in the ECRIS-TCN

##### *Amendment*

5. Prior to the design and development phase, a Programme Management Board composed of a maximum of ten members shall be established by the Management Board of eu-LISA. It shall be composed of **seven** representatives appointed by the Management Board **from among its members or their alternates**, the Chair of the ECRIS-TCN system Advisory Group referred to in Article 36, **a member representing eu-LISA appointed by its Executive Director** and one member appointed by the Commission. The members appointed by the Management Board shall be elected only from those Member States which are fully bound

system. The Management Board shall ensure that the representatives it appoints shall have the necessary experience and expertise in the development and management of IT systems supporting judicial and criminal records authorities. The Programme Management Board shall meet at least once every three months, and more often when necessary. It shall ensure the adequate management of the design and development phase of the ECRIS-TCN system. The Programme Management Board shall submit written reports every month to eu-LISA's Management Board on progress of the project. It shall have no decision-making power nor any mandate to represent the members of the Management Board.

under Union law by the legislative instruments governing the ECRIS and which will participate in the ECRIS-TCN system. The Management Board shall ensure that the representatives it appoints shall have the necessary experience and expertise in the development and management of IT systems supporting judicial and criminal records authorities. The Programme Management Board shall meet at least once every three months, and more often when necessary. It shall ensure the adequate management of the design and development phase of the ECRIS-TCN system. The Programme Management Board shall submit written reports every month to eu-LISA's Management Board on progress of the project. It shall have no decision-making power nor any mandate to represent the members of the Management Board.

Or. en

## Amendment 225

Angelika Mlinar, Gérard Deprez, Louis Michel

### Proposal for a regulation

#### Article 11 – paragraph 5

##### *Text proposed by the Commission*

5. Prior to the design and development phase, a Programme Management Board composed of a maximum of ten members shall be established by the Management Board of eu-LISA. It shall be composed of **eight** representatives appointed by the Management Board, the Chair of the ECRIS-TCN system Advisory Group referred to in Article 36 and one member appointed by the Commission. The members appointed by the Management Board shall be elected only from those Member States which are fully bound under Union law by the legislative instruments governing the ECRIS and

##### *Amendment*

5. Prior to the design and development phase, a Programme Management Board composed of a maximum of ten members shall be established by the Management Board of eu-LISA. It shall be composed of **seven** representatives appointed by the Management Board **from among its members or their alternates**, the Chair of the ECRIS-TCN system Advisory Group referred to in Article 36, **a member representing eu-LISA appointed by its Executive Director** and one member appointed by the Commission. The members appointed by the Management Board shall be elected only from those

which will participate in the ECRIS-TCN system. The Management Board shall ensure that the representatives it appoints shall have the necessary experience and expertise in the development and management of IT systems supporting judicial and criminal records authorities. The Programme Management Board shall meet at least once every three months, and more often when necessary. It shall ensure the adequate management of the design and development phase of the ECRIS-TCN system. The Programme Management Board shall submit written reports every month to eu-LISA's Management Board on progress of the project. It shall have no decision-making power nor any mandate to represent the members of the Management Board.

Member States which are fully bound under Union law by the legislative instruments governing the ECRIS and which will participate in the ECRIS-TCN system. The Management Board shall ensure that the representatives it appoints shall have the necessary experience and expertise in the development and management of IT systems supporting judicial and criminal records authorities. The Programme Management Board shall meet at least once every three months, and more often when necessary. It shall ensure the adequate management of the design and development phase of the ECRIS-TCN system. The Programme Management Board shall submit written reports every month to eu-LISA's Management Board on progress of the project. It shall have no decision-making power nor any mandate to represent the members of the Management Board.

Or. en

#### *Justification*

*The new wording aligns the text with article 37 EES.*

#### **Amendment 226**

**Maria Grapini**

#### **Proposal for a regulation**

#### **Article 11 – paragraph 5**

##### *Text proposed by the Commission*

5. Prior to the design and development phase, a Programme Management Board composed of a maximum of ten members shall be established by the Management Board of eu-LISA. It shall be composed of eight representatives appointed by the Management Board, the Chair of the ECRIS-TCN system Advisory Group referred to in Article 36 and one member appointed by the Commission. The

##### *Amendment*

5. Prior to the design and development phase, a Programme Management Board composed of a maximum of ten members shall be established by the Management Board of eu-LISA. . It shall be composed of eight representatives appointed by the Management Board, the Chair of the ECRIS-TCN system Advisory Group referred to in Article 36 and one member appointed by the Commission. The

members appointed by the Management Board shall be elected only from those Member States which are fully bound under Union law by the legislative instruments governing the ECRIS and which will participate in the ECRIS-TCN system. The Management Board shall ensure that the representatives it appoints shall have the necessary experience and expertise in the development and management of IT systems supporting judicial and criminal records authorities. The Programme Management Board shall meet at least once every three months, and more often when necessary. It shall ensure the adequate management of the design and development phase of the ECRIS-TCN system. The Programme Management Board shall submit written reports every month to eu-LISA's Management Board on progress of the project. It shall have no decision-making power nor any mandate to represent the members of the Management Board.

members appointed by the Management Board shall be elected, ***on the basis of a recommendation from their home Member State***, only from those Member States which are fully bound under Union law by the legislative instruments governing the ECRIS and which will participate in the ECRIS-TCN system. The Management Board shall ensure that the representatives it appoints shall have the necessary experience and expertise in the development and management of IT systems supporting judicial and criminal records authorities. The Programme Management Board shall meet at least once every three months, and more often when necessary. It shall ensure the adequate management of the design and development phase of the ECRIS-TCN system. The Programme Management Board shall submit written reports every month to eu-LISA's Management Board on progress of the project. It shall have no decision-making power nor any mandate to represent the members of the Management Board.

Or. ro

## **Amendment 227**

**Dennis de Jong**

### **Proposal for a regulation**

#### **Article 11 – paragraph 5**

##### *Text proposed by the Commission*

5. Prior to the design and development phase, a Programme Management Board composed of a maximum of ten members shall be established by the Management Board of eu-LISA. It shall be composed of ***eight*** representatives appointed by the Management Board, the Chair of the ECRIS-TCN system Advisory Group referred to in Article 36 ***and*** one member appointed by the Commission. The

##### *Amendment*

5. Prior to the design and development phase, a Programme Management Board composed of a maximum of ten members shall be established by the Management Board of eu-LISA. It shall be composed of ***seven*** representatives appointed by the Management Board, the Chair of the ECRIS-TCN system Advisory Group referred to in Article 36, one member appointed by the Commission ***and one***

members appointed by the Management Board shall be elected only from those Member States which are fully bound under Union law by the legislative instruments governing the ECRIS and which will participate in the ECRIS-TCN system. The Management Board shall ensure that the representatives it appoints shall have the necessary experience and expertise in the development and management of IT systems supporting judicial and criminal records authorities. The Programme Management Board shall meet at least once every three months, and more often when necessary. It shall ensure the adequate management of the design and development phase of the ECRIS-TCN system. The Programme Management Board shall submit written reports every month to eu-LISA's Management Board on progress of the project. It shall have no decision-making power nor any mandate to represent the members of the Management Board.

***member appointed by the European Data Protection Supervisor.*** The members appointed by the Management Board shall be elected only from those Member States which are fully bound under Union law by the legislative instruments governing the ECRIS and which will participate in the ECRIS-TCN system. The Management Board shall ensure that the representatives it appoints shall have the necessary experience and expertise in the development and management of IT systems supporting judicial and criminal records authorities. The Programme Management Board shall meet at least once every three months, and more often when necessary. It shall ensure the adequate management of the design and development phase of the ECRIS-TCN system. The Programme Management Board shall submit written reports every month to eu-LISA's Management Board on progress of the project. It shall have no decision-making power nor any mandate to represent the members of the Management Board.

Or. en

## **Amendment 228**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

### **Proposal for a regulation**

#### **Article 11 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. The Programme Management Board shall establish its rules of procedure which shall include in particular rules on:**

***deleted***

- (a) chairmanship;**
- (b) meeting venues;**
- (c) preparation of meetings;**
- (d) admission of experts to the**



*meetings;*

*(e) communication plans ensuring full information to non-participating Members of the Management Board.*

Or. en

#### **Amendment 229**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

#### **Proposal for a regulation**

#### **Article 11 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**7. The chairmanship shall be held by the Member State holding the Presidency of the Council of the European Union, provided that it is fully bound under Union law by the legislative instruments governing the ECRIS and which will participate in the ECRIS-TCN system. If this requirement is not met, the chairmanship shall be held by the Member State which shall next hold the Presidency and which meets that requirement.** *deleted*

Or. en

#### **Amendment 230**

**Pál Csáky**

#### **Proposal for a regulation**

#### **Article 11 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**7. The chairmanship shall be held by the Member State *holding the Presidency of the Council of the European Union, provided that it* is fully bound under Union law by the legislative instruments governing the ECRIS and which will participate in the ECRIS-TCN system. *If***

**7. The chairmanship shall be held by *a* Member State *that* is fully bound under Union law by the legislative instruments governing the ECRIS and which will participate in the ECRIS-TCN system.**

*this requirement is not met, the chairmanship shall be held by the Member State which shall next hold the Presidency and which meets that requirement.*

Or. en

**Amendment 231**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation**

**Article 11 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

**8. All travel and subsistence expenses incurred by the members of the Programme Management Board shall be paid by the Agency and Article 10 of the eu-LISA Rules of Procedure shall apply mutatis mutandis. The Programme Management Board's secretariat shall be ensured by eu-LISA.** **deleted**

Or. en

**Amendment 232**

**Angelika Mlinar, Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Article 11 – paragraph 9**

*Text proposed by the Commission*

*Amendment*

**9. During the design and development phase, the ECRIS-TCN system Advisory Group referred to in Article 36 shall be composed of the national ECRIS-TCN system project managers. During the design and development phase it shall meet at least once a month until the start of operations of the ECRIS-TCN system. It shall report after each meeting to the Management Board of eu-LISA. It shall**

**9. During the design and development phase, the ECRIS-TCN system Advisory Group referred to in Article 36 shall be composed of the national ECRIS-TCN system project managers *and chaired by eu-LISA*. During the design and development phase it shall meet at least once a month until the start of operations of the ECRIS-TCN system. It shall report after each meeting to the Management**

provide the technical expertise to support the tasks of the Management Board and shall follow-up on the state of preparation of the Member States.

Board of eu-LISA. It shall provide the technical expertise to support the tasks of the Management Board and shall follow-up on the state of preparation of the Member States.

Or. en

*Justification*

*The new wording aligns the text with article 37 EES*

**Amendment 233**

**Pál Csáky**

**Proposal for a regulation**

**Article 11 – paragraph 9**

*Text proposed by the Commission*

9. During the design and development phase, the ECRIS-TCN system Advisory Group referred to in Article 36 shall be composed of the national ECRIS-TCN system project managers. During the design and development phase it shall meet at least once a month until the start of operations of the ECRIS-TCN system. It shall report after each meeting to the Management Board of eu-LISA. It shall provide the technical expertise to support the tasks of the Management Board and shall follow-up on the state of preparation of the Member States.

*Amendment*

9. During the design and development phase, the ECRIS-TCN system Advisory Group referred to in Article 36 shall be composed of the national ECRIS-TCN system project managers **and chaired by eu-LISA**. During the design and development phase it shall meet at least once a month until the start of operations of the ECRIS-TCN system. It shall report after each meeting to the Management Board of eu-LISA. It shall provide the technical expertise to support the tasks of the Management Board and shall follow-up on the state of preparation of the Member States.

Or. en

**Amendment 234**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation**

**Article 11 – paragraph 11**

*Text proposed by the Commission*

*Amendment*

**11. *eu-LISA shall be responsible for the following tasks related to the Communication Infrastructure referred to in point (d) of Article 4(1):*** *deleted*

- (a) *supervision;***
- (b) *security;***
- (c) *the coordination of relations between the Member States and the provider.***

Or. en

**Amendment 235**  
**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation**  
**Article 11 – paragraph 12**

*Text proposed by the Commission*

*Amendment*

**12. *The Commission shall be responsible for all other tasks relating to the Communication Infrastructure, in particular:*** *deleted*

- (a) *tasks relating to the implementation of the budget;***
- (b) *acquisition and renewal;***
- (c) *contractual matters.***

Or. en

**Amendment 236**  
**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation**  
**Article 11 – paragraph 15**

*Text proposed by the Commission*

*Amendment*

**15. *eu-LISA shall perform tasks related to providing training on the technical use of the ECRIS-TCN system*** *deleted*

**Amendment 237**

**Pál Csáky**

**Proposal for a regulation**

**Article 12 – paragraph 2**

*Text proposed by the Commission*

2. Each Member State shall give the staff of its authorities which have a right to access the ECRIS-TCN system appropriate training, in particular on data security and data protection rules and on relevant fundamental rights, before authorising them to process data stored in the Central System.

*Amendment*

2. Each Member State shall give the staff of its authorities which have a right to access the ECRIS-TCN system appropriate training ***on the use of ECRIS-TCN system***, in particular on data security and data protection rules and on relevant fundamental rights, before authorising them to process data stored in the Central System.

**Amendment 238**

**Anna Hedh**

**Proposal for a regulation**

**Article 12 – paragraph 2**

*Text proposed by the Commission*

2. Each Member State shall give the staff of its authorities which have a right to access the ECRIS-TCN system appropriate training, in particular on data security and data protection rules and on relevant fundamental rights, before authorising them to process data stored in the Central System.

*Amendment*

2. Each Member State shall give the staff of its authorities, which have a right to access the ECRIS-TCN system, appropriate training, in particular on data security and data protection rules and on relevant fundamental rights, before authorising them to process data stored in the Central System.

**Amendment 239**  
**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**  
**Article 12 – paragraph 2**

*Text proposed by the Commission*

2. Each Member State shall give the staff of its authorities which have a right to access the ECRIS-TCN system appropriate training, in particular on data security and data protection rules and on **relevant** fundamental rights, before authorising them to process data stored in the Central System.

*Amendment*

2. Each Member State shall give the staff of its authorities which have a right to access the ECRIS-TCN system appropriate training, in particular on data security and data protection rules and on fundamental rights, before authorising them to process data stored in the Central System.

Or. en

**Amendment 240**  
**Anna Hedh**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. In accordance with **Directive (EU) 2016/680**, each Member State shall ensure that the data recorded in the ECRIS-TCN system is processed lawfully, and in particular that:

*Amendment*

1. In accordance with **Regulation (EU) 2016/679**, each Member State shall ensure that the data recorded in the ECRIS-TCN system is processed lawfully, and in particular that:

Or. en

**Amendment 241**  
**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the data are collected lawfully and fully respect the human dignity of the third

*Amendment*

(b) the data are collected lawfully and fully respect the human dignity **and fundamental rights** of the third country

country national;

national;

Or. en

## **Amendment 242**

**Dennis de Jong**

### **Proposal for a regulation**

#### **Article 13 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the data are collected lawfully and fully respect the **human dignity** of the third country national;

*Amendment*

(b) the data are collected lawfully and fully respect the **fundamental rights** of the third country national;

Or. en

## **Amendment 243**

**Dennis de Jong**

### **Proposal for a regulation**

#### **Article 13 – paragraph 2**

*Text proposed by the Commission*

2. eu-LISA shall ensure that the ECRIS-TCN system is operated in accordance with this Regulation **and** the implementing acts referred to in Article 10, as well as in accordance with Regulation (EC) No 45/2001 [or its successor Regulation]. In particular, eu-LISA shall take the necessary measures to ensure the security of the Central System and the Communication Infrastructure between the Central System and the national central access point, without prejudice to the responsibilities of each Member State.

*Amendment*

2. eu-LISA shall ensure that the ECRIS-TCN system is operated in accordance with this Regulation, the implementing acts referred to in Article 10 **and the delegated acts referred to in Article 10a**, as well as in accordance with Regulation (EC) No 45/2001 [or its successor Regulation]. In particular, eu-LISA shall take the necessary measures to ensure the security of the Central System and the Communication Infrastructure between the Central System and the national central access point, without prejudice to the responsibilities of each Member State.

Or. en

## Amendment 244

Jan Philipp Albrecht, Judith Sargentini

### Proposal for a regulation

#### Article 14 – paragraph 1

##### *Text proposed by the Commission*

1. Third countries and international organisations may address their requests for information on previous convictions of third country nationals to Eurojust.

##### *Amendment*

1. Third countries and international organisations may address their requests for information on previous convictions of third country nationals to Eurojust ***for the same purposes as for which Member States' authorities have access to ECRIS-TCN system pursuant to points 1 and 1a of Article 7.***

Or. en

##### *Justification*

*It is important to clarify for which purposes third countries and international organisations may request ECRIS-TCN information.*

## Amendment 245

Jan Philipp Albrecht, Judith Sargentini

### Proposal for a regulation

#### Article 14 – paragraph 2

##### *Text proposed by the Commission*

2. When Eurojust receives a request as referred to in paragraph 1, it shall use the ECRIS-TCN system to determine which Member State(s) hold information on the third country national concerned, and shall, in cases where Member State(s) are identified, transmit the request immediately to the central authorities of those Member State(s). The Member States concerned shall be responsible for further dealing with such requests in accordance with their national law.

##### *Amendment*

2. When Eurojust receives a request as referred to in paragraph 1, it shall use the ECRIS-TCN system to determine which Member State(s) hold information on the third country national concerned, and shall, in cases where Member State(s) are identified, transmit the request immediately to the central authorities of those Member State(s). The Member States concerned shall be responsible for further dealing with such requests in accordance with their national law. ***Eurojust shall send an acknowledgement of receipt to the third country or international organisation requesting the information as referred to***



*in paragraph 1.*

Or. en

*Justification*

*Out of "courtesy", Eurojust should let the third country know that its request has been processed, without naming the MS identified and without prejudice to the possible lack of follow up to such a request.*

**Amendment 246**

**Maria Grapini**

**Proposal for a regulation**

**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Neither Eurojust, Europol, [the European Public Prosecutor's Office] nor any central authority of a Member State **may** transfer or make available to a third country, any international organisation nor a private party, information obtained from the ECRIS-TCN system on previous convictions of a third country national, or information on the Member State(s) which may hold such information.

*Amendment*

3. Neither Eurojust, Europol, [the European Public Prosecutor's Office] nor any central authority of a Member State **shall be permitted to** transfer or make available to a third country, any international organisation nor a private party, information obtained from the ECRIS-TCN system on previous convictions of a third country national, or information on the Member State(s) which may hold such information.

Or. ro

**Amendment 247**

**Anna Hedh**

**Proposal for a regulation**

**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Neither Eurojust, **Europol**, [the European Public Prosecutor's Office] nor any central authority of a Member State may transfer or make available to a third country, any international organisation nor a private party, information obtained from

*Amendment*

3. Neither Eurojust, [the European Public Prosecutor's Office] nor any central authority of a Member State may transfer or make available to a third country, any international organisation nor a private party, **any** information obtained from the

the ECRIS-TCN system *on previous convictions of a third country national*, or information on the Member State(s) which may hold such information.

ECRIS-TCN system or information on the Member State(s) which may hold such information.

Or. en

**Amendment 248**  
**Anna Hedh**

**Proposal for a regulation**  
**Article 15 – title**

*Text proposed by the Commission*

Access for Eurojust, ***Europol***[, and the European Public Prosecutor's Office]

*Amendment*

Access for Eurojust [, and the European Public Prosecutor's Office]

Or. en

**Amendment 249**  
**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. Eurojust shall have direct access to the ECRIS-TCN system for the purpose of the implementation of Article 14, as well as for fulfilling its statutory tasks.

*Amendment*

1. Eurojust shall have direct access to the ECRIS-TCN system for the purpose of the implementation of Article 14, as well as for ***the purpose of the prevention, detection, investigation and prosecution of criminal offences when*** fulfilling its statutory tasks.

Or. en

**Amendment 250**  
**Gérard Deprez, Louis Michel, Angelika Mlinar**

**Proposal for a regulation**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. Eurojust shall have direct access to the ECRIS-TCN system for the purpose of the implementation of Article 14, as well as for fulfilling its statutory tasks.

*Amendment*

1. **Authorised staff of** Eurojust shall have direct access to the ECRIS-TCN system for the purpose of the implementation of Article 14, as well as for fulfilling its statutory tasks.

Or. fr

**Amendment 251**

**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**

**Article 15 – paragraph 2**

*Text proposed by the Commission*

2. Europol [and the European Public Prosecutor's Office] shall have direct access to the ECRIS-TCN system for the purpose of fulfilling their statutory tasks.

*Amendment*

2. Europol [and the European Public Prosecutor's Office] shall have direct access to the ECRIS-TCN system for the purpose of ***the prevention, detection, investigation and prosecution of criminal offences when*** fulfilling their statutory tasks.

Or. en

**Amendment 252**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Article 15 – paragraph 2**

*Text proposed by the Commission*

2. Europol [and the European Public Prosecutor's Office] shall have direct access to the ECRIS-TCN system for the purpose of fulfilling their statutory tasks.

*Amendment*

2. **Authorised staff of** Europol [and ***of*** the European Public Prosecutor's Office] shall have direct access to the ECRIS-TCN system for the purpose of fulfilling their statutory tasks.

Or. fr

## Amendment 253

Anna Hedh

### Proposal for a regulation

#### Article 15 – paragraph 2

*Text proposed by the Commission*

2. **Europol** [**and** the European Public Prosecutor's Office] shall have direct access to the ECRIS-TCN system for the purpose of fulfilling their statutory tasks.

*Amendment*

2. [The European Public Prosecutor's Office] shall have direct access to the ECRIS-TCN system for the purpose of fulfilling their statutory tasks.

Or. en

## Amendment 254

Jan Philipp Albrecht, Judith Sargentini

### Proposal for a regulation

#### Article 15 – paragraph 3

*Text proposed by the Commission*

3. Following a hit indicating the Member State(s) holding criminal records information on a third country national, Eurojust, Europol[, and the European Public Prosecutor's Office] may use their contacts with the national authorities of those Member States established in accordance with their respective constituting legal instruments to request the conviction information.

*Amendment*

3. Following a hit indicating the Member State(s) holding criminal records information on a third country national, Eurojust, Europol[, and the European Public Prosecutor's Office] may use their contacts with the national authorities of those Member States established in accordance with their respective constituting legal instruments to request the conviction information. ***The European Public Prosecutor's Office shall not be refused access to such conviction information on the mere ground that the refusing Member State is not part of the enhanced cooperation procedure establishing the European Public Prosecutor's Office.***

Or. en

### *Justification*

*It is important to clarify the relationship between the EPPO and those Member States which are not among the 20 currently setting up the EPPO, when it comes to requesting criminal records information.*

#### **Amendment 255**

**Anna Hedh**

#### **Proposal for a regulation**

##### **Article 15 – paragraph 3**

###### *Text proposed by the Commission*

3. Following a hit indicating the Member State(s) holding criminal records information on a third country national, Eurojust, ***Europol***[, and the European Public Prosecutor's Office] may use their contacts with the national authorities of those Member States established in accordance with their respective constituting legal instruments to request the conviction information.

###### *Amendment*

3. Following a hit indicating the Member State(s) holding criminal records information on a third country national, Eurojust[, and the European Public Prosecutor's Office] may use their contacts with the national authorities of those Member States established in accordance with their respective constituting legal instruments to request the conviction information.

Or. en

#### **Amendment 256**

**Angelika Mlinar**

#### **Proposal for a regulation**

##### **Article 16 – title**

###### *Text proposed by the Commission*

Responsibilities of Eurojust, ***Europol***[, and the European Public Prosecutor's Office]

###### *Amendment*

Responsibilities of Eurojust[, and the European Public Prosecutor's Office]

Or. en

#### **Amendment 257**

**Anna Hedh**

#### **Proposal for a regulation**

## Article 16 – title

*Text proposed by the Commission*

Responsibilities of Eurojust, ***Europol***[, and the European Public Prosecutor's Office]

*Amendment*

Responsibilities of Eurojust[, and the European Public Prosecutor's Office]

Or. en

## Amendment 258

Anna Hedh

### Proposal for a regulation

#### Article 16 – paragraph 1

*Text proposed by the Commission*

1. Eurojust, ***Europol***[, and the European Public Prosecutor's Office] shall establish the technical means to connect to the ECRIS-TCN system and shall be responsible for maintaining that connection.

*Amendment*

1. Eurojust[, and the European Public Prosecutor's Office] shall establish the technical means to connect to the ECRIS-TCN system and shall be responsible for maintaining that connection.

Or. en

## Amendment 259

Angelika Mlinar

### Proposal for a regulation

#### Article 16 – paragraph 1

*Text proposed by the Commission*

1. Eurojust, ***Europol***[, and the European Public Prosecutor's Office] shall establish the technical means to connect to the ECRIS-TCN system and shall be responsible for maintaining that connection.

*Amendment*

1. Eurojust, [and the European Public Prosecutor's Office] shall establish the technical means to connect to the ECRIS-TCN system and shall be responsible for maintaining that connection.

Or. en

**Amendment 260**  
**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**  
**Article 16 – paragraph 2**

*Text proposed by the Commission*

2. The bodies referred to in paragraph 1 shall give their staff who have a right to access the ECRIS-TCN system appropriate training, in particular on data security and data protection rules and on **relevant** fundamental rights, before authorising them to process data stored in the Central System.

*Amendment*

2. The bodies referred to in paragraph 1 shall give their staff who have a right to access the ECRIS-TCN system appropriate training, in particular on data security and data protection rules and on fundamental rights, before authorising them to process data stored in the Central System.

Or. en

**Amendment 261**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 16 – paragraph 3**

*Text proposed by the Commission*

3. The bodies referred to in paragraph 1 shall ensure that the personal data processed by them under this Regulation is protected in accordance with the applicable data protection provisions.

*Amendment*

3. The bodies referred to in paragraph 1 shall ensure that the personal data processed **and stored** by them under this Regulation is protected in accordance with the applicable data protection provisions.

Or. ro

**Amendment 262**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – point f**

*Text proposed by the Commission*

(f) ensure that persons authorised to access the ECRIS-TCN system have access only to the data covered by their access

*Amendment*

(f) **verify and** ensure that persons authorised to access the ECRIS-TCN system have access only to the data

authorisation, by means of individual user identities and confidential access modes only;

covered by their access authorisation, by means of individual user identities and confidential access modes only;

Or. ro

#### **Amendment 263**

**Anna Hedh**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 3 – point g**

##### *Text proposed by the Commission*

(g) ensure that all authorities with a right of access to the ECRIS-TCN system create profiles describing the functions and responsibilities of persons who are authorised to enter, amend, delete, consult and search the data and make their profiles available to the national supervisory authorities referred to in Article 25 ***without delay at their request***;

##### *Amendment*

(g) ensure that all authorities with a right of access to the ECRIS-TCN system create profiles describing the functions and responsibilities of persons who are authorised to enter, amend, delete, consult and search the data and make their profiles available to the national supervisory authorities referred to in Article 25;

Or. en

#### **Amendment 264**

**Angelika Mlinar**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 3 – point g**

##### *Text proposed by the Commission*

(g) ensure that all authorities with a right of access to the ECRIS-TCN system create profiles describing the functions and responsibilities of persons who are authorised to enter, amend, delete, consult and search the data and make their profiles available to the national supervisory authorities referred to in Article 25 ***without delay at their request***;

##### *Amendment*

(g) ensure that all authorities with a right of access to the ECRIS-TCN system create profiles describing the functions and responsibilities of persons who are authorised to enter, amend, delete, consult and search the data and make their profiles available to the national supervisory authorities referred to in Article 25;

Or. en



**Amendment 265**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – point k**

*Text proposed by the Commission*

(k) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring to ensure compliance with this Regulation.

*Amendment*

(k) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring ***and supervision*** to ensure compliance with this Regulation.

Or. ro

**Amendment 266**  
**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation**  
**Article 18 – paragraph 2**

*Text proposed by the Commission*

***2. If any failure of a Member State to comply with its obligations under this Regulation causes damage to the ECRIS-TCN system, that Member State shall be held liable for such damage, unless and insofar as eu-LISA or another Member State participating in the ECRIS-TCN system failed to take reasonable measures to prevent the damage from occurring or to minimise its impact.***

*Amendment*

***deleted***

Or. en

**Amendment 267**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that each central authority takes the measures necessary to comply with this Regulation and cooperates, ***where necessary***, with the supervisory authority and national supervisory authority.

*Amendment*

Member States shall ensure that each central authority takes the measures necessary to comply with this Regulation and cooperates with the supervisory authority and national supervisory authority.

Or. en

**Amendment 268**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation**

**Article 20 – paragraph 1**

*Text proposed by the Commission*

***Member States shall take the necessary measures to ensure that any use of data entered in the ECRIS-TCN system in contravention of this Regulation is punishable by penalties in accordance with national law, that are effective, proportionate and dissuasive.***

*Amendment*

***deleted***

Or. en

**Amendment 269**

**Pál Csáky**

**Proposal for a regulation**

**Article 20 – paragraph 1**

*Text proposed by the Commission*

Member States shall take the necessary measures to ensure that any use of data entered in the ECRIS-TCN system in contravention of this Regulation is punishable by penalties in accordance with national law, that are effective, proportionate and dissuasive.

*Amendment*

Member States shall take the necessary measures to ensure that any use of data entered in the ECRIS-TCN system in contravention of this Regulation is punishable by penalties in accordance with national law, ***Article 84 of Regulation (EU) 2016/679 and Article 57 of Directive (EU) 2016/680***, that are effective,

proportionate and dissuasive.

Or. en

**Amendment 270**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Article 20 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Europol, Eurojust [and the European Public Prosecutor's Office] shall take the necessary measures to ensure that members of their staff authorised to access the ECRIS-TCN system are subjected to disciplinary measures by the Agency [or the Court] if they make use of data from the ECRIS-TCN system in a way which does not conform with this regulation.***

Or. fr

**Amendment 271**

**Anna Hedh**

**Proposal for a regulation**

**Article 21 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Each central authority of the Member State is to be considered as controller in accordance with ***Directive (EU) 2016/680*** for the processing of the personal data by that Member State under this Regulation.

1. Each central authority of the Member State is to be considered as controller in accordance with ***Regulation (EU) 2016/679*** for the processing of the personal data by that Member State under this Regulation.

Or. en

**Amendment 272**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation  
Article 21 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. eu-LISA shall be considered as data processor in accordance with Regulation (EC) No 45/2001/EU as regards the personal data entered into the Central System by the Member States.**

**deleted**

Or. en

**Amendment 273**

**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation  
Article 21 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. eu-LISA shall be considered as data processor in accordance with Regulation (EC) No 45/2001/EU as regards the personal data entered into the Central System by the Member States.

2. eu-LISA shall be considered as data processor in accordance with Regulation (EC) No 45/2001/EU **[or its successor]** as regards the personal data entered into the Central System by the Member States.

Or. en

*Justification*

*Technical amendment*

**Amendment 274**

**Anna Hedh**

**Proposal for a regulation  
Article 22 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Access to the ECRIS-TCN system for entering, amending, deleting and consulting the data referred to in Article 5

2. Access to the ECRIS-TCN system for entering, amending, deleting and consulting the data referred to in Article 5

shall be reserved exclusively to duly authorised staff of the central authorities, and to duly authorised staff of the bodies referred to in Article 15 for consulting the data. That access shall be limited to the extent needed for the performance of the tasks in accordance with the purpose referred to in paragraph 1, and proportionate to the objectives pursued.

shall be reserved exclusively to duly authorised staff of the central authorities, and to duly authorised staff of the bodies referred to in Article 15 for consulting the data. That access shall be limited to the extent needed for the performance of the tasks in accordance with the purpose referred to in paragraph 1, and ***to what is necessary and*** proportionate to the objectives pursued.

Or. en

#### **Amendment 275**

**Angelika Mlinar, Gérard Deprez, Louis Michel**

#### **Proposal for a regulation**

#### **Article 22 – paragraph 2**

##### *Text proposed by the Commission*

2. Access to the ECRIS-TCN system for entering, amending, deleting and consulting the data referred to in Article 5 shall be reserved exclusively to duly authorised staff of the central authorities, and to duly authorised staff of the bodies referred to in Article 15 for consulting the data. That access shall be limited to the extent needed for the performance of the tasks in accordance with the purpose referred to in paragraph 1, ***and*** proportionate ***to*** the objectives pursued.

##### *Amendment*

2. Access to the ECRIS-TCN system for entering, amending, deleting and consulting the data referred to in Article 5 shall be reserved exclusively to duly authorised staff of the central authorities, and to duly authorised staff of the bodies referred to in Article 15 for consulting the data. That access shall be limited to the extent needed for the performance of the tasks in accordance with the purpose referred to in paragraph 1, ***shall be*** proportionate ***and necessary for*** the objectives pursued.

Or. en

#### **Amendment 276**

**Jan Philipp Albrecht, Judith Sargentini**

#### **Proposal for a regulation**

#### **Article 23 – paragraph 2**

##### *Text proposed by the Commission*

##### *Amendment*

2. If a request is made to a Member State other than the convicting Member State, the authorities of the Member State to which the request has been made shall ***check the accuracy of the data and the lawfulness of the data processing in the ECRIS-TCN system within a time limit of one month if that check can be done without consulting the convicting Member State. Otherwise, the Member State other than the convicting Member State shall*** contact the authorities of the convicting Member State within ***14 days*** and the convicting Member State shall check the accuracy of the data and the lawfulness of the data processing within ***one month*** from the contact.

2. If a request is made to a Member State other than the convicting Member State, the authorities of the Member State to which the request has been made shall contact the authorities of the convicting Member State within ***seven*** days and the convicting Member State shall check the accuracy of the data and the lawfulness of the data processing within ***14 days*** from the contact.

Or. en

#### *Justification*

*The owner of the data is the convicting Member State; only that Member State shall deal with requests from TCNs exercising their right of access, correction and deletion.*

#### **Amendment 277**

**Anna Hedh**

#### **Proposal for a regulation**

#### **Article 23 – paragraph 2**

##### *Text proposed by the Commission*

2. If a request is made to a Member State other than the convicting Member State, the authorities of the Member State to which the request has been made shall check the accuracy of the data and the lawfulness of the data processing in the ECRIS-TCN system within ***a time limit of one month*** if that check can be done without consulting the convicting Member State. Otherwise, the Member State other than the convicting Member State shall contact the authorities of the convicting Member State within ***14 days*** and the convicting Member State shall check the

##### *Amendment*

2. If a request is made to a Member State other than the convicting Member State, the authorities of the Member State to which the request has been made shall check the accuracy of the data and the lawfulness of the data processing in the ECRIS-TCN system ***without undue delay, and in any case*** within ***one week*** if that check can be done without consulting the convicting Member State. Otherwise, the Member State other than the convicting Member State shall contact the authorities of the convicting Member State within ***one week*** and the convicting Member State

accuracy of the data and the lawfulness of the data processing within one **month** from the contact.

shall check the accuracy of the data and the lawfulness of the data processing within one **week** from the contact.

Or. en

#### **Amendment 278**

**Dennis de Jong**

#### **Proposal for a regulation**

#### **Article 23 – paragraph 2**

##### *Text proposed by the Commission*

2. If a request is made to a Member State other than the convicting Member State, the authorities of the Member State to which the request has been made shall check the accuracy of the data and the lawfulness of the data processing in the ECRIS-TCN system within a time limit of one month if that check can be done without consulting the convicting Member State. Otherwise, the Member State other than the convicting Member State shall contact the authorities of the convicting Member State within 14 days and the convicting Member State shall check the accuracy of the data and the lawfulness of the data processing within one month from the contact.

##### *Amendment*

2. If a request is made to a Member State other than the convicting Member State, the authorities of the Member State to which the request has been made shall check the accuracy of the data and the lawfulness of the data processing in the ECRIS-TCN system within a time limit of one month if that check can be done without consulting the convicting Member State. Otherwise, the Member State other than the convicting Member State shall contact the authorities of the convicting Member State within 14 days and the convicting Member State shall check the accuracy of the data and the lawfulness of the data processing **and respond** within one month from the contact.

Or. en

#### **Amendment 279**

**Angelika Mlinar, Gérard Deprez, Louis Michel**

#### **Proposal for a regulation**

#### **Article 23 – paragraph 2**

##### *Text proposed by the Commission*

2. If a request is made to a Member State other than the convicting Member State, the authorities of the Member State

##### *Amendment*

2. If a request is made to a Member State other than the convicting Member State, the authorities of the Member State

to which the request has been made shall check the accuracy of the data and the lawfulness of the data processing in the ECRIS-TCN system within a time limit of one month if that check can be done without consulting the convicting Member State. Otherwise, the Member State other than the convicting Member State shall contact the authorities of the convicting Member State within 14 days and the convicting Member State shall check the accuracy of the data and the lawfulness of the data processing within one **month** from the contact.

to which the request has been made shall check the accuracy of the data and the lawfulness of the data processing in the ECRIS-TCN system within a time limit of one month if that check can be done without consulting the convicting Member State. Otherwise, the Member State other than the convicting Member State shall contact the authorities of the convicting Member State within 14 days and the convicting Member State shall check the accuracy of the data and the lawfulness of the data processing within one **week** from the contact.

Or. en

## Amendment 280

Jan Philipp Albrecht, Judith Sargentini

### Proposal for a regulation

#### Article 23 – paragraph 3

##### *Text proposed by the Commission*

3. In the event that data recorded in the ECRIS-TCN system are factually inaccurate or have been recorded unlawfully, the convicting Member State shall correct or delete the data in accordance with Article 9. The convicting Member State ***or, where applicable, the Member State to which the request has been made*** shall confirm in writing to the person concerned without delay that action has been taken to correct or delete data relating to that person.

##### *Amendment*

3. In the event that data recorded in the ECRIS-TCN system are factually inaccurate or have been recorded unlawfully, the convicting Member State shall correct or delete the data in accordance with Article 9. The convicting Member State shall confirm in writing to the person concerned without delay that action has been taken to correct or delete data relating to that person. ***If the request was made to a Member State other than the convicting Member State, that written confirmation shall specify the reasons for which the request was handled by the convicting Member State.***

Or. en

##### *Justification*

*The owner of the data is the convicting Member State; only that Member State shall deal with requests from TCNs exercising their right of access, correction and deletion.*



## Amendment 281

Dennis de Jong

### Proposal for a regulation

#### Article 23 – paragraph 3

*Text proposed by the Commission*

3. In the event that data recorded in the ECRIS-TCN system are factually inaccurate or have been recorded unlawfully, the convicting Member State shall correct or delete the data in accordance with Article 9. The convicting Member State or, where applicable, the Member State to which the request has been made shall confirm in writing to the person concerned ***without delay*** that action has been taken to correct or delete data relating to that person.

*Amendment*

3. In the event that data recorded in the ECRIS-TCN system are factually inaccurate or have been recorded unlawfully, the convicting Member State shall correct or delete the data in accordance with Article 9. The convicting Member State or, where applicable, the Member State to which the request has been made shall ***immediately*** confirm in writing to the person concerned that action has been taken to correct or delete data relating to that person.

Or. en

## Amendment 282

Dennis de Jong

### Proposal for a regulation

#### Article 23 – paragraph 4

*Text proposed by the Commission*

4. If the Member State to which the request has been made does not agree that data recorded in the ECRIS-TCN system are factually inaccurate or have been recorded unlawfully, that Member State shall adopt an administrative decision explaining in writing to the person concerned without delay why it is not prepared to correct or delete data relating to him.

*Amendment*

4. If the Member State to which the request has been made does not agree that data recorded in the ECRIS-TCN system are factually inaccurate or have been recorded unlawfully, that Member State shall adopt an administrative decision explaining in writing to the person concerned without delay why it is not prepared to correct or delete data relating to him ***or her. Such cases shall be communicated to the European Data Protection Supervisor and the national supervisory authority for data protection.***

**Amendment 283****Jan Philipp Albrecht, Judith Sargentini****Proposal for a regulation****Article 23 – paragraph 4***Text proposed by the Commission*

4. If the Member State ***to which the request has been made*** does not agree that data recorded in the ECRIS-TCN system are factually inaccurate or have been recorded unlawfully, that Member State shall adopt an administrative decision explaining in writing to the person concerned without delay why it is not prepared to correct or delete data relating to him.

*Amendment*

4. If the ***convicting*** Member State does not agree that data recorded in the ECRIS-TCN system are factually inaccurate or have been recorded unlawfully, that Member State shall adopt an administrative decision explaining in writing to the person concerned without delay why it is not prepared to correct or delete data relating to him.

Or. en

*Justification*

*The owner of the data is the convicting Member State; only that Member State shall deal with requests from TCNs exercising their right of access, correction and deletion.*

**Amendment 284****Jan Philipp Albrecht, Judith Sargentini****Proposal for a regulation****Article 23 – paragraph 7***Text proposed by the Commission*

7. Whenever a person requests data relating to him- or herself in accordance with paragraph 2, the central authority shall keep a record in the form of a written document that such a request was made and how it was addressed and by which authority and shall make that document available to the supervisory authorities without delay.

*Amendment*

7. Whenever a person requests data relating to him- or herself in accordance with paragraph 2, the central authority shall keep a record in the form of a written document that such a request was made and how it was addressed and by which authority and shall make that document available to the supervisory authorities without delay. ***That record shall be deleted***

*after three years.*

Or. en

*Justification*

*A maximum retention period is needed for the records of requests; three years is a reasonable amount of time.*

**Amendment 285**

**Dennis de Jong**

**Proposal for a regulation**

**Article 24 – paragraph 2**

*Text proposed by the Commission*

2. In each Member State, the supervisory authority shall, upon request, assist and advise the person concerned in exercising his or her right to correct or delete data relating to him or her.

*Amendment*

2. In each Member State, the supervisory authority shall ***be able to audit the central authorities, shall be informed of all incidents referred to in Article 9(3) and (4) and Article 23(4), and*** upon request, assist and advise the person concerned in exercising his or her right to correct or delete data relating to him or her.

Or. en

**Amendment 286**

**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**

**Article 25 – paragraph 1**

*Text proposed by the Commission*

1. In each Member State any person shall have the right to bring an action ***or*** a complaint in the Member State which refused the right of access to or the right of correction or deletion of data relating to him or her, provided for in Article 23.

*Amendment*

1. ***In accordance with Chapter VIII of Directive (EU) 2016/680,*** in each Member State any person shall have the right to bring an action ***before a court and the right to bring*** a complaint in the Member State which refused the right of access to or the right of correction or deletion of data relating to him or her, provided for in Article 23.

*Justification*

*Clarifications needed in order to link to the relevant legal basis (Directive 2016/680) and to avoid that Member States can only provide the right to bring a complaint.*

**Amendment 287****Dennis de Jong****Proposal for a regulation****Article 25 – paragraph 1***Text proposed by the Commission*

1. In each Member State any person shall have the right to bring an action or a complaint in the Member State which refused the right of access to or the right of correction or deletion of data relating to him or her, provided for in Article 23.

*Amendment*

1. In each Member State any person shall have ***the right to an effective remedy and, in this respect***, the right to bring an action or a complaint in the Member State which refused the right of access to or the right of correction or deletion of data relating to him or her, provided for in Article 23.

**Amendment 288****Angelika Mlinar, Gérard Deprez, Louis Michel****Proposal for a regulation****Article 25 – paragraph 1 – subparagraph 1 (new)***Text proposed by the Commission**Amendment*

***The individuals' rights of access, rectification, completion, erasure and redress, in particular the right to a judicial remedy and the supervision of processing operations by public independent authorities is established.***

***This Regulation therefore respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, in particular the right to human***

*dignity, the respect for private and family life, the protection of personal data, non-discrimination, the rights of the child, the rights of the elderly, the integration of persons with disabilities and the right to an effective remedy and to a fair trial.*

Or. en

*Justification*

*The proposed text is aimed at aligning the remedies procedure with the one provided in the EES.*

**Amendment 289**

**Anna Hedh**

**Proposal for a regulation**

**Article 26 – paragraph 1**

*Text proposed by the Commission*

1. Each Member State shall ensure that the supervisory authority or authorities designated pursuant to Article **41 of Directive (EU) 2016/680** shall monitor the lawfulness of the processing of personal data referred to in Article 6 by the Member State concerned, including their transmission to and from the ECRIS-TCN system.

*Amendment*

1. Each Member State shall ensure that the supervisory authority or authorities designated pursuant to Article **51 of Regulation (EU) 2016/679** shall monitor the lawfulness of the processing of personal data referred to in Article 6 by the Member State concerned, including their transmission to and from the ECRIS-TCN system.

Or. en

**Amendment 290**

**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**

**Article 26 – paragraph 2**

*Text proposed by the Commission*

2. The supervisory authority shall ensure that an audit of the data processing operations in the national criminal records and fingerprints databases is carried out in

*Amendment*

2. The supervisory authority shall ensure that an audit of the data processing operations in the national criminal records and fingerprints databases is carried out in

accordance with relevant international auditing standards at least every **four** years from the start of operations of the ECRIS-TCN system.

accordance with relevant international auditing standards at least every **three** years from the start of operations of the ECRIS-TCN system.

Or. en

**Amendment 291**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 26 – paragraph 2**

*Text proposed by the Commission*

2. The supervisory authority shall ensure that an audit of the data processing operations in the national criminal records and fingerprints databases is carried out in accordance with relevant international auditing standards **at least every four years** from the start of operations of the ECRIS-TCN system.

*Amendment*

2. The supervisory authority shall ensure that an audit of the data processing operations in the national criminal records and fingerprints databases is carried out in accordance with relevant international auditing standards **annually** from the start of operations of the ECRIS-TCN system.

Or. en

**Amendment 292**  
**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation**  
**Article 26 – paragraph 3**

*Text proposed by the Commission*

3. ***Member States shall ensure that their supervisory authority has sufficient resources to fulfil the tasks entrusted to it under this Regulation.***

*Amendment*

***deleted***

Or. en

**Amendment 293**  
**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**  
**Article 26 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Member States shall ensure that their supervisory authority has sufficient resources to fulfil the tasks entrusted to it under this Regulation.** *deleted*

Or. en

*Justification*

*Already covered by Article 42.4 of Directive (EU) 2016/680.*

**Amendment 294**  
**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation**  
**Article 26 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Each Member State shall supply any information requested by the supervisory authorities and shall, in particular, provide them with information on the activities carried out in accordance with Articles 12, 13 and 17. Each Member State shall grant the supervisory authorities access to their records pursuant to Article 29 and allow them access at all times to all their ECRIS-TCN system related premises.** *deleted*

Or. en

**Amendment 295**  
**Anna Hedh**

**Proposal for a regulation**  
**Article 26 – paragraph 4**

*Text proposed by the Commission*

4. Each Member State shall supply any information requested by the supervisory authorities and shall, in particular, provide them with information on the activities carried out in accordance with Articles 12, 13 and 17. Each Member State shall grant the supervisory authorities access to their records pursuant to **Article 29** and allow them access at all times to all their ECRIS-TCN system related premises.

*Amendment*

4. Each Member State shall supply any information requested by the supervisory authorities and shall, in particular, provide them with information on the activities carried out in accordance with Articles 12, 13 and 17. Each Member State shall grant the supervisory authorities access to their records pursuant to **Articles 23(7) and 29** and allow them access at all times to all their ECRIS-TCN system related premises.

Or. en

**Amendment 296**

**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**

**Article 27 – paragraph 2**

*Text proposed by the Commission*

2. The European Data Protection Supervisor shall ensure that an audit of the Agency's personal data processing activities is carried out in accordance with relevant international auditing standards at least every **four** years. A report of that audit shall be sent to the European Parliament, the Council, eu-LISA, the Commission, the supervisory authorities and the national supervisory authorities. eu-LISA shall be given an opportunity to make comments before the report is adopted.

*Amendment*

2. The European Data Protection Supervisor shall ensure that an audit of the Agency's personal data processing activities is carried out in accordance with relevant international auditing standards at least every **three** years. A report of that audit shall be sent to the European Parliament, the Council, eu-LISA, the Commission, the supervisory authorities and the national supervisory authorities. eu-LISA shall be given an opportunity to make comments before the report is adopted.

Or. en

**Amendment 297**

**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**

**Article 28 – paragraph 1**



*Text proposed by the Commission*

*Amendment*

Coordinated supervision ***should*** be ensured in accordance with Article 62 of [new data protection Regulation for Union institutions and bodies].

Coordinated supervision ***shall*** be ensured in accordance with Article 62 of [new data protection Regulation for Union institutions and bodies].

Or. en

*Justification*

*Technical amendment - aligned with Article 62 of the new Regulation 45/2001.*

**Amendment 298**

**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**

**Article 29 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Logs and documentation shall be used only for monitoring the lawfulness of data processing and for ensuring data integrity and security. Only logs containing non-personal data may be used for the monitoring and evaluation referred to in Article 34. Those logs shall be protected by appropriate measures against unauthorised access and deleted after ***one year***, if they are no longer required for monitoring procedures which have already begun.

4. Logs and documentation shall be used only for monitoring the lawfulness of data processing and for ensuring data integrity and security. Only logs containing non-personal data may be used for the monitoring and evaluation referred to in Article 34. Those logs shall be protected by appropriate measures against unauthorised access and deleted after ***three years***, if they are no longer required for monitoring procedures which have already begun.

Or. en

*Justification*

*Longer retention periods for logs are necessary to ensure that TCNs may properly initiate complaints.*

**Amendment 299**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Article 29 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a.** *Logs shall be deleted two years after their creation. They may be kept longer if they are required for monitoring procedures that are already under way.*

Or. fr

*Justification*

*There should be a deadline for keeping logs in order to reinforce legal safeguards. Two years corresponds to the deadline put forward by Parliament in SIS II.*

### **Amendment 300**

**Jan Philipp Albrecht, Judith Sargentini**

### **Proposal for a regulation**

### **Article 30 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The duly authorised staff of eu-LISA, the competent authorities, **and the Commission** shall have access to the data processed within the ECRIS-TCN system solely for the purposes of reporting and providing statistics without allowing for individual identification.

1. The duly authorised staff of eu-LISA **and** the competent authorities shall have access to the data processed within the ECRIS-TCN system solely for the purposes of reporting and providing statistics without allowing for individual identification.

Or. en

*Justification*

*The Commission does not need to have access to the ECRIS-TCN system for statistics; eu-LISA is anyway sending statistical information to the Commission every month.*

### **Amendment 301**

**Jan Philipp Albrecht, Judith Sargentini**

### **Proposal for a regulation**

### **Article 30 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. For the purpose of paragraph 1, eu-LISA shall establish, implement and host a central repository in its technical site(s) containing the data referred to in paragraph 1 which would not allow for the identification of individuals and would allow to obtain customisable reports and statistics. Access to the central repository shall be granted by means of secured access with control of access and specific user profiles solely for the purpose of reporting and statistics.** *deleted*

Or. en

*Justification*

*Outdated - this central repository is not on the table anymore and has not been raised in the recent workshops organised by the Commission on Information Systems and Interoperability. See also the related Inception Impact Assessment Ares(2017)3765711 on Interoperability of information systems for migration and security.*

*In Opinion 9/2017 on the new eu-LISA Regulation, the EDPS also points out that the establishment of a central repository is neither necessary nor desirable.*

**Amendment 302**

**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**

**Article 30 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Detailed rules on the operation of the central repository and the data protection and security rules applicable to the repository shall be adopted in accordance with the examination procedure referred to in Article 35(2).** *deleted*

Or. en

*Justification*

*Outdated - this central repository is not on the table anymore and has not been raised in the recent workshops organised by the Commission on Information Systems and Interoperability.*

*See also the related Inception Impact Assessment Ares(2017)3765711 on Interoperability of information systems for migration and security.*

*In Opinion 9/2017 on the new eu-LISA Regulation, the EDPS also points out that the establishment of a central repository is neither necessary nor desirable.*

#### **Amendment 303**

**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

#### **Proposal for a regulation**

#### **Article 30 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. The Member States shall provide eu-LISA with the statistics necessary to fulfil its obligations referred to in this Article. They shall provide statistics on the number of convicted third country nationals, as well as the number of convictions of third country nationals on their territory to the Commission.** **deleted**

Or. en

#### **Amendment 304**

**Anna Hedh**

#### **Proposal for a regulation**

#### **Article 31 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The costs of connection of Eurojust, ***Europol*** and [the European Public Prosecutor's Office] to the ECRIS-TCN system shall be borne by the budget of those bodies.**

**2. The costs of connection of Eurojust and [the European Public Prosecutor's Office] to the ECRIS-TCN system shall be borne by the budget of those bodies.**

Or. en

#### **Amendment 305**

**Angelika Mlinar**

**Proposal for a regulation**  
**Article 31 – paragraph 2**

*Text proposed by the Commission*

2. The costs of connection of Eurojust, ***Europol*** and [the European Public Prosecutor's Office] to the ECRIS-TCN system shall be borne by the budget of those bodies.

*Amendment*

2. The costs of connection of Eurojust and [the European Public Prosecutor's Office] to the ECRIS-TCN system shall be borne by the budget of those bodies.

Or. en

**Amendment 306**  
**Auke Zijlstra, Gilles Lebreton, Nicolas Bay**

**Proposal for a regulation**  
**Article 31 – paragraph 3**

*Text proposed by the Commission*

3. ***Other costs shall be borne by the Member States, specifically the costs incurred by the connection of the existing national criminal record registers, fingerprints databases and the central authorities to the ECRIS-TCN system, as well as the costs of hosting the ECRIS reference implementation.***

*Amendment*

***deleted***

Or. en

**Amendment 307**  
**Angelika Mlinar, Gérard Deprez, Louis Michel**

**Proposal for a regulation**  
**Article 32 – paragraph 1**

*Text proposed by the Commission*

The Member States shall notify eu-LISA of their central authorities which have access to enter, amend, delete consult or search data. eu-LISA shall ***regularly*** publish a list of these central authorities.

*Amendment*

The Member States shall notify eu-LISA of their central authorities which have access to enter, amend, delete consult or search data. eu-LISA shall publish a list of these central authorities ***as soon as a change***

*occurs.*

Or. en

**Amendment 308**

**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**

**Article 32 – paragraph 1**

*Text proposed by the Commission*

The Member States shall notify eu-LISA of their central authorities which have access to enter, amend, delete consult or search data. eu-LISA shall regularly publish a list of these central authorities.

*Amendment*

The Member States shall notify eu-LISA of their central authorities which have access to enter, amend, delete consult or search data. eu-LISA shall regularly publish a list of these central authorities ***on its website***.

Or. en

*Justification*

*Important amendment for transparency.*

**Amendment 309**

**Dennis de Jong**

**Proposal for a regulation**

**Article 33 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the measures referred to in ***Article 10*** have been adopted;

*Amendment*

(a) the measures referred to in ***Articles 10 and 10a*** have been adopted;

Or. en

**Amendment 310**

**Dennis de Jong**

**Proposal for a regulation**

**Article 34 – paragraph 4**

*Text proposed by the Commission*

4. **Two years** after the start of operations of the ECRIS-TCN system and every year thereafter, eu-LISA shall submit to the Commission a report on the technical functioning of the ECRIS-TCN system and the ECRIS reference implementation, including the security thereof, based in particular on the statistics on the functioning and use of ECRIS-TCN system and on the exchange, through the ECRIS reference implementation, of information extracted from the criminal records.

*Amendment*

4. **One year** after the start of operations of the ECRIS-TCN system and every year thereafter, eu-LISA shall submit to the Commission a report on the technical functioning of the ECRIS-TCN system and the ECRIS reference implementation, including the security thereof, based in particular on the statistics on the functioning and use of ECRIS-TCN system and on the exchange, through the ECRIS reference implementation, of information extracted from the criminal records.

Or. en

**Amendment 311**

**Pál Csáky**

**Proposal for a regulation**

**Article 34 – paragraph 4**

*Text proposed by the Commission*

4. Two years after the start of operations of the ECRIS-TCN system and every year thereafter, eu-LISA shall submit to the Commission a report on the technical functioning of the ECRIS-TCN system and the ECRIS reference implementation, including the security thereof, based in particular on the statistics on the functioning and use of ECRIS-TCN system and on the exchange, through the ECRIS reference implementation, of information extracted from the criminal records.

*Amendment*

4. Two years after the start of operations of the ECRIS-TCN system and every **second** year thereafter, eu-LISA shall submit to the Commission a report on the technical functioning of the ECRIS-TCN system and the ECRIS reference implementation, including the security thereof, based in particular on the statistics on the functioning and use of ECRIS-TCN system and on the exchange, through the ECRIS reference implementation, of information extracted from the criminal records

Or. en

**Amendment 312**

**Jan Philipp Albrecht, Judith Sargentini**

**Proposal for a regulation**

## Article 34 – paragraph 5

### *Text proposed by the Commission*

5. **Three years** after the start of operations of the ECRIS-TCN system and every four years thereafter, the Commission shall produce an overall evaluation of the ECRIS-TCN system and the ECRIS reference implementation. That overall evaluation shall include an assessment of the application of the Regulation, an examination of results achieved against objectives and the impact on fundamental rights, and an assessment of the continuing validity of the underlying rationale, the application of the Regulation, the security of the system and any implications on future operations, and shall make any necessary recommendations. The Commission shall transmit the evaluation report to the European Parliament and the Council.

### *Amendment*

5. **18 months** after the start of operations of the ECRIS-TCN system and every four years thereafter, the Commission shall produce an overall evaluation of the ECRIS-TCN system and the ECRIS reference implementation. That overall evaluation shall include an assessment of the application of the Regulation, an examination of results achieved against objectives and the impact on fundamental rights, and an assessment of the continuing validity of the underlying rationale, the application of the Regulation, the security of the system and any implications on future operations, and shall make any necessary recommendations. ***The evaluation shall cover in particular the level of exchange between Member States, including that of third country nationals; the purpose of requests and their respective number; and issues relating to protection of personal data and an assessment of the impact of this Regulation on fundamental rights.*** The Commission shall transmit the evaluation report to the European Parliament and the Council.

Or. en

### *Justification*

*In line with amendment 34 of the adopted LIBE report on the ECRIS-TCN Directive.*

## Amendment 313

Gérard Deprez, Louis Michel, Angelika Mlinar

### Proposal for a regulation

#### Article 34 – paragraph 5

### *Text proposed by the Commission*

5. Three years after the start of operations of the ECRIS-TCN system and

### *Amendment*

5. Three years after the start of operations of the ECRIS-TCN system and



every four years thereafter, the Commission shall produce an overall evaluation of the ECRIS-TCN system and the ECRIS reference implementation. That overall evaluation shall include an assessment of the application of the Regulation, an examination of results achieved against objectives and the impact on fundamental rights, and an assessment of the continuing validity of the underlying rationale, the application of the Regulation, the security of the system and any implications on future operations, and shall make any necessary recommendations. The Commission shall transmit the evaluation report to the European Parliament and the Council.

every four years thereafter, the Commission shall produce an overall evaluation of the ECRIS-TCN system and the ECRIS reference implementation. That overall evaluation shall include an assessment of the application of the Regulation, an examination of results achieved against objectives and the impact on fundamental rights, and an assessment of the continuing validity of the underlying rationale, the application of the Regulation, the security of the system and any implications on future operations, and shall make any necessary recommendations, ***including ones concerning the establishment of a European criminal record, from which third-country nationals and Member State nationals would be able to obtain an extract on request using the ECRIS and ECRIS-TCN system.*** The Commission shall transmit the evaluation report to the European Parliament and the Council.

Or. fr

**Amendment 314**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 34 – paragraph 5**

*Text proposed by the Commission*

5. **Three** years after the start of operations of the ECRIS-TCN system and every **four** years thereafter, the Commission shall produce an overall evaluation of the ECRIS-TCN system and the ECRIS reference implementation. That overall evaluation shall include an assessment of the application of the Regulation, an examination of results achieved against objectives and the impact on fundamental rights, and an assessment of the continuing validity of the underlying rationale, the application of the Regulation,

*Amendment*

5. **Two** years after the start of operations of the ECRIS-TCN system and every **two** years thereafter, the Commission shall produce an overall evaluation of the ECRIS-TCN system and the ECRIS reference implementation. That overall evaluation shall include an assessment of the application of the Regulation, an examination of results achieved against objectives and the impact on fundamental rights, and an assessment of the continuing validity of the underlying rationale, the application of the Regulation, the security

the security of the system and any implications on future operations, and shall make any necessary recommendations. The Commission shall transmit the evaluation report to the European Parliament and the Council.

of the system and any implications on future operations, and shall make any necessary recommendations. The Commission shall transmit the evaluation report to the European Parliament and the Council.

Or. en

## **Amendment 315**

**Dennis de Jong**

### **Proposal for a regulation**

#### **Article 34 – paragraph 6**

##### *Text proposed by the Commission*

6. The Member States, Eurojust, Europol[, and the European Public Prosecutor's Office] shall provide eu-LISA and the Commission with the information necessary to draft the reports referred to in this Article according to the quantitative indicators predefined by the Commission or eu-LISA or both. That information shall not jeopardise working methods or include information that reveals sources, staff members or investigations of the designated authorities.

##### *Amendment*

6. The Member States, Eurojust, Europol[, and the European Public Prosecutor's Office], ***the European Data Protection Supervisor and the national supervisory authorities for data protection*** shall provide eu-LISA and the Commission with the information necessary to draft the reports referred to in this Article according to the quantitative indicators predefined by the Commission or eu-LISA or both. That information shall not jeopardise working methods or include information that reveals sources, staff members or investigations of the designated authorities.

Or. en

## **Amendment 316**

**Dennis de Jong**

### **Proposal for a regulation**

#### **Article 34 – paragraph 7**

##### *Text proposed by the Commission*

7. eu-LISA shall provide the Commission with the information necessary to produce the overall

##### *Amendment*

7. eu-LISA shall provide the Commission with the information necessary to produce the overall

evaluations referred to in *paragraph 5*.

evaluations referred to in *this Article*.

Or. en

#### **Amendment 317**

**Jan Philipp Albrecht, Judith Sargentini**

#### **Proposal for a regulation**

#### **Article 35 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 35a**

#### ***Exercise of the delegation***

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2. The power to adopt delegated acts referred to in Article 10a shall be conferred on the Commission for an indeterminate period of time from ... [the date of entry into force of this Regulation].***
- 3. The delegation of power referred to in Article 10a may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.***
- 4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.***
- 5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European***

*Parliament and to the Council.*

**6.** *A delegated act adopted pursuant to Article 10a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.*

Or. en

*Justification*

*New article for the delegated acts referred to in Article 10a.*

**Amendment 318**

**Dennis de Jong**

**Proposal for a regulation**

**Article 35 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 35a**

***Exercise of the delegation***

**1.** *The power to adopt the delegated acts is conferred on the Commission subject to the conditions laid down in this Article.*

**2.** *The power to adopt delegated acts referred to in Article 10a shall be conferred on the Commission for an indeterminate period of time from ... [the date of entry into force of this Regulation].*

**3.** *The delegation of power referred to in Article 10a may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put*

*an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

*4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.*

*5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

*6. A delegated act adopted pursuant to Article 10a shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.*

Or. en

**Amendment 319**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 36 – paragraph 1**

*Text proposed by the Commission*

An Advisory Group shall be established by eu-LISA and provide it with the expertise related to the ECRIS-TCN system and the ECRIS reference implementation, in

*Amendment*

An Advisory Group, ***including a representative of the European Data Protection Supervisor and a representative of the European Union***

particular in the context of preparation of its annual work programme and its annual activity report. During the design and development phase, Article 11 applies.

*Agency for Fundamental Rights* shall be established by eu-LISA and provide it with the expertise related to the ECRIS-TCN system and the ECRIS reference implementation, in particular in the context of preparation of its annual work programme and its annual activity report. During the design and development phase, Article 11 applies.

Or. en