



2018/0152(COD)

15.11.2018

AMENDMENTS

158 - 483

Draft report

Carlos Coelho

(PE628.683v01-00)

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 767/2008, Regulation (EC) No 810/2009, Regulation (EU) 2017/2226, Regulation (EU) 2016/399, Regulation XX/2018 [Interoperability Regulation], and Decision 2004/512/EC and repealing Council Decision 2008/633/JHA

Proposal for a regulation

(COM(2018)0302 – C8-0185/2018 – 2018/0152(COD))

Amendment 158
Péter Niedermüller

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) The Communication of the Commission of 6 April 2016 entitled 'Stronger and Smarter Information Systems for Borders and Security'⁴⁶ outlined the need for the EU to strengthen and improve its IT systems, data architecture and information exchange in the area of border management, law enforcement and counter-terrorism and emphasised the need to improve the interoperability of IT systems. *The Communication also identified a need to address information gaps, including on third country nationals holding a long-stay visa.*

⁴⁶ COM(2016) 205 final.

Amendment

(3) The Communication of the Commission of 6 April 2016 entitled 'Stronger and Smarter Information Systems for Borders and Security'⁴⁶ outlined the need for the EU to strengthen and improve its IT systems, data architecture and information exchange in the area of border management, law enforcement and counter-terrorism and emphasised the need to improve the interoperability of IT systems.

⁴⁶ COM(2016) 205 final.

Or. en

Amendment 159
Péter Niedermüller

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) *In Council Conclusions of 9 June 2017 on the way forward to improve information exchange and ensure the interoperability of EU information systems⁴⁸, the Council acknowledged that new measures might be needed in order to fill the current information gaps for border management and law enforcement, in relation to border crossings by holders of long-stay visas and residence permits. The Council invited the Commission to*

Amendment

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undertake a feasibility study as a matter of priority for the establishment of a central EU repository containing information on long-stay visas and residence permits. On this basis, the Commission conducted two studies: the first feasibility study⁴⁹ concluded that developing a repository would be technically feasible and that re-using the VIS structure would be the best technical option, whereas the second study⁵⁰ conducted an analysis of necessity and proportionality and concluded that it would be necessary and proportionate to extend the scope of VIS to include the documents mentioned above.

⁴⁸ *Council Conclusions on the way forward to improve information exchange and ensure the interoperability of EU information systems (10151/17).*

⁴⁹ *"Integrated Border Management (IBM) – Feasibility Study to include in a repository documents for Long-Stay visas, Residence and Local Border Traffic Permits" (2017).*

⁵⁰ *"Legal analysis on the necessity and proportionality of extending the scope of the Visa Information System (VIS) to include data on long stay visas and residence documents" (2018).*

Or. en

Amendment 160
Marie-Christine Vergiat

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) The Communication of the Commission of 27 September 2017 on the ‘Delivery of the European Agenda on Migration’⁵¹ stated that the EU's common

Amendment

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visa policy is not only an essential element to facilitate tourism and business, but also a key tool to prevent security risks *and risks of irregular migration to the EU*. The Communication acknowledged the need to further adapt the common visa policy to current challenges, taking into account new IT solutions and balancing the benefits of facilitated visa travel with improved migration, security and border management. The Communication stated that the VIS legal framework would be revised, with the aim of further improving the visa processing, including on data protection related aspects *and access for law enforcement authorities, further expanding the use of the VIS for new categories and uses of data and to make full use of the interoperability instruments*.

⁵¹ COM(2017) 558 final, p. 17.

visa policy is not only an essential element to facilitate tourism and business, but also a key tool to prevent security risks. The Communication acknowledged the need to further adapt the common visa policy to current challenges, taking into account new IT solutions and balancing the benefits of facilitated visa travel with improved migration, security and border management. The Communication stated that the VIS legal framework would be revised, with the aim of further improving the visa processing, including on data protection related aspects.

⁵¹ COM(2017) 558 final, p. 17.

Or. fr

Amendment 161

Péter Niedermüller

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) The Communication of the Commission of 27 September 2017 on the ‘Delivery of the European Agenda on Migration’⁵¹ stated that the EU's common visa policy is not only an essential element to facilitate tourism and business, but also a key tool to prevent security risks and risks of irregular migration to the EU. The Communication acknowledged the need to further adapt the common visa policy to current challenges, taking into account new IT solutions and balancing the benefits of facilitated visa travel with improved

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migration, security and border management. The Communication stated that the VIS legal framework would be revised, with the aim of further improving the visa processing, including on data protection related aspects and access for law enforcement authorities, further expanding the use of the VIS for new categories and uses of data and to make full use of the interoperability instruments.

⁵¹ COM(2017) 558 final, p.15.

migration, security and border management. The Communication stated that the VIS legal framework would be revised, with the aim of further improving the visa processing, including on data protection related aspects and ***controlled*** access for law enforcement authorities, further expanding the use of the VIS for new categories and uses of data and to make full use of the interoperability instruments.

⁵¹ COM(2017) 558 final, p.15.

Or. en

Amendment 162

Péter Niedermüller

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) When adopting Regulation (EC) No 810/2009, it was recognised that the issue of the sufficient reliability for identification and verification purposes of fingerprints of children under the age of 12 and, in particular, how fingerprints evolve with age, would have to be addressed at a later stage, on the basis of the results of a study carried out under the responsibility of the Commission. A study⁵³ carried out in 2013 by the Joint Research Centre concluded that fingerprint recognition of children aged between 6 and 12 years is achievable with a satisfactory level of accuracy under certain conditions. A second study⁵⁴ confirmed this finding in December 2017 and provided further insight into the effect of aging over fingerprint quality. On this basis, the Commission conducted in 2017 a further study looking into the necessity and proportionality of lowering

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the fingerprinting age for children in the visa procedure to 6 years. This study⁵³ found that lowering the fingerprinting age would contribute to better achieving the VIS objectives, in particular in relation to the facilitation of the fight against identity fraud, facilitation of checks at external border crossing points, and could bring additional benefits by strengthening the prevention and fight against children's rights abuses, in particular by enabling the identification/verification of identity of third-country national (TCN) children who are found in Schengen territory in a situation where their rights may be or have been violated (e.g. child victims of trafficking in human beings, missing children and unaccompanied minors applying for asylum).

⁵³ *Fingerprint Recognition for Children (2013 - EUR 26193).*

⁵⁴ *"Automatic fingerprint recognition: from children to elderly" (2018 – JRC).*

⁵⁵ *"Feasibility and implications of lowering the fingerprinting age for children and on storing a scanned copy of the visa applicant's travel document in the Visa Information System (VIS)" (2018).*

Or. en

Amendment 163
Bodil Valero

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

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⁵³ *Fingerprint Recognition for Children (2013 - EUR 26193).*

⁵⁴ *"Automatic fingerprint recognition: from children to elderly" (2018 – JRC).*

⁵⁵ *"Feasibility and implications of lowering the fingerprinting age for children and on storing a scanned copy of the visa applicant's travel document in the Visa Information System (VIS)" (2018).*

Amendment 164**Maria Grapini****Proposal for a regulation****Recital 9***Text proposed by the Commission*

(9) The best interests of the child shall be a primary consideration for Member States with respect to all procedures provided for in this Regulation. The child's well-being, safety and security ***and the views of the child*** shall be taken into consideration and ***given due weight in accordance with*** his or her age and maturity. The VIS is in particular relevant where there is a risk of a child being a victim of trafficking.

Amendment

(9) The best interests of the child shall be a primary ***and primordial*** consideration for Member States with respect to all procedures provided for in this Regulation. The child's well-being, safety and security shall be taken into consideration and ***the views of the child accorded fundamental importance, taking due account of*** his or her age and maturity. The VIS is in particular relevant where there is a risk of a child being a victim of trafficking.

Or. ro

Amendment 165**Marie-Christine Vergiat****Proposal for a regulation****Recital 10***Text proposed by the Commission*

(10) The personal data provided by the applicant for a short-stay visa should be processed by the VIS to assess whether the entry of the applicant in the Union could pose a threat to the public security ***or to public health*** in the Union ***and also assess the risk of irregular migration of the applicant. As regards third country nationals who obtained a long stay visa or a residence permit, these checks should be limited to contributing to assess the identity of the document holder, the authenticity and the validity of the long-stay visa or residence permit as well as***

Amendment

(10) The personal data provided by the applicant for a short-stay visa should be processed by the VIS to assess whether the entry of the applicant in the Union could pose a threat to the public security in the Union.

whether the entry of the third country national in the Union could pose a threat to public security or to public health in the Union. They should not interfere with any decision on long-stay visas or residence permits.

Or. fr

Amendment 166
Péter Niedermüller

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The personal data provided by the applicant for a short-stay visa should be processed by the VIS to assess whether the entry of the applicant in the Union could pose a threat to the public security or to public health in the Union and also assess the risk of irregular migration of the applicant. *As regards third country nationals who obtained a long stay visa or a residence permit, these checks should be limited to contributing to assess the identity of the document holder, the authenticity and the validity of the long-stay visa or residence permit as well as whether the entry of the third country national in the Union could pose a threat to public security or to public health in the Union. They should not interfere with any decision on long-stay visas or residence permits.*

Amendment

(10) The personal data provided by the applicant for a short-stay visa should be processed by the VIS to assess whether the entry of the applicant in the Union could pose a threat to the public security or to public health in the Union and also assess the risk of irregular migration of the applicant.

Or. en

Amendment 167
Monica Macovei

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The personal data provided by the applicant for a short-stay visa should be processed by the VIS to assess whether the entry of the applicant in the Union could pose a threat to the public security or to public health in the Union and also assess the risk of irregular migration of the applicant. As regards third country nationals who obtained a long stay visa **or** a residence permit, these checks should be limited to contributing to assess the identity of the document holder, the authenticity and the validity of the long-stay visa **or** residence permit as well as whether the entry of the third country national in the Union could pose a threat to public security or to public health in the Union. They should not interfere with any decision on long-stay visas **or** residence permits.

Amendment

(10) The personal data provided by the applicant for a short-stay visa should be processed by the VIS to assess whether the entry of the applicant in the Union could pose a threat to the public security or to public health in the Union and also assess the risk of irregular migration of the applicant. As regards third country nationals who obtained a long stay visa, a residence permit **or a residence card**, these checks should be limited to contributing to assess the identity of the document holder, the authenticity and the validity of the long-stay visa, residence permit **or residence card** as well as whether the entry of the third country national in the Union could pose a threat to public security or to public health in the Union. They should not interfere with any decision on long-stay visas, residence permits **or residence cards**.

Or. en

Amendment 168

Bodil Valero

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) The personal data provided by the applicant for a short-stay visa should be processed by the VIS to assess whether the entry of the applicant in the Union could pose a threat to the public security or to public health in the Union and also assess the risk of irregular migration of the applicant. As regards third country nationals who obtained a long stay visa **or a residence permit**, these checks should be limited to contributing to assess the identity of the document holder, the

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authenticity and the validity of the long-stay visa *or residence permit* as well as whether the entry of the third country national in the Union could pose a threat to public security or to public health in the Union. They should not interfere with any decision on long-stay visas *or residence permits*.

validity of the long-stay visa as well as whether the entry of the third country national in the Union could pose a threat to public security or to public health in the Union. They should not interfere with any decision on long-stay visas.

Or. en

Amendment 169
Marie-Christine Vergiat

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The assessment of such risks cannot be carried out without processing the personal data related to the person's identity, travel document, and, as the case may be, sponsor or, if the applicant is minor, identity of the responsible person. Each item of personal data in the applications should be compared with the data present in a record, file or alert registered in an information system (the Schengen Information System (SIS), the Visa Information System (VIS), the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), the Entry/Exit System (EES), the Eurodac, the ECRIS-TCN system as far as convictions related to terrorist offences or other forms of serious criminal offences are concerned *and/or the Interpol Travel Documents Associated with Notices database (Interpol TDAWN)) or against the watchlists, or against specific risk indicators*. The categories of personal data that should be used for comparison should be limited to the categories of data present in the queried information systems, *the watchlist or the specific risk indicators*.

Amendment

(11) The assessment of such risks cannot be carried out without processing the personal data related to the person's identity, travel document, and, as the case may be, sponsor or, if the applicant is minor, identity of the responsible person. Each item of personal data in the applications should be compared with the data present in a record, file or alert registered in an information system (the Schengen Information System (SIS), the Visa Information System (VIS), the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), the Entry/Exit System (EES), the Eurodac, the ECRIS-TCN system as far as convictions related to terrorist offences or other forms of serious criminal offences are concerned). The categories of personal data that should be used for comparison should be limited to the categories of data present in the queried information systems.

Amendment 170
Péter Niedermüller

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The ***assessment*** of such risks cannot be carried out without processing the personal data related to the person's identity, travel document, and, as the case may be, sponsor or, if the applicant is minor, identity of the responsible person. Each item of personal data in the applications should be compared with the data present in a record, file or alert registered in an information system (the Schengen Information System (SIS), the Visa Information System (VIS), the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), the Entry/Exit System (EES), ***the Eurodac, the ECRIS-TCN system as far as convictions related to terrorist offences or other forms of serious criminal offences are concerned*** and/or the Interpol Travel Documents Associated with Notices database (Interpol TDAWN)) or against the watchlists, or against specific risk indicators. The categories of personal data that should be used for comparison should be limited to the categories of data present in the queried information systems, the watchlist or the specific risk indicators.

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Amendment 171
Bodil Valero

Proposal for a regulation
Recital 11

(11) The **assessment** of such risks cannot be carried out without processing the personal data related to the person's identity, travel document, and, as the case may be, sponsor or, if the applicant is minor, identity of the responsible person. Each item of personal data in the applications should be compared with the data present in a record, file or alert registered in an information system (the Schengen Information System (SIS), the Visa Information System (VIS), the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), the Entry/Exit System (EES), the Eurodac, the ECRIS-TCN system as far as convictions related to terrorist offences or other forms of serious criminal offences are concerned and/or the Interpol Travel Documents Associated with Notices database (Interpol TDAWN)) **or against the watchlists, or against specific risk indicators**. The categories of personal data that should be used for comparison should be limited to the categories of data present in the queried information systems, the watchlist or the specific risk indicators.

(11) The **assessment** of such risks cannot be carried out without processing the personal data related to the person's identity, travel document, and, as the case may be, sponsor or, if the applicant is minor, identity of the responsible person. Each item of personal data in the applications should be compared with the data present in a record, file or alert registered in an information system (the Schengen Information System (SIS), the Visa Information System (VIS), the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), the Entry/Exit System (EES), the Eurodac, the ECRIS-TCN system as far as convictions related to terrorist offences or other forms of serious criminal offences are concerned and/or the Interpol Travel Documents Associated with Notices database (Interpol TDAWN)). The categories of personal data that should be used for comparison should be limited to the categories of data present in the queried information systems, the watchlist or the specific risk indicators.

Or. en

Amendment 172
Marie-Christine Vergiat

Proposal for a regulation
Recital 12

(12) **Interoperability between EU information systems was established by [Regulation (EU) XX on interoperability] so that these EU information systems and their data supplement each other with a view to improving the management of the**

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external borders, contributing to preventing and combating illegal migration and ensuring a high level of security within the area of freedom, security and justice of the Union, including the maintenance of public security and public policy and safeguarding the security in the territories of the Member States.

Or. fr

Amendment 173
Marie-Christine Vergiat

Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

(13) The interoperability between the EU information systems allows systems to supplement each other to facilitate the correct identification of persons, contribute to fighting identity fraud, improve and harmonise data quality requirements of the respective EU information systems, facilitate the technical and operational implementation by Member States of existing and future EU information systems, strengthen and simplify the data security and data protection safeguards that govern the respective EU information systems, streamline the law enforcement access to the EES, the VIS, the [ETIAS] and Eurodac, and support the purposes of the EES, the VIS, the [ETIAS], Eurodac, the SIS and the [ECRIS-TCN system]. *deleted*

Or. fr

Amendment 174
Péter Niedermüller

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) The interoperability between the EU information systems allows systems to supplement each other to facilitate the correct identification of persons, contribute to fighting identity fraud, improve and harmonise data quality requirements of the respective EU information systems, ***facilitate the technical and operational implementation by Member States of existing and future EU information systems***, strengthen and simplify the data security and data protection safeguards that govern the respective EU information systems, streamline the law enforcement access to the EES, the VIS, the [ETIAS] and Eurodac, and support the purposes of the EES, the VIS, the [ETIAS], Eurodac, the SIS and the [ECRIS-TCN system].

Amendment

(13) The interoperability between the EU information systems allows systems to supplement each other to facilitate the correct identification of persons, contribute to fighting identity fraud, improve and harmonise data quality requirements of the respective EU information systems, strengthen, ***harmonise*** and simplify the data security and data protection safeguards that govern the respective EU information systems, streamline the ***controlled*** law enforcement access to the EES, the VIS, the [ETIAS] and Eurodac, and support the purposes of the EES, the VIS, the [ETIAS], Eurodac, the SIS and the [ECRIS-TCN system].

Or. en

Amendment 175
Marie-Christine Vergiat

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) ***The interoperability components cover the EES, the VIS, the [ETIAS], Eurodac, the SIS, and the [ECRIS-TCN system], and Europol data to enable it to be queried simultaneously with these EU information systems and therefore it is appropriate to use these components for the purpose of carrying out the automated checks and when accessing the VIS for law enforcement purposes. The European search portal (ESP) should be used for this purpose to enable a fast, seamless, efficient, systematic and controlled access***

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to the EU information systems, the Europol data and the Interpol databases needed to perform their tasks, in accordance with their access rights, and to support the objectives of the VIS.

Or. fr

Amendment 176
Bodil Valero

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) The comparison against other databases should be automated. Whenever such comparison reveals that a correspondence (a 'hit') exists with any of the personal data or combination thereof in the applications and a record, file or alert in the above information systems, ***or with personal data in the watchlist***, the application should be processed manually by an operator in the responsible authority. The assessment performed by the responsible authority should lead to the decision to issue or not the short-stay visa.

Amendment

(15) The comparison against other databases should be automated. Whenever such comparison reveals that a correspondence (a 'hit') exists with any of the personal data or combination thereof in the applications and a record, file or alert in the above information systems, the application should be processed manually by an operator in the responsible authority. The assessment performed by the responsible authority should lead to the decision to issue or not the short-stay visa.

Or. en

Amendment 177
Marie-Christine Vergiat

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) ***The continuous emergence of new forms of security threats, new patterns of irregular migration and public health threats requires effective responses and needs to be countered with modern***

Amendment

(19) ***The functioning of the VIS entails*** the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the rights to respect for

means. Since these means entail the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the rights to respect for private and family life and to the personal data limited to what is necessary in a democratic society.

private and family life and to the personal data limited to what is necessary ***and proportionate*** in a democratic society.

Or. fr

Amendment 178
Maria Grapini

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) The continuous emergence of new forms of security threats, new patterns of irregular migration and public health threats requires effective responses and needs to be countered with modern means. Since these means entail the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the rights to respect for private and family life and to the personal data limited to what is necessary in a democratic society.

Amendment

(19) The continuous emergence of new forms of security threats, new patterns of irregular migration and public health threats requires effective responses and needs to be countered with modern means. Since these means entail the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the rights to respect for private and family life and to the personal data limited to what is necessary in a democratic society ***without infringing any of the human rights specified under the existing rules.***

Or. ro

Amendment 179
Bodil Valero

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) ***It should be ensured that at least a***

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similar level of checks is applied to applicants for a short-stay visa, or third country nationals who obtained a long stay visa or a residence permit, as for visa free third country nationals. To this end a watchlist is also established with information related to persons who are suspected of having committed an act of serious crime or terrorism, or regarding whom there are factual indications or reasonable grounds to believe that they will commit an act of serious crime or terrorism should be used for verifications in respect of these categories of third country nationals as well.

Or. en

Amendment 180
Marie-Christine Vergiat

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) It should be ensured that at least a similar level of checks is applied to applicants for a short-stay visa, or third country nationals who obtained a long stay visa or a residence permit, as for visa free third country nationals. *To this end a watchlist is also established with information related to persons who are suspected of having committed an act of serious crime or terrorism, or regarding whom there are factual indications or reasonable grounds to believe that they will commit an act of serious crime or terrorism should be used for verifications in respect of these categories of third country nationals as well.*

Amendment

(20) It should be ensured that at least a similar level of checks is applied to applicants for a short-stay visa, or third country nationals who obtained a long stay visa or a residence permit, as for visa free third country nationals.

Or. fr

Amendment 181
Péter Niedermüller

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) It should be ensured that at least a similar level of checks is applied to applicants for a short-stay visa, **or third country nationals who obtained a long stay visa or a residence permit**, as for visa free third country nationals. To this end a watchlist is also established with information related to persons who are suspected of having committed an act of serious crime or terrorism, or regarding whom there are factual indications or reasonable grounds to believe that they will commit an act of serious crime or terrorism should be used for verifications in respect of these categories of third country nationals as well.

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Or. en

Amendment 182
Monica Macovei

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) It should be ensured that at least a similar level of checks is applied to applicants for a short-stay visa, or third country nationals who obtained a long stay visa **or** a residence permit, as for visa free third country nationals. To this end a watchlist is also established with information related to persons who are suspected of having committed an act of serious crime or terrorism, or regarding whom there are factual indications or reasonable grounds to believe that they will

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(20) It should be ensured that at least a similar level of checks is applied to applicants for a short-stay visa, or third country nationals who obtained a long stay visa, a residence permit **or a residence card**, as for visa free third country nationals. To this end a watchlist is also established with information related to persons who are suspected of having committed an act of serious crime or terrorism, or regarding whom there are factual indications or reasonable grounds to

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believe that they will commit an act of serious crime or terrorism should be used for verifications in respect of these categories of third country nationals as well.

Or. en

Justification

Horizontal proposal to be applied throughout the text

Amendment 183
Péter Niedermüller

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) In order to fulfil their obligation under the Convention implementing the Schengen Agreement, international carriers should be able to verify whether or not third country nationals holding a short-stay visa, *a long stay visa or a residence permit* are in possession of the required valid travel documents. This verification should be made possible through the daily extraction of VIS data into a separate read-only database allowing the extraction of a minimum necessary subset of data to enable a query leading to an ok/not ok answer.

Amendment

(21) In order to fulfil their obligation under the Convention implementing the Schengen Agreement, international carriers should be able to verify whether or not third country nationals holding a short-stay visa are in possession of the required valid travel documents. This verification should be made possible through the daily extraction of VIS data into a separate read-only database allowing the extraction of a minimum necessary subset of data to enable a query leading to an ok/not ok answer.

Or. en

Amendment 184
Bodil Valero

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Recital 21

Text proposed by the Commission

(21) In order to fulfil their obligation

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(21) In order to fulfil their obligation

under the Convention implementing the Schengen Agreement, international carriers should be able to verify whether or not third country nationals holding a short-stay visa, a long stay visa *or a residence permit* are in possession of the required valid travel documents. This verification should be made possible through the daily extraction of VIS data into a separate read-only database allowing the extraction of a minimum necessary subset of data to enable a query leading to an ok/not ok answer.

under the Convention implementing the Schengen Agreement, international carriers should be able to verify whether or not third country nationals holding a short-stay visa *or* a long stay visa are in possession of the required valid travel documents. This verification should be made possible through the daily extraction of VIS data into a separate read-only database allowing the extraction of a minimum necessary subset of data to enable a query leading to an ok/not ok answer.

Or. en

Amendment 185
Péter Niedermüller

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) This Regulation should define the authorities of the Member States which may be authorised to have access to the VIS to enter, amend, delete or consult data on long stay visas and residence permits for the specific purposes set out in the VIS for this category of documents and their holders, and to the extent necessary for the performance of their tasks.

Amendment

deleted

Or. en

Amendment 186
Marie-Christine Vergiat

Proposal for a regulation
Recital 22

Text proposed by the Commission

Amendment

(22) This Regulation *should define* the authorities of the Member States which may be authorised to have access to the VIS to enter, amend, delete or consult data on long stay visas and residence permits for the specific purposes set out in the VIS for this category of documents and their holders, and to the extent necessary for the performance of their tasks.

(22) This Regulation *defines* the authorities of the Member States which may be authorised to have access to the VIS to enter, amend, delete or consult data on long stay visas and residence permits for the specific purposes set out in the VIS for this category of documents and their holders, and to the extent necessary for the performance of their tasks.

Or. fr

Amendment 187

Bodil Valero

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) This Regulation should define the authorities of the Member States which may be authorised to have access to the VIS to enter, amend, delete or consult data on long stay visas *and residence permits* for the specific purposes set out in the VIS for this category of documents and their holders, and to the extent necessary for the performance of their tasks.

Amendment

(22) This Regulation should define the authorities of the Member States which may be authorised to have access to the VIS to enter, amend, delete or consult data on long stay visas for the specific purposes set out in the VIS for this category of documents and their holders, and to the extent necessary for the performance of their tasks.

Or. en

Amendment 188

Péter Niedermüller

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) Any processing of VIS data on *long stay* visas *and residence permits* should be proportionate to the objectives pursued and necessary for the performance of tasks of the competent authorities. When using the

Amendment

(23) Any processing of VIS data on visas should be proportionate to the objectives pursued and necessary for the performance of tasks of the competent authorities. When using the VIS, the

VIS, the competent authorities should ensure that the human dignity and integrity of the person, whose data are requested, are respected and should not discriminate against persons on grounds of sex, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

competent authorities should ensure that the human dignity and integrity of the person, whose data are requested, are respected and should not discriminate against persons on grounds of sex, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

Or. en

Amendment 189
Bodil Valero

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Any processing of VIS data on long stay visas **and residence permits** should be proportionate to the objectives pursued and necessary for the performance of tasks of the competent authorities. When using the VIS, the competent authorities should ensure that the human dignity and integrity of the person, whose data are requested, are respected and should not discriminate against persons on grounds of sex, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

Amendment

(23) Any processing of VIS data on long stay visas should be proportionate to the objectives pursued and necessary for the performance of tasks of the competent authorities. When using the VIS, the competent authorities should ensure that the human dignity and integrity of the person, whose data are requested, are respected and should not discriminate against persons on grounds of sex, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

Or. en

Amendment 190
Péter Niedermüller

Proposal for a regulation
Recital 23 a (new)

(23a) Biometric data, that in the context of this regulation entails fingerprints and facial images are unique and therefore much more reliable than alphanumeric data for identifying a person. However, biometric data constitute sensitive personal data. This Regulation thus lays down the basis of and the safeguards for processing of such data for the purpose of uniquely identifying the persons concerned.

Or. en

Amendment 191
Péter Niedermüller

Proposal for a regulation
Recital 25

Text proposed by the Commission

Amendment

(25) Access to VIS data for law enforcement purpose has already proven its usefulness in identifying people who died violently or for helping investigators to make substantial progress in cases related to trafficking in human beings, terrorism or drug trafficking. ***Therefore, the data in the VIS related to long stays should also be available to the designated authorities of the Member States and the European Police Office ('Europol'), subject to the conditions set out in this Regulation.***

(25) Access to VIS data for law enforcement purpose has already proven its usefulness in identifying people who died violently or for helping investigators to make substantial progress in cases related to trafficking in human beings, terrorism or drug trafficking.

Or. en

Amendment 192
Marie-Christine Vergiat

Proposal for a regulation
Recital 28

(28) [Regulation 2018/XX on interoperability] provides the possibility for a Member State police authority which has been so empowered by national legislative measures, to identify a person with the biometric data of that person taken during an identity check. However specific circumstances may exist where identification of a person is necessary in the interest of that person. Such cases include situations where the person was found after having gone missing, been abducted or having been identified as victim of trafficking. In such cases, quick access for law enforcement authorities to VIS data to enable *a* fast and reliable identification of the person, ***without the need to fulfill all the preconditions and additional safeguards for law enforcement access***, should be provided.

(28) [Regulation 2018/XX on interoperability] provides the possibility for a Member State police authority which has been so empowered by national legislative measures, to identify a person with the biometric data of that person taken during an identity check. However specific circumstances may exist where identification of a person is necessary in the interest of that person. Such cases include situations where the person was found after having gone missing, been abducted or having been identified as victim of trafficking. In such cases, quick access for law enforcement authorities to VIS data to enable fast and reliable identification of the person should be provided.

Or. fr

Amendment 193
Péter Niedermüller

Proposal for a regulation
Recital 28

(28) [Regulation 2018/XX on interoperability] provides the possibility for a Member State police authority which has been so empowered by national legislative measures, to identify a person with the biometric data of that person taken during an identity check. However specific circumstances may exist where identification of a person is necessary in the interest of that person. Such cases include situations where the person was found after having gone missing, been abducted or having been identified as victim of trafficking. In such cases, quick

(28) [Regulation 2018/XX on interoperability] provides the possibility for a Member State police authority which has been so empowered by national legislative measures, to identify a person with the biometric data of that person taken during an identity check. However specific circumstances may exist where identification of a person is necessary in the interest of that person. Such cases include situations where the person was found after having gone missing, been abducted or having been identified as victim of trafficking. In such cases ***alone***,

access for law enforcement authorities to VIS data to enable a fast and reliable identification of the person, without the need to fulfill all the preconditions and additional safeguards for law enforcement access, should be provided.

quick access for law enforcement authorities to VIS data to enable a fast and reliable identification of the person, without the need to fulfill all the preconditions and additional safeguards for law enforcement access, should be provided.

Or. en

Amendment 194
Marie-Christine Vergiat

Proposal for a regulation
Recital 29

Text proposed by the Commission

Amendment

(29) Comparisons of data on the basis of a latent fingerprint, which is the dactyloscopic trace which may be found at a crime scene, is fundamental in the field of police cooperation. The possibility to compare a latent fingerprint with the fingerprint data which is stored in the VIS in cases where there are reasonable grounds for believing that the perpetrator or victim may be registered in the VIS should provide the law enforcement authorities of the Member States with a very valuable tool in preventing, detecting or investigating terrorist offences or other serious criminal offences, when for example the only evidence at a crime scene are latent fingerprints.

deleted

Or. fr

Amendment 195
Péter Niedermüller

Proposal for a regulation
Recital 29

(29) Comparisons of data on the basis of a latent fingerprint, which is the dactyloscopic trace which may be found at a crime scene, is fundamental in the field of police cooperation. The possibility to compare a latent fingerprint with the fingerprint data which is stored in the VIS in cases where there are reasonable grounds for believing that the perpetrator or victim may be registered in the VIS should provide the law enforcement authorities of the Member States with a very valuable tool in preventing, detecting or investigating terrorist offences or other serious criminal offences, when for example the only evidence at a crime scene are latent fingerprints.

(29) Comparisons of data on the basis of a latent fingerprint, which is the dactyloscopic trace which may be found at a crime scene, is fundamental in the field of police cooperation. The possibility to compare a latent fingerprint with the fingerprint data which is stored in the VIS in cases where there are reasonable grounds for believing that the perpetrator or victim may be registered in the VIS ***and after prior search in the relevant national database and under Council Decision 2008/615/JHA*** should provide the law enforcement authorities of the Member States with a very valuable tool in preventing, detecting or investigating terrorist offences or other serious criminal offences, when for example the only evidence at a crime scene are latent fingerprints.

Or. en

Amendment 196
Péter Niedermüller

Proposal for a regulation
Recital 33

(33) The personal data of holders of long stay documents stored in the VIS should be kept for no longer than is necessary for the purposes of the VIS. It is appropriate to keep the data related to third country nationals for a period of five years in order to enable data to be taken into account for the assessment of short-stay visa applications, to enable detection of overstay after the end of the validity period and in order to conduct security assessments of third country nationals who obtained them. The data on previous uses of a document could facilitate the

deleted

issuance of future short stay visas. A shorter storage period would not be sufficient for ensuring the stated purposes. The data should be erased after a period of five years, unless there are grounds to erase them earlier.

Or. en

Amendment 197
Marie-Christine Vergiat

Proposal for a regulation
Recital 35

Text proposed by the Commission

Amendment

(35) Members of the European Border and Coast Guard (EBCG) teams, as well as teams of staff involved in return-related tasks are entitled by Regulation (EU) 2016/1624 of the European Parliament and the Council to consult European databases where necessary for fulfilling operational tasks specified in the operational plan on border checks, border surveillance and return, under the authority of the host Member State. For the purpose of facilitating that consultation and enabling the teams an effective access to the data entered in VIS, the ECBGA should be given access to VIS. Such access should follow the conditions and limitations of access applicable to the Member States' authorities competent under each specific purpose for which VIS data can be consulted.

deleted

Or. fr

Amendment 198
Kristina Winberg

Proposal for a regulation

Recital 35

Text proposed by the Commission

(35) **Members of** the European Border and Coast Guard (EBCG) **teams, as well as teams of** staff involved in return-related tasks are entitled by Regulation (EU) 2016/1624 of the European Parliament and the Council to consult European databases where necessary for fulfilling operational tasks specified in the operational plan on border checks, border surveillance and return, under the authority of the host Member State. For the purpose of facilitating that consultation and enabling the teams an effective access to the data entered in VIS, the ECBGA should be given access to VIS. Such access should follow the conditions and limitations of access applicable to the Member States' authorities competent under each specific purpose for which VIS data can be consulted.

Amendment

(35) **All officials deployed in operational activities by** the European Border and Coast Guard **Agency** (EBCG), **in particular** staff involved in return-related tasks, are entitled by Regulation (EU) 2016/1624 of the European Parliament and the Council to consult European databases where necessary for fulfilling operational tasks specified in the operational plan on border checks, border surveillance and return, under the authority of the host Member State. For the purpose of facilitating that consultation and enabling the teams an effective access to the data entered in VIS, the ECBGA should be given access to VIS. Such access should follow the conditions and limitations of access applicable to the Member States' authorities competent under each specific purpose for which VIS data can be consulted.

Or. en

Amendment 199 Bodil Valero

Proposal for a regulation Recital 35

Text proposed by the Commission

(35) Members of the European Border and Coast Guard (EBCG) teams, **as well as teams of staff involved in return-related tasks** are entitled by Regulation (EU) 2016/1624 of the European Parliament and the Council to consult European databases where necessary for fulfilling operational tasks specified in the operational plan on border checks, border surveillance **and return**, under the authority of the host Member State. For the purpose of

Amendment

(35) Members of the European Border and Coast Guard (EBCG) teams are entitled by Regulation (EU) 2016/1624 of the European Parliament and the Council to consult European databases where necessary for fulfilling operational tasks specified in the operational plan on border checks **and** border surveillance, under the authority of the host Member State. For the purpose of facilitating that consultation and enabling the teams an effective access to

facilitating that consultation and enabling the teams an effective access to the data entered in VIS, the ECBGA should be given access to VIS. Such access should follow the conditions and limitations of access applicable to the Member States' authorities competent under each specific purpose for which VIS data can be consulted.

the data entered in VIS, the ECBGA should be given access to VIS. Such access should follow the conditions and limitations of access applicable to the Member States' authorities competent under each specific purpose for which VIS data can be consulted.

Or. en

Amendment 200
Marie-Christine Vergiat

Proposal for a regulation
Recital 36

Text proposed by the Commission

Amendment

(36) The return of third-country nationals who do not fulfil or no longer fulfil the conditions for entry, stay or residence in the Member States, in accordance with Directive 2008/115/EC of the European Parliament and of the Council⁵⁹, is an essential component of the comprehensive efforts to tackle irregular migration and represents an important reason of substantial public interest.

deleted

⁵⁹ ***Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).***

Or. fr

Amendment 201
Bodil Valero

Proposal for a regulation
Recital 36

Text proposed by the Commission

Amendment

(36) The return of third-country nationals who do not fulfil or no longer fulfil the conditions for entry, stay or residence in the Member States, in accordance with Directive 2008/115/EC of the European Parliament and of the Council⁵⁹, is an essential component of the comprehensive efforts to tackle irregular migration and represents an important reason of substantial public interest. **deleted**

⁵⁹ *Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).*

Or. en

Amendment 202
Marie-Christine Vergiat

Proposal for a regulation
Recital 37

Text proposed by the Commission

Amendment

(37) The third countries of return are often not subject to adequacy decisions adopted by the Commission under Article 45 of Regulation (EU) 2016/679 or under national provisions adopted to transpose Article 36 of Directive (EU) 2016/680. Furthermore, the extensive efforts of the Union in cooperating with the main countries of origin of illegally staying third-country nationals subject to an obligation to return has not been able to ensure the systematic fulfilment by such **deleted**

third countries of the obligation established by international law to readmit their own nationals. Readmission agreements, concluded or being negotiated by the Union or the Member States and providing for appropriate safeguards for the transfer of data to third countries pursuant to Article 46 of Regulation (EU) 2016/679 or to the national provisions adopted to transpose Article 37 of Directive (EU) 2016/680, cover a limited number of such third countries and conclusion of any new agreement remains uncertain. In such situations, personal data could be processed pursuant to this regulation with third-country authorities for the purposes of implementing the return policy of the Union provided that the conditions laid down in Article 49(1)(d) of Regulation (EU) 2016/679 or in the national provisions transposing Article 38 or 39 of Directive (EU) 2016/680 are met.

Or. fr

Amendment 203
Bodil Valero

Proposal for a regulation
Recital 37

Text proposed by the Commission

Amendment

(37) The third countries of return are often not subject to adequacy decisions adopted by the Commission under Article 45 of Regulation (EU) 2016/679 or under national provisions adopted to transpose Article 36 of Directive (EU) 2016/680. Furthermore, the extensive efforts of the Union in cooperating with the main countries of origin of illegally staying third-country nationals subject to an obligation to return has not been able to ensure the systematic fulfilment by such third countries of the obligation

deleted

established by international law to readmit their own nationals. Readmission agreements, concluded or being negotiated by the Union or the Member States and providing for appropriate safeguards for the transfer of data to third countries pursuant to Article 46 of Regulation (EU) 2016/679 or to the national provisions adopted to transpose Article 37 of Directive (EU) 2016/680, cover a limited number of such third countries and conclusion of any new agreement remains uncertain. In such situations, personal data could be processed pursuant to this regulation with third-country authorities for the purposes of implementing the return policy of the Union provided that the conditions laid down in Article 49(1)(d) of Regulation (EU) 2016/679 or in the national provisions transposing Article 38 or 39 of Directive (EU) 2016/680 are met.

Or. en

Amendment 204 **Péter Niedermüller**

Proposal for a regulation **Recital 38**

Text proposed by the Commission

(38) Member States should make available relevant personal data processed in the VIS, in accordance with the applicable data protection rules and where required in individual cases for carrying out tasks under Regulation (EU) .../... of the European Parliament and the Council⁶⁰ [Union Resettlement Framework Regulation], to the [European Union Asylum Agency] and relevant international bodies such as the United Nations High Commissioner for Refugees, the International Organisation on Migration and to the International Committee of the

Amendment

(38) ***After the final decision in the case of application for international protection is made,*** Member States should make available relevant personal data processed in the VIS, in accordance with the applicable data protection rules and where required in individual cases for carrying out tasks under Regulation (EU) .../... of the European Parliament and the Council⁶⁰ [Union Resettlement Framework Regulation], to the [European Union Asylum Agency] and relevant international bodies such as the United Nations High Commissioner for Refugees, the

Red Cross refugee and resettlement operations, in relation to third-country nationals or stateless persons referred by them to Member States in the implementation of Regulation (EU) .../... [the Union Resettlement Framework Regulation].

International Organisation on Migration and to the International Committee of the Red Cross refugee and resettlement operations, in relation to third-country nationals or stateless persons referred by them to Member States in the implementation of Regulation (EU) .../... [the Union Resettlement Framework Regulation].

⁶⁰ Regulation (EU) .../... of the European Parliament and the Council [full title] (OJ L ..., ..., p. ...).

⁶⁰ Regulation (EU) .../... of the European Parliament and the Council [full title] (OJ L ..., ..., p. ...).

Or. en

Amendment 205
Marie-Christine Vergiat

Proposal for a regulation
Recital 41

Text proposed by the Commission

Amendment

(41) In order to enhance third countries' cooperation on readmission of irregular migrants and to facilitate the return of illegally staying third country nationals whose data might be stored in the VIS, the copies of the travel document of applicants for a short stay visa should be stored in the VIS. Contrary to information extracted from the VIS, copies of travel documents are a proof of nationality more widely recognised by third countries.

deleted

Or. fr

Amendment 206
Bodil Valero

Proposal for a regulation
Recital 41

Text proposed by the Commission

Amendment

(41) In order to enhance third countries' cooperation on readmission of irregular migrants and to facilitate the return of illegally staying third country nationals whose data might be stored in the VIS, the copies of the travel document of applicants for a short stay visa should be stored in the VIS. Contrary to information extracted from the VIS, copies of travel documents are a proof of nationality more widely recognised by third countries.

deleted

Or. en

**Amendment 207
Marie-Christine Vergiat**

**Proposal for a regulation
Recital 44**

Text proposed by the Commission

Amendment

(44) In order to allow better monitoring of the use of VIS to analyse trends concerning migratory pressure and border management, eu-LISA should be able to develop a capability for statistical reporting to the Member States, the Commission, and the European Border and Coast Guard Agency without jeopardising data integrity. Therefore, a central statistical repository should be established. None of the produced statistics should contain personal data.

deleted

Or. fr

**Amendment 208
Monica Macovei**

Proposal for a regulation

Recital 44

Text proposed by the Commission

(44) In order to allow better monitoring of the use of VIS to analyse trends concerning migratory pressure and border management, eu-LISA should be able to develop a capability for statistical reporting to the Member States, the Commission, and the European Border and Coast Guard Agency without jeopardising data integrity. Therefore, **a central statistical repository should be established**. None of the produced statistics should contain personal data.

Amendment

(44) In order to allow better monitoring of the use of VIS to analyse trends concerning migratory pressure and border management, eu-LISA should be able to develop a capability for statistical reporting to the Member States, the Commission, and the European Border and Coast Guard Agency without jeopardising data integrity. Therefore, **eu-LISA should store specific statistical data in the central repository for the purposes of reporting provided for in [Regulation 2017/XX on interoperability (borders and visa)]**. None of the produced statistics should contain personal data.

Or. en

Amendment 209 Péter Niedermüller

Proposal for a regulation Recital 47 a (new)

Text proposed by the Commission

Amendment

(47a) As the interoperability components established in Regulation [Interoperability xxxx/xxx, borders and visa] will involve the processing of significant amounts of personal data including from VIS, it is important that persons whose data is processed through those components can effectively exercise their rights as data subjects as laid down in Regulation (EU) 2016/679, Directive (EU) 680/2016 and Regulation (EC) 45/2001. In that regard, in the same way as Member State authorities have been provided with a single portal to carry out searches in Union information systems, the data subjects should be provided with a single web service established in Article 47 of Regulation [Interoperability xxxx/xxx,

borders and visa] through which they can exercise their rights to access to and rectification, erasure and restriction of their personal data. eu-LISA shall establish such a web service and host it in its technical site. As eu-LISA is not responsible for the entry of personal data or the verification of identities, any request by a data subject should be transmitted via the web service to either the Member State responsible for the manual verification of different identities or the Member State responsible for the entry of the data into the underlying information systems.

Or. en

Amendment 210
Marie-Christine Vergiat

Proposal for a regulation
Recital 47 a (new)

Text proposed by the Commission

Amendment

(47a) This Regulation is without prejudice to the obligations deriving from the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967, and to all the international commitments entered into by the EU and its Member States.

Or. fr

Amendment 211
Maria Grapini

Proposal for a regulation
Recital 49

Text proposed by the Commission

Amendment

(49) As confirmed by the Court of Justice of the European Union, such family members have not only the right to enter the territory of the Member State but also to obtain an entry visa for that purpose. Member States must grant such persons every facility to obtain the necessary visas, which must be issued free of charge as soon as possible and on the basis of an accelerated procedure.

(49) As confirmed by the Court of Justice of the European Union, such family members have not only the right to enter the territory of the Member State but also to obtain an entry visa for that purpose ***as rapidly as possible***. Member States must grant such persons every facility to obtain the necessary visas which must be issued free of charge as soon as possible and on the basis of an accelerated procedure.

Or. ro

Amendment 212
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 1
Regulation (EC) No 767/2008
Article 1 – paragraph 1

Text proposed by the Commission

This Regulation also lays down procedures for the exchange of information between Member States on long-stay visas and residence permits, including on certain decisions on long-stay visas and residence permits.

Amendment

deleted

Or. fr

Amendment 213
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 1
Regulation (EC) No 767/2008
Article 1 – paragraph 1

Text proposed by the Commission

"This Regulation also lays down procedures for the exchange of information between Member States on

Amendment

deleted

*long-stay visas and residence permits,
including on certain decisions on long-
stay visas and residence permits.*

Or. en

Justification

*Long stay visas and residence permits should not be stored in VIS, as this is neither
necessary, nor proportionate*

Amendment 214

Monica Macovei

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EC) No 767/2008

Article 1 – paragraph 1

Text proposed by the Commission

"This Regulation also lays down
procedures for the exchange of information
between Member States on long-stay visas
and residence permits, including on certain
decisions on long-stay visas *and* residence
permits.

Amendment

"This Regulation also lays down
procedures for the exchange of information
between Member States on long-stay visas,
residence permits *and residence cards*,
including on certain decisions on long-stay
visas, residence permits *and residence
cards*.

Or. en

Amendment 215

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EC) No 767/2008

Article 1 – paragraph 1

Text proposed by the Commission

"This Regulation also lays down
procedures for the exchange of information
between Member States on long-stay visas
and residence permits, including on
certain decisions on long-stay visas *and*

Amendment

"This Regulation also lays down
procedures for the exchange of information
between Member States on long-stay visas,
including on certain decisions on long-stay

residence permits.

visas.

Or. en

Amendment 216

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EC) No 767/2008

Article 1 – paragraph 2

Text proposed by the Commission

Amendment

By storing identity, travel document and biometric data in the common identity repository (CIR) established by Article 17 of Regulation 2018/XX of the European Parliament and of the Council [Regulation 2018/XX on interoperability], the VIS contributes to facilitating and assisting in the correct identification of persons registered in the VIS.*

deleted

Or. en

Amendment 217

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EC) No 767/2008

Article 1 – paragraph 2

Text proposed by the Commission

Amendment

By storing identity, *travel document* and biometric data *in the common identity repository (CIR) established by Article 17 of Regulation 2018/XX of the European Parliament and of the Council* [Regulation 2018/XX on interoperability]*, the VIS contributes to facilitating and assisting in the *correct* identification of persons registered in the VIS."

By storing identity and biometric data, the VIS contributes to facilitating and assisting in the identification of persons registered in the VIS, *with a view to identifying any person who may not, or may no longer, fulfil the conditions for entry to, stay or residence on the territory of the Member States and in order to help prevent threats to the internal security of the Member*

States.

Or. fr

Justification

Cross-cutting amendment modifying all articles and paragraphs relating to a change to this objective.

Amendment 218

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 767/2008

Article 2 – paragraph 1 – introductory part

Text proposed by the Commission

1. The VIS shall have the purpose of improving the implementation of the common visa policy, consular cooperation and consultation between central visa authorities by facilitating the exchange of data between Member States on applications and on the decisions relating thereto, in order:

Amendment

1. The VIS shall have the purpose of improving the implementation of the common visa policy *on short-stay visas*, consular cooperation and consultation between central visa authorities by facilitating the exchange of data between Member States on applications and on the decisions relating thereto, in order:

Or. fr

Amendment 219

Maria Grapini

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 767/2008

Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) to facilitate the visa application procedure;

Amendment

(a) to facilitate the visa application procedure *and shorten award times*;

Or. ro

Amendment 220

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 767/2008

Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) to assist in the identification **and return** of any person who may not, or may no longer, fulfil the conditions for entry to, stay or residence on the territory of the Member States;

Amendment

(e) to assist in the identification of any person who may not, or may no longer, fulfil the conditions for entry to, stay or residence on the territory of the Member States;

Or. en

Amendment 221

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 767/2008

Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) to assist in the identification **and return** of any person who may not, or may no longer, fulfil the conditions for entry to, stay or residence on the territory of the Member States;

Amendment

(e) to assist in the identification of any person who may not, or may no longer, fulfil the conditions for entry to, stay or residence on the territory of the Member States;

Or. fr

Amendment 222

Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 767/2008

Article 2 – paragraph 1 – point f

Text proposed by the Commission

(f) to assist in the identification of persons who have gone missing;

Amendment

(f) to assist in the identification of persons ***referred to in article 22o of this Regulation*** who have gone missing;

Or. en

Amendment 223
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EC) No 767/2008
Article 2 – paragraph 1 – point h

Text proposed by the Commission

(h) to contribute to the prevention, detection and investigation of terrorist offences or of other serious criminal offences;

Amendment

deleted

Or. en

Amendment 224
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EC) No 767/2008
Article 2 – paragraph 1 – point h

Text proposed by the Commission

(h) contribute to the prevention, detection and investigation of terrorist offences or of other serious criminal offences;

Amendment

(h) contribute to the prevention, detection and investigation of terrorist offences or of other serious criminal offences, ***provided that the latter are strictly defined;***

Or. fr

Amendment 225

Maria Grapini

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 767/2008

Article 2 – paragraph 1 – point h

Text proposed by the Commission

(h) contribute to the prevention, detection and investigation of terrorist offences or of other serious criminal offences;

Amendment

(h) contribute to the prevention, detection and investigation of terrorist offences or of other serious **cross-border** criminal offences;

Or. ro

Amendment 226

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 767/2008

Article 2 – paragraph 1 – point i

Text proposed by the Commission

(i) to contribute to the prevention of threats to the internal security of any of the Member States;

Amendment

deleted

Or. en

Amendment 227

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 767/2008

Article 2 – paragraph 1 – point k

Text proposed by the Commission

(k) support the objectives of the Schengen Information System (SIS) related to the alerts in respect of third country

Amendment

(k) support the objectives of the Schengen Information System (SIS) related to the alerts in respect of third country

nationals subject to a refusal of entry,
persons wanted for arrest or for surrender
or extradition purposes, on missing
persons, on persons sought to assist with a
judicial procedure *and on persons for
discreet checks or specific checks.*"

nationals subject to a refusal of entry,
persons wanted for arrest or for surrender
or extradition purposes, on missing
persons, on persons sought to assist with a
judicial procedure."

Or. fr

Amendment 228
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EC) No 767/2008
Article 2 – paragraph 2

Text proposed by the Commission

Amendment

**2. As regards long stay visas and
residence permits, the VIS shall have the
purpose of facilitating the exchange of
data between Member States on the
decisions related thereto, in order to:**

deleted

**(a) support a high level of security by
contributing to the assessment of whether
the applicant is considered to pose a
threat to public policy, internal security or
public health prior to their arrival at the
external borders crossing points;**

**(b) enhance the effectiveness of
border checks and of checks within the
territory;**

**(c) contribute to the prevention,
detection and investigation of terrorist
offences or of other serious criminal
offences;**

**(d) ensure the correct identification of
persons;**

**(e) facilitate the application of
Regulation (EU) No 604/2013 and of
Directive 2013/32/EU;**

**(f) support the objectives of the
Schengen Information System (SIS)**

related to the alerts in respect of third country nationals subject to a refusal of entry, persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks or specific checks."

** Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31).*

*** Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60).;*

Or. en

Amendment 229
Bodil Valero

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EC) No 767/2008
Article 2 – paragraph 2

Text proposed by the Commission

As regards long stay visas **and residence permits**, the VIS shall have the purpose of facilitating the exchange of data between Member States on the decisions related thereto, in order to:

Amendment

As regards long stay visas, the VIS shall have the purpose of facilitating the exchange of data between Member States on the decisions related thereto, in order to:

Or. en

Amendment 230

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 767/2008

Article 2 – paragraph 2 – point a

Text proposed by the Commission

(a) support a high level of security by contributing to the assessment of whether the applicant is considered to pose a threat to public policy, internal security or public health ***prior to their arrival at the external borders crossing points;***

Amendment

(a) support a high level of security by contributing to the assessment of whether the applicant is considered to pose a threat to public policy, internal security or public health;

Or. fr

Amendment 231

Maria Grapini

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 767/2008

Article 2 – paragraph 2 – point a

Text proposed by the Commission

(a) support a high level of security by contributing to the assessment of whether the applicant is considered to pose a threat to public policy, internal security or public health prior to their arrival at the external borders crossing points;

Amendment

(a) support a high level of security ***in all Member States*** by contributing to the assessment of whether the applicant is considered to pose a threat to public policy, internal security or public health prior to their arrival at the external borders crossing points;

Or. ro

Amendment 232

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 767/2008

Article 2 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) facilitate the application of Regulation (EU) No 604/2013 and of Directive 2013/32/EU;

deleted

Or. fr

Amendment 233
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EC) No 767/2008
Article 2 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) support the objectives of the Schengen Information System (SIS) related to the alerts in respect of third country nationals subject to a refusal of entry, persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure **and on persons for discreet checks or specific checks."**

(f) support the objectives of the Schengen Information System (SIS) related to the alerts in respect of third country nationals subject to a refusal of entry, persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure."

Or. fr

Amendment 234
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EC) No 767/2008
Article 2 – footnote 1

Text proposed by the Commission

Amendment

*** Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining**

deleted

an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31).

Or. fr

Amendment 235
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EC) No 767/2008
Article 4 – paragraph 1 – point 15

Text proposed by the Commission

(15) **‘facial image’** means digital image of the face;

Amendment

(15) **‘photograph’** means digital image of the face ***with sufficient image resolution and quality to be used in automated biometric matching;***

Or. fr

Justification

Cross-cutting amendment; applies to all references to ‘facial image’ throughout the text.

Amendment 236
Monica Macovei

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EC) 767/2008
Article 4 – paragraph 1 – point 15

Text proposed by the Commission

(15) **‘facial image’** means digital image of the face;

Amendment

(15) **‘facial image’** means digital image of the face ***with the required quality and resolution to be used for the automated biometric matching;***

Or. en

Amendment 237
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EC) No 767/2008
Article 4 – paragraph 1 – point 15

Text proposed by the Commission

(15) ‘facial image’ means digital image of the face;

Amendment

(15) ‘facial image’ means digital image of the face *of sufficient image resolution and quality to be used in automated biometric matching*;

Or. en

Amendment 238
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EC) No 767/2008
Article 4 – paragraph 1 – point 17

Text proposed by the Commission

(17) *‘residence permit’ means all residence permits issued by the Member States in accordance with the uniform format laid down by Council Regulation (EC) No 1030/2002** and all other documents referred to in Article 2(16)(b) of Regulation (EU) 2016/399;*

Amendment

deleted

Or. en

Amendment 239
Bodil Valero

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EC) No 767/2008

Article 4 – paragraph 1 – point 17

Text proposed by the Commission

Amendment

(17) 'residence permit' means all residence permits issued by the Member States in accordance with the uniform format laid down by Council Regulation (EC) No 1030/2002 and all other documents referred to in Article 2(16)(b) of Regulation (EU) 2016/399;**

deleted

Or. en

Amendment 240
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EC) No 767/2008
Article 4 – paragraph 1 – point 18

Text proposed by the Commission

Amendment

(18) 'long-stay visa' means an authorisation issued by a Member State as provided for in Article 18 of the Schengen Convention;

deleted

Or. en

Amendment 241
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EC) No 767/2008
Article 4 – paragraph 1 – point 20

Text proposed by the Commission

Amendment

(20) 'law enforcement' means the prevention, detection or investigation of terrorist offences or other serious criminal offences;

(20) 'law enforcement' means the prevention, detection or investigation of terrorist offences or other serious criminal offences *within a strictly defined*

framework;

Or. fr

Amendment 242
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 767/2008
Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) alphanumeric data on the short stay visa applicant and on visas requested, issued, refused, annulled, revoked or extended referred to in *Article* 9(1) to (4) and Articles 10 to 14, *alphanumeric data on long stay visa and residence permits issued, withdrawn, refused, annulled, revoked or extended referred to in Articles 22c, 22d, 22e and 22f, as well as information regarding the hits referred to in Articles 9a and 22b, and the results of verifications referred to in Article 9c(6);*

Amendment

(a) alphanumeric data on the short stay visa applicant and on visas requested, issued, refused, annulled, revoked or extended referred to in *Articles* 9(1) to (4) and Articles 10 to 14;

Or. fr

Amendment 243
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 767/2008
Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) alphanumeric data on the short stay visa applicant and on visas requested, issued, refused, annulled, revoked or extended referred to in Article 9(1) to (4) and Articles 10 to 14, *alphanumeric data on long stay visa and residence permits issued, withdrawn, refused, annulled, revoked or extended referred to in Articles*

Amendment

(a) alphanumeric data on the short stay visa applicant and on visas requested, issued, refused, annulled, revoked or extended referred to in Article 9(1) to (4) and Articles 10 to 14, as well as information regarding the hits referred to in Articles 9a, and the results of verifications referred to in Article 9c(6);

22c, 22d, 22e and 22f, as well as
information regarding the hits referred to in
Articles 9a **and 22b**, and the results of
verifications referred to in Article 9c(6);

Or. en

Justification

Long stay visas and residence permits should not be stored in VIS

Amendment 244
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 767/2008
Article 5 – paragraph 1 – point b

Text proposed by the Commission

(b) facial images referred to in Article
9(5) **and Article 22c(2)(f)**;

Amendment

(b) facial images referred to in Article
9(5);

Or. en

Amendment 245
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 767/2008
Article 5 – paragraph 1 – point c

Text proposed by the Commission

(c) fingerprint data referred to in
Article 9(6) **and Article 22c(2)(g)**;

Amendment

(c) fingerprint data referred to in
Article 9(6);

Or. en

Amendment 246
Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 767/2008

Article 5 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) links to other applications referred to in Article 8(3) and (4) **and Article 22a(3).**"

(d) links to other applications referred to in Article 8(3) and (4)."

Or. en

Amendment 247

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 767/2008

Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. The CIR shall contain the data referred to in Article 9(4)(a) to (cc), Article 9(5) and 9(6), Article 22c(2)(a), to (cc), (f) and (g), and Article 22d(a) to (cc), (f) and (g). The remaining VIS data shall be stored in the VIS Central System.

deleted

Or. en

Amendment 248

Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 767/2008

Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. The CIR shall contain the data referred to in Article 9(4)(a) *to (cc)*, Article 9(5) and 9(6), *Article 22c(2)(a), to (cc), (f)*

3. The CIR shall contain the data referred to in Article 9(4)(a), Article 9(5) and 9(6). The remaining VIS data shall be

and (g), and Article 22d(a) to (cc), (f) and (g). The remaining VIS data shall be stored in the VIS Central System.

stored in the VIS Central System.

Or. en

Amendment 249
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EC) No 767/2008
Article 5 a – paragraph 3

Text proposed by the Commission

(3) The detailed rules on managing the functionality referred to in paragraph 2 shall be laid down in ***implementing*** acts. Those ***implementing*** acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

Amendment

(3) The detailed rules on managing the functionality referred to in paragraph 2 shall be laid down in ***delegated*** acts. Those ***delegated*** acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

Or. fr

Amendment 250
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 7 – point -a (new)
Regulation (EC) No 767/2008
Article 6 – paragraph –1 (new)

Text proposed by the Commission

Amendment

(-a) the following paragraph -1 is added:

“Access to the VIS for entering, amending or deleting the data referred to in Article 5(1) in accordance with this Regulation shall be reserved exclusively to the duly authorised staff of the visa authorities. The number thereof shall be strictly limited by the actual needs of their

service.”

Or. fr

Amendment 251
Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point -a a (new)

Regulation (EC) No 767/2008

Article 6 – paragraph 1

Present text

1. Access to the VIS for entering, amending or deleting the data referred to in Article 5(1) in accordance with this Regulation shall be reserved exclusively to the duly authorised staff of the visa authorities.

Amendment

(-aa) paragraph 1 is amended as follows:

"1. Access to the VIS for entering, amending or deleting the data referred to in Article 5(1) in accordance with this Regulation shall be reserved exclusively to the duly authorised staff of the visa authorities.

The authorities entitled to consult or access VIS in order to prevent, detect and investigate terrorist offences or other serious criminal offences shall be designated in accordance with Chapter IIIb.”

Or. fr

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32008R0767&from=EN>)

Amendment 252
Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a

Regulation (EC) No 767/2008

Article 6 – paragraph 2

Text proposed by the Commission

Access to the VIS for consulting the data

Amendment

Access to the VIS for consulting the data

shall be reserved exclusively for the duly authorised staff of the national authorities of each Member State and of the EU bodies which are competent for the purposes laid down in Articles 15 to 22, **Articles 22c to 22f, Articles 22g to 22j, as well as for the purposes laid down in Articles 20 and 21 of [Regulation 2018/XX on interoperability].**

shall be reserved exclusively for the duly authorised staff of the national authorities of each Member State and of the EU bodies which are competent for the purposes laid down in Articles 15 to 22.

Or. en

Justification

This reads like we want to give access to VIS itself for purposes of Article 20 (police checks on the territory of MSs, ‘Access to the CIR for identification’) and Article 21 (‘Access to the CIR for the detection of multiple identities’) when those two articles refer to access to CIR.

Amendment 253
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 7 – point c
Regulation (EC) No 767/2008
Article 6 – paragraph 5

Text proposed by the Commission

5. The detailed rules on managing the functionality for the centralised management of the list in paragraph 3 shall be laid down in **implementing** acts. Those **implementing** acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

Amendment

5. The detailed rules on managing the functionality for the centralised management of the list in paragraph 3 shall be laid down in **delegated** acts. Those **delegated** acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

Or. fr

Amendment 254
Bodil Valero

Proposal for a regulation
Article 1 – paragraph 1 – point 7 a (new)
Regulation (EC) No 767/2008
Article 7 – paragraph 2

2. Each competent authority shall ensure that in using the VIS, it does not discriminate against applicants and visa holders on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation **and that it fully respects the human dignity and the integrity of the applicant or of the visa holder.**

(7a) In Article 7 paragraph 2 is replaced by the following:

"2. Processing of personal data within the VIS by any user shall not result in discrimination on the grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. **It shall fully respect human dignity and integrity and fundamental rights, including the right to respect for one's private life and to the protection of personal data. Particular attention shall be paid to children, the elderly and persons with a disability.**"

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02008R0767-20171229>)

Amendment 255

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 7 a (new)

Regulation (EC) No 767/2008

Article 7 – paragraph 2

2. Each competent authority shall ensure that in using the VIS, it **does** not discriminate against applicants and visa holders on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation **and that it fully respects the human dignity and the integrity of the applicant or of the visa holder.**

(7a) Article 7(2) is amended as follows:

"2. Each competent authority shall ensure that in using the VIS **it fully respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union.** It shall not discriminate against applicants and visa holders on grounds of sex, racial or ethnic origin, colour, social origin, language, political or any other opinion, membership of a national minority, property, birth, religion or belief,

disability, age or sexual orientation, and **it shall** fully **respect** human dignity and the integrity of the applicant or of the visa holder.”;

Or. fr

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32008R0767&from=EN>)

Amendment 256
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 7 b (new)
Regulation (EC) No 767/2008
Article 7 – paragraph 2

Present text

2. *Each competent authority shall ensure that in using the VIS, it does not discriminate against applicants and visa holders on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation and that it fully respects the human dignity and the integrity of the applicant or of the visa holder.*

Amendment

(7b) Article 7 paragraph 2 is amended as follows:

"2. Processing of personal data within the VIS by any user shall not result in discrimination against third-country nationals on the grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. It shall fully respect human dignity and integrity and fundamental rights, including the right to respect for one's private life and to the protection of personal data. Particular attention shall be paid to children, the elderly and persons with a disability and persons in need of international protection. The best interests of the child shall be a primary consideration."

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02008R0767-20171229>)

Justification

Aligning article 7(2) with the Charter, as recommended by FRA op. 1., and ETIAS Article 14, as recommended by FRA.

Amendment 257

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EC) No 767/2008

Article 7 – paragraph 3

Text proposed by the Commission

3. The best interests of the child shall ***be a primary*** consideration for Member States with respect to all procedures provided for in this Regulation. The child's well-being, safety and security, in particular where there is a risk of the child being a victim of human trafficking in human beings, and the views of the child shall be taken into consideration and given due weight in accordance with his or her age ***and maturity.***"

Amendment

3. The best interests of the child shall ***take precedence over any other*** consideration for Member States with respect to all procedures provided for in this Regulation, ***in full compliance with the International Convention on the Rights of the Child.*** The child's well-being, safety and security, in particular where there is a risk of the child being a victim of human trafficking in human beings, and the views of the child shall be taken into consideration and given due weight in accordance with his or her age."

Or. fr

Amendment 258

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 8 a (new)

Regulation (EC) No 767/2008

Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(8a) In Article 7, paragraph 3a is inserted :

“Member States shall apply this Regulation in full conformity with the

Charter of Fundamental Rights of the European Union, in particular the right to human dignity , the right to liberty and security, the respect for private and family life, the protection of personal data, the right to asylum and protection of the principle of non-refoulement and protection in the event of removal, expulsion or extradition, the right to non-discrimination, the rights of the child and the right to an effective remedy.”

Or. fr

Amendment 259
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 10 – point b a (new)
Regulation (EC) No 767/2008
Article 8 – paragraph 4

Present text

Amendment

(ba) paragraph 4 is amended as follows:

4. If the applicant is travelling in a group or with his spouse and/or children, the visa authority shall create an application file for each applicant *and link the application files of the persons travelling together.*

"4. If the applicant is travelling in a group or with his spouse and/or children, the visa authority shall create an application file for each applicant."

Or. fr

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32008R0767&from=EN>)

Amendment 260
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 11 – point a
Regulation (EC) No 767/2008
Article 9 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) first name(s) (given name(s)); first name or names (given names); **date** of birth; nationality or nationalities; sex;

(a) first name(s) (given name(s)); first name or names (given names); **year** of birth; nationality or nationalities; sex;

Or. fr

Amendment 261

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point b

Regulation (EC) No 767/2008

Article 9 – paragraph 5

Text proposed by the Commission

Amendment

5. the **facial image** of the applicant, in accordance with Article 13(1) of **Regulation (EC) No 810/2009**;

5. the **photograph** of the applicant, in accordance with Article 13.

Or. fr

Amendment 262

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point c

Regulation (EC) No 767/2008

Article 9 – point 7

Text proposed by the Commission

Amendment

(c) **the following point 7 is added:**
'7. **a scan of the biographic data page;**'

deleted

Or. en

Amendment 263

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point c

Regulation (EC) No 767/2008

Article 9 – paragraph 7

Text proposed by the Commission

Amendment

7. a scan of the biographic data page.;

deleted

Or. fr

Amendment 264

Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point d

Regulation (EC) No 767/2008

Article 9 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Amendment

The facial image of third country nationals referred to in point 5 of the first paragraph shall have sufficient image resolution and quality to be used in automated biometric matching.

The facial image of third country nationals referred to in point 5 of the first paragraph shall have sufficient image resolution and quality to be used in automated biometric matching. ***If it lacks sufficient quality, the facial image shall not be used for automated matching.***

Or. en

Amendment 265

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point d

Regulation (EC) No 767/2008

Article 9 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Amendment

The ***facial image*** of third country nationals referred to in point 5 of the first paragraph shall have sufficient image resolution and quality to be used in automated biometric

The ***photograph*** of third country nationals referred to in point 5 of the first paragraph shall have sufficient image resolution and quality to be used in automated biometric

matching.

matching.

Or. fr

Amendment 266
Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point d

Regulation (EC) No 767/2008

Article 9 – paragraph 8 – subparagraph 2

Text proposed by the Commission

By way of derogation from the second paragraph, in exceptional cases where the quality and resolution specifications set for the enrolment of the *live facial image* in the VIS cannot be met, the *facial image* may be extracted electronically from the chip of the electronic Machine Readable Travel Document (eMRTD). In such cases, the *facial image* shall only be inserted into the individual file after electronic verification that the *facial image* recorded in the chip of the eMRTD corresponds to the live facial image of the third-country national concerned.;

Amendment

By way of derogation from the second paragraph, in exceptional cases where the quality and resolution specifications set for the enrolment of the *photograph* in the VIS cannot be met, the *photograph* may be extracted electronically from the chip of the electronic Machine Readable Travel Document (eMRTD). In such cases, the *photograph* shall only be inserted into the individual file after electronic verification that the *photograph* recorded in the chip of the eMRTD corresponds to the live facial image of the third-country national concerned.;

No automated request shall be processed using biometric data of persons aged 70 or over or children under the age of 14 which were collected more than five years ago.

Automated requests on the basis of biometric data belonging to persons aged 70 or over or children under the age of 14 shall be processed in the presence of fingerprinting and facial recognition experts in order to limit the margin of error in the processing of those requests.

Or. fr

Amendment 267

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EC) No 767/2008

Article 9 a to 9 d

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 268

Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EC) No 767/2008

Article 9 a – paragraph 2

Text proposed by the Commission

Amendment

2. When an application is created or a visa is issued, the VIS shall check whether the travel document related to that application is recognised in accordance to Decision No 1105/2011/EU, by performing an automatic search against the list of recognised travel documents referred to in Article 5a, and shall return a result.

2. When an application is created or a visa is issued, the VIS shall check whether the travel document related to that application is recognised in accordance to Decision No 1105/2011/EU, by performing an automatic search against the list of recognised travel documents referred to in Article 5a, and shall return a result ***in accordance with the end-user's access rights in the underlying legal bases.***

Or. en

Amendment 269

Gérard Deprez

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EC) No 767/2008

Article 9 a – paragraph 2

Text proposed by the Commission

Amendment

2. When an application is created ***or a visa is issued***, the VIS shall check whether the travel document related to that application is recognised in accordance to Decision No 1105/2011/EU, by performing an automatic search against the list of recognised travel documents referred to in Article 5a, and shall return a result.

2. When an application is created, the VIS shall check whether the travel document related to that application is recognised in accordance to Decision No 1105/2011/EU, by performing an automatic search against the list of recognised travel documents referred to in Article 5a, and shall return a result.

Or. fr

Amendment 270
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 767/2008
Article 9 a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. No automated queries shall be carried out with biometric data of people aged 70 years or over and of children below 13 years when more than five years have passed since their biometric data was collected. When comparisons are made based on such data, specialised dactyloscopic and facial recognition experts will perform the comparison.

Or. en

Justification

FRA op. 8.

Amendment 271
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 767/2008
Article 9 a – paragraph 3

3. For the purpose of the verifications provided for in Article 21(1) and Article 21(3)(a), (c) and (d) of Regulation (EC) No 810/2009, the VIS shall launch a query by using the European Search Portal defined in Article 6(1) [of the Interoperability Regulation] to compare the relevant data referred to in point (4) of Article 9 of this Regulation to the data present in a record, file or alert registered in the VIS, the Schengen Information System (SIS), the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS), ***including the watchlist referred to in Article 29 of Regulation (EU) 2018/XX for the purposes of establishing a European Travel Information and Authorisation System***, ***the Eurodac***, [the ECRIS-TCN system as far as convictions related to terrorist offences and other forms of serious criminal offences are concerned], the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD) ***and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN)***.

3. For the purpose of the verifications provided for in Article 21(1) and Article 21(3)(a), (c) and (d) of Regulation (EC) No 810/2009, the VIS shall launch a query by using the European Search Portal defined in Article 6(1) [of the Interoperability Regulation] to compare the relevant data referred to in point (4) of Article 9 of this Regulation to the data present in a record, file or alert registered in the VIS, the Schengen Information System (SIS), the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS), [the ECRIS-TCN system as far as convictions related to terrorist offences and other forms of serious criminal offences are concerned], the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD).

Or. fr

Amendment 272
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 767/2008
Article 9 a – paragraph 3

3. For the purpose of the verifications provided for in Article 21(1) and Article 21(3)(a), (c) and (d) of Regulation (EC) No 810/2009, the VIS shall launch a query by using the European Search Portal defined in Article 6(1) [of the Interoperability

3. For the purpose of the verifications provided for in Article 21(1) and Article 21(3)(a), (c) and (d) of Regulation (EC) No 810/2009, the VIS shall launch a query by using the European Search Portal defined in Article 6(1) [of the Interoperability

Regulation] to compare the **relevant** data referred to in point **(4) of Article 9** of this Regulation to the data present in a record, file or alert registered in the VIS, the Schengen Information System (SIS), the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS), including the watchlist referred to in Article 29 of Regulation (EU) 2018/XX for the purposes of establishing a European Travel Information and Authorisation System], the **Eurodac, [the ECRIS-TCN system as far as convictions related to terrorist offences and other forms of serious criminal offences are concerned],** the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD) and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN).

Regulation] to compare the data referred to in point Article **9(4)(a)** of this Regulation to the data present in a record, file or alert registered in the VIS, the Schengen Information System (SIS), the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS), including the watchlist referred to in Article 29 of Regulation (EU) 2018/XX for the purposes of establishing a European Travel Information and Authorisation System], the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD) and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN).

Or. en

Justification

Article 9(4)(b)-(cc) also refer to travel document data, and as per the Commission's intent in interoperability we only have biographical identity data in CIR as you would find in a travel document, as well as biometric samples, but no further data, like travel document details.

Querying the Eurodac is irrelevant for evaluating a request for visa, and ECRIS-TCN does not store the requested information.

Amendment 273 **Péter Niedermüller**

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 767/2008
Article 9 a – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. When querying the Interpol data bases, the data used by the user of the ESP to launch a query is not shared with the owners of Interpol data.

Justification

Amendment in line with the interoperability proposals, FRA op. 9.

Amendment 274
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 767/2008
Article 9 a – paragraph 5 – introductory part

Text proposed by the Commission

5. For the purposes of Article 2(1)(k), the queries carried out under paragraph 3 of this Article shall compare the relevant data referred to in Article 15(2) to the data present in the SIS in order to determine whether the applicant is subject to one of the following alerts:

Amendment

5. For the purposes of Article 2(1)(k), the queries carried out under paragraph 3 of this Article shall compare the relevant data referred to in Article 15(2) to the data present in the SIS in order to **will** determine whether the applicant is subject to one of the following alerts:

Or. en

Amendment 275
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 767/2008
Article 9 a – paragraph 5 – point d

Text proposed by the Commission

(d) an alert on persons and objects for discreet checks or specific checks.

Amendment

deleted

Or. fr

Amendment 276
Gérard Deprez

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EC) No 767/2008

Article 9 a – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The VIS shall add a reference to any hit obtained pursuant to paragraph 3 to the application file.

Or. fr

Amendment 277

Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EC) No 767/2008

Article 9 b – paragraph 1

Text proposed by the Commission

Amendment

1. As regards third country nationals who are members of the family of a Union citizen to whom Directive 2004/38/EC applies or of a national of a third country enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other, the automated checks in Article 9a(3) shall be carried out solely for the purpose of checking that there are no factual indications or reasonable grounds based on factual indications to conclude that the presence of the person on the territory of the Member States poses a risk to security **or high epidemic risk** in accordance with Directive 2004/38/EC.

1. As regards third country nationals who are members of the family of a Union citizen to whom Directive 2004/38/EC applies or of a national of a third country enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other, the automated checks in Article 9a(3) shall be carried out solely for the purpose of checking that there are no factual indications or reasonable grounds based on factual indications to conclude that the presence of the person on the territory of the Member States poses a risk to security in accordance with Directive 2004/38/EC. **The automated check shall not unduly and disproportionately affect the issuance of an entry visa.**

Or. en

FRA op. 11.

Amendment 278

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EC) No 767/2008

Article 9 b – paragraph 1

Text proposed by the Commission

1. As regards third country nationals who are members of the family of a Union citizen to whom Directive 2004/38/EC applies or of a national of a third country enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other, the automated checks in Article 9a(3) shall be carried out solely for the purpose of checking that there ***are no factual indications or reasonable grounds based on factual indications*** to conclude that the presence of the person on the territory of the Member States poses a risk to security or high epidemic risk in accordance with Directive 2004/38/EC.

Amendment

1. As regards third country nationals who are members of the family of a Union citizen to whom Directive 2004/38/EC applies or of a national of a third country enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other, the automated checks in Article 9a(3) shall be carried out solely for the purpose of checking that there ***is evidence*** to conclude that the presence of the person on the territory of the Member States poses a risk to security or high epidemic risk in accordance with Directive 2004/38/EC.

Or. fr

Amendment 279

Monica Macovei

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EC) 767/2008

Article 9 b – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. *The VIS shall not verify whether:*

2. *Where the automated processing of the application as referred to in Article 9a(3) has reported a hit corresponding to an overstay in the past through consultation of the EES, or to a person who has previously applied for international protection in Eurodac, and where the record in that other database is related to other grounds than security, the hit shall not be taken into consideration for the assessment of the application.*

Or. en

Amendment 280

Monica Macovei

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EC) 767/2008

Article 9 b – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the applicant is currently reported as overstayer or whether he or she has been reported as overstayer in the past through consultation of the EES;

deleted

Or. en

Amendment 281

Monica Macovei

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EC) 767/2008

Article 9 b – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the applicant corresponds to a person whose data is recorded in the Eurodac.

deleted

Amendment 282
Monica Macovei

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) 767/2008
Article 9 c – paragraph 1

Text proposed by the Commission

1. Any hit resulting from the queries pursuant to Article 9a(3) shall be manually verified by the central authority of the Member State processing the application.

Amendment

1. Any hit resulting from the queries pursuant to Article 9a(3) shall be manually verified by the central authority of the Member State processing the application, ***unless Europol is identified as having supplied the data having triggered the hit. Where Europol is identified as having supplied the data having triggered a hit in accordance with Article 9a(3), an automated notification shall be sent to Europol in order to verify the hit.***

Or. en

Amendment 283
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 767/2008
Article 9 c – paragraph 1

Text proposed by the Commission

1. Any hit resulting from the queries pursuant to Article 9a(3) shall be manually verified by the central authority of the Member State processing the application.

Amendment

1. Any hit resulting from the queries pursuant to Article 9a(3) shall be manually verified by the central authority of the Member State processing the application ***in accordance with their access rights established in the underlying legal bases.***

Or. en

Amendment 284
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 767/2008
Article 9 c – paragraph 5

Text proposed by the Commission

5. Where the data correspond to or where doubts remain concerning the identity of the applicant, the central visa authority processing the application shall inform the central authority of the other Member State(s), which were identified as having entered or supplied the data that triggered the hit pursuant to Article 9a(3). Where one or more Member States were identified as having entered or supplied the data that triggered such hit, the central authority shall consult the central authorities of the other Member State(s) using the procedure set out in Article 16(2).

Amendment

5. Where the data correspond to or where doubts remain concerning the identity of the applicant, the central visa authority processing the application shall inform the central authority of the other Member State(s), which were identified as having entered or supplied the data that triggered the hit pursuant to Article 9a(3). Where one or more Member States were identified as having entered or supplied the data that triggered such hit, the central authority shall consult the central authorities of the other Member State(s) using the procedure set out in Article 16(2). ***The applicant shall have the benefit of any doubt.***

Or. fr

Amendment 285
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 767/2008
Article 9 c – paragraph 5

Text proposed by the Commission

5. Where the data correspond to or where doubts remain concerning the identity of the applicant, the central visa authority processing the application shall inform the central authority of the other Member State(s), which were identified as

Amendment

5. Where the data correspond to or where doubts remain concerning the identity of the applicant, ***in justified cases*** the central visa authority processing the application shall inform the central authority of the other Member State(s),

having entered or supplied the data that triggered the hit pursuant to Article 9a(3). Where one or more Member States were identified as having entered or supplied the data that triggered such hit, the central authority shall consult the central authorities of the other Member State(s) using the procedure set out in Article 16(2).

which were identified as having entered or supplied the data that triggered the hit pursuant to Article 9a(3). Where one or more Member States were identified as having entered or supplied the data that triggered such hit, the central authority shall consult the central authorities of the other Member State(s) using the procedure set out in Article 16(2).

Or. en

Justification

FRA op. 9.

Amendment 286
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 767/2008
Article 9 d

Text proposed by the Commission

Europol shall adapt its information system to ensure that automatic processing of the queries referred to in Article 9a(3) **and Article 22b(2)** is possible.

Amendment

Europol shall adapt its information system to ensure that automatic processing of the queries referred to in Article 9a(3) is possible.

Or. en

Amendment 287
Maria Grapini

Proposal for a regulation
Article 1 – paragraph 1 – point 13
Regulation (EC) No 767/2008
Article 13 – paragraph 4

Text proposed by the Commission

(4) When the application file is updated pursuant to paragraphs 1 and 2, the VIS shall send a notification to the Member

Amendment

(4) When the application file is updated pursuant to paragraphs 1 and 2, the VIS shall send a notification to the Member

State that issued the visa, informing of the decision to annul or revoke that visa. Such notification shall be generated automatically by the central system and transmitted via the mechanism provided in Article 16.

State that issued the visa, informing of the ***motivated*** decision to annul or revoke that visa. Such notification shall be generated automatically by the central system and transmitted via the mechanism provided in Article 16.

Or. ro

Amendment 288
Bodil Valero

Proposal for a regulation
Article 1 – paragraph 1 – point 14
Regulation (EC) No 767/2008
Article 15

Text proposed by the Commission

Amendment

(14) Article 15 is amended as follows:
(a) in paragraph 2, the following point (ea) is inserted:
‘(ea) facial image;;’
‘2a. The facial image referred to in point (ea) of paragraph 2 shall not be the only search criterion.;’

deleted

Or. en

Amendment 289
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 767/2008
Article 16 – paragraph 2

Text proposed by the Commission

Amendment

2. When an application file is created in the VIS regarding a national of a specific third country or belonging to a specific category of such nationals for which prior consultation is requested pursuant to Article 22 of Regulation (EC) No 810/2009, the VIS shall automatically

deleted

transmit the request for consultation to the Member State or the Member States indicated.

The Member State or the Member States consulted shall transmit their response to the VIS, which shall transmit that response to the Member State which created the application.

Solely for the purpose of carrying out the consultation procedure, the list of Member States requiring that their central authorities be consulted by other Member States' central authorities during the examination of visa applications for uniform visas lodged by nationals of specific third countries or specific categories of such nationals, according to Article 22 of Regulation (EC) No 810/2009, and of the third country nationals concerned, shall be integrated into the VIS."

Or. fr

Amendment 290

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 767/2008

Article 16 – paragraph 3 – point b

Text proposed by the Commission

(b) all other messages related to consular cooperation that entail transmission of personal data recorded in the VIS or related to it, to the transmission of requests to the competent visa authority to forward copies of *travel documents pursuant to point 7 of Article 9 and other* documents supporting the application and to the transmission of electronic copies of those documents, as well as to requests pursuant to Article 9c and Article 38(3). The competent visa authorities shall

Amendment

(b) all other messages related to consular cooperation that entail transmission of personal data recorded in the VIS or related to it, to the transmission of requests to the competent visa authority to forward copies of documents supporting the application and to the transmission of electronic copies of those documents, as well as to requests pursuant to Article 9c and Article 38(3). The competent visa authorities shall respond to any such request within two working days.;

respond to any such request within two working days.;

Or. en

Amendment 291

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 18

Regulation (EC) No 767/2008

Article 18 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The competent authorities for carrying out checks at borders at which the EES is operated shall verify the fingerprints of the visa holder against the fingerprints recorded in the VIS. For visa holders whose fingerprints cannot be used, the search mentioned under paragraph 1 shall be carried out with the alphanumeric data foreseen under paragraph 1 ***in combination with the facial image.***;

Amendment

The competent authorities for carrying out checks at borders at which the EES is operated shall verify the fingerprints of the visa holder against the fingerprints recorded in the VIS. For visa holders whose fingerprints cannot be used, the search mentioned under paragraph 1 shall be carried out with the alphanumeric data foreseen under paragraph 1.;

Or. en

Amendment 292

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 18

Regulation (EC) No 767/2008

Article 18 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The competent authorities for carrying out checks at borders ***at which the EES is operated*** shall verify the fingerprints of the visa holder against the fingerprints recorded in the VIS. For visa holders whose fingerprints cannot be used, the search mentioned under paragraph 1 shall

Amendment

The competent authorities for carrying out checks at borders shall verify the fingerprints of the visa holder against the fingerprints recorded in the VIS. For visa holders whose fingerprints cannot be used, the search mentioned under paragraph 1 shall be carried out with the alphanumeric

be carried out with the alphanumeric data foreseen under paragraph 1 in combination with the *facial image*;

data foreseen under paragraph 1 in combination with the *photograph*;

Or. fr

Amendment 293
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 19
Regulation (EC) No 767/2008
Article 20 a – paragraph 1

Text proposed by the Commission

1. Fingerprint data stored in the VIS may be used for the purpose of entering an alert on missing persons in accordance with Article 32(2) of Regulation (EU) ... of the European Parliament and of the Council* [Regulation (EU) on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters]. In those cases, the exchange of fingerprint data shall take place via secured means to the SIRENE bureau of the Member State owning the data.

Amendment

1. Fingerprint data stored in the VIS may be used for the purpose of entering an alert on missing persons, *in particular children*, in accordance with Article 32(2) of Regulation (EU) ... of the European Parliament and of the Council* [Regulation (EU) on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters]. In those cases, the exchange of fingerprint data shall take place via secured means to the SIRENE bureau of the Member State owning the data.

Or. en

Amendment 294
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 19 a (new)
Regulation (EC) No 767/2008
Article 22 – paragraph 1

Text proposed by the Commission

Amendment

(19a) in Article 22, paragraph 1 is amended as follows:

1. For the sole purpose of examining an application for asylum, the competent asylum authorities shall have access in accordance with Article 21 of Regulation (EC) No 343/2003 to search with the fingerprints of the asylum seeker. Where the fingerprints of the asylum seeker cannot be used or the search with the fingerprints fails, the search shall be carried out with the data referred to in Article 9(4)(a) and/or (b) to (cc); this search may be carried out in combination with the data referred to in Article 9(4)(aa).

Or. en

Amendment 295
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 20
Regulation (EC) No 767/2008
Article 22 – paragraph 2

Text proposed by the Commission

Amendment

(20) in Article 22, paragraph 2 is replaced by the following:

deleted

"2. If the search with the data listed in paragraph 1 indicates that data on the applicant for international protection is recorded in the VIS, the competent asylum authority shall have access to consult the following data of the applicant and of any linked application files of the applicant pursuant to Article 8(3), for the sole purpose referred to in paragraph 1:

- (a) the application number;*
- (b) the data taken from the application form(s), referred to in points (4), (5) and (7) of Article 9;*
- (c) photographs;*
- (d) the data entered in respect of any visa issued, annulled, revoked, or whose*

validity is extended, referred to in Articles 10, 13 and 14;

(e) the data referred to in points (4) and (5) of Article 9 of the linked application files pursuant to Article 8(4).;"

Or. fr

Amendment 296
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 21
Regulation (EC) No 767/2008
Article 23 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Each file shall be stored in the VIS for a maximum of **five** years, without prejudice to the deletion referred to in Articles 24 and 25 and to the keeping of records referred to in Article 34.

Amendment

Each file shall be stored in the VIS for a maximum of **two** years, without prejudice to the deletion referred to in Articles 24 and 25 and to the keeping of records referred to in Article 34.

Or. fr

Amendment 297
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 21
Regulation (EC) No 767/2008
Article 23 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

(a) on the expiry date of the visa, **the long-stay visa or the residence permit**, if a visa, **a long-stay visa or a residence permit** has been issued;

Amendment

(a) on the expiry date of the visa, if a visa has been issued;

Or. en

Amendment 298
Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 21

Regulation (EC) No 767/2008

Article 23 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

(b) on the new expiry date of the visa,
the long-stay visa or the residence permit,
if a visa, ***a long-stay visa or a residence***
permit has been extended;

Amendment

(b) on the new expiry date of the visa,
if a visa has been extended;

Or. en

Amendment 299
Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 21

Regulation (EC) No 767/2008

Article 23 – paragraph 1 – subparagraph 2 – point d

Text proposed by the Commission

(d) on the date of the decision of the
responsible authority if a visa, ***a long-stay***
visa or a residence permit has been
refused, annulled, shortened, withdrawn or
revoked, as applicable.

Amendment

(d) on the date of the decision of the
responsible authority if a visa has been
refused, annulled, shortened, withdrawn or
revoked, as applicable.

Or. en

Amendment 300
Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 21

Regulation (EC) No 767/2008

Article 23 – paragraph 2

Text proposed by the Commission

2. Upon expiry of the period referred

Amendment

2. Upon expiry of the period referred

to in paragraph 1, the VIS shall automatically erase the file and the link(s) to this file as referred to in Article 8(3) and (4) **and Article 22a(3) and (5).**;

to in paragraph 1, the VIS shall automatically erase the file and the link(s) to this file as referred to in Article 8(3) and (4);

Or. en

Amendment 301
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 21
Regulation (EC) No 767/2008
Article 23 – paragraph 2

Text proposed by the Commission

2. Upon expiry of the period referred to in paragraph 1, the VIS shall automatically erase the file and the link(s) to this file as referred to in Article 8(3) and (4) and Article 22a(3) **and (5).**;

Amendment

2. Upon expiry of the period referred to in paragraph 1, the VIS shall automatically erase the file and the link(s) to this file as referred to in Article 8(3) and (4) and Article 22a(3).;

Or. fr

Amendment 302
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 22
Regulation (EC) No 767/2008
Article 24 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where the inaccurate data refers to links created pursuant to Article 8(3) or (4), **and Article 22a(3)**, the responsible Member State shall make the necessary verifications and provide an answer within 48 hours, and, as the case may be, rectify the link. If no answer is provided within the set timeframe, the requesting Member State shall rectify the link and notify the responsible Member State of the

Amendment

Where the inaccurate data refers to links created pursuant to Article 8(3) or (4), the responsible Member State shall make the necessary verifications and provide an answer within 48 hours, and, as the case may be, rectify the link. If no answer is provided within the set timeframe, the requesting Member State shall rectify the link and notify the responsible Member State of the rectification made via

Amendment 303

Gérard Deprez

Proposal for a regulation

Article 1 – paragraph 1 – point 22 a (new)

Regulation (EC) No 767/2008

Article 24 – paragraph 3

Present text

3. The Member State responsible shall check the data concerned and, if necessary, correct or delete them immediately.

Amendment

(22a) in Article 24, paragraph 3 is replaced by the following:

"3. The Member State responsible shall, **as soon as possible**, check the data concerned and, if necessary, correct or delete them immediately"

Or. fr

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32008R0767&from=EN>)

Amendment 304

Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 23 – point a

Regulation (EC) No 767/2008

Article 25 – paragraph 1

Text proposed by the Commission

1. Where, before expiry of the period referred to in Article 23(1), an applicant has acquired the nationality of a Member State, the application files, the files and the links referred to in Article 8(3) and (4), **Article 22a(3)** relating to him or her shall be erased without delay from the VIS by the Member State which created the respective application file(s) and links.;

Amendment

1. Where, before expiry of the period referred to in Article 23(1), an applicant has acquired the nationality of a Member State, the application files, the files and the links referred to in Article 8(3) and (4), relating to him or her shall be erased without delay from the VIS by the Member State which created the respective application file(s) and links.

Amendment 305
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 24
Regulation (EC) No 767/2008
Article 26 – paragraph 8 a – subparagraph 2

Text proposed by the Commission

In such cases, the security measures, access control and logging activities at the testing environment shall be equal to the ones for the VIS production system. Real personal data adopted for testing shall be ***rendered anonymous*** in such a way that the data-subject is no longer identifiable.;

Amendment

In such cases, the security measures, access control and logging activities at the testing environment shall be equal to the ones for the VIS production system. Real personal data adopted for testing shall be ***anonymised*** in such a way that the data-subject is no longer identifiable ***and the data cannot be used for other purposes***;

Or. fr

Amendment 306
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 24
Regulation (EC) No 767/2008
Article 26 – paragraph 8 a – subparagraph 2

Text proposed by the Commission

In such cases, the security measures, access control and logging activities at the testing environment shall be equal to the ones for the VIS production system. Real personal data adopted for testing shall be rendered anonymous in such a way that the data-subject is no longer identifiable.;

Amendment

In such cases, the security measures, access control and logging activities at the testing environment shall be equal to the ones for the VIS production system. Real personal data adopted for testing shall be rendered anonymous in ***an automated manner*** such a way that the data-subject is no longer identifiable.

Or. en

Amendment 307

Monica Macovei

Proposal for a regulation

Article 1 – paragraph 1 – point 24

Regulation (EC) 767/2008

Article 26 – paragraph 8 a – subparagraph 2

Text proposed by the Commission

In such cases, the security measures, access control and logging activities at the testing environment shall be **equal** to the ones for the VIS production system. Real personal data **adopted** for testing shall be rendered anonymous in such a way that the data-subject is no longer identifiable.;

Amendment

In such cases, the security measures, access control and logging activities at the testing environment shall be **similar** to the ones for the VIS production system. Real personal data **used** for testing shall be rendered anonymous in such a way that the data-subject is no longer identifiable.;

Or. en

Justification

The measures in test environments should be similar and not equal to the existing ones in VIS production, taking into consideration the security/data protection requirements of data hosted there, which have been already rendered anonymous.

Amendment 308

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 24 a (new)

Regulation (EC) No 767/2008

Article 26 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

(24a) In Article 26, the following paragraph 9a is inserted:

"The operational management of the Central System and all VIS-related tasks shall under no circumstances be entrusted to a private company or organisation, and the use of contract staff shall be strictly limited and supervised."

Or. fr

Amendment 309
Gérard Deprez

Proposal for a regulation
Article 1 – paragraph 1 – point 24 a (new)
Regulation (EC) No 767/2008
Article 26 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

(24a) In Article 26, the following paragraph 9a is inserted:

"9a. Where eu-LISA cooperates with external service providers in any VIS-related tasks, it shall closely monitor the activities of the service provider to ensure compliance with this Regulation, in particular on security, confidentiality and data protection.";

Or. fr

Amendment 310
Gérard Deprez

Proposal for a regulation
Article 1 – paragraph 1 – point 24 b (new)
Regulation (EC) No 767/2008
Article 26 – paragraph 9 b (new)

Text proposed by the Commission

Amendment

(24b) In Article 26, the following paragraph 9b is inserted:

"9b. The operational management of the VIS Central System shall under no circumstances be entrusted to a private company or private organisation."

Or. fr

Amendment 311
Marie-Christine Vergiat

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Proposal for a regulation

Article 1 – paragraph 1 – point 26 – point b

Regulation (EC) No 767/2008

Article 29 – paragraph 1 – point c

Text proposed by the Commission

(c) the data are accurate, up-to-date and of an adequate level of quality and completeness when they are transmitted to the VIS.;

Amendment

(c) the data are accurate, up-to-date and of an adequate level of quality and completeness when they are transmitted to the VIS.

For this purpose, Member States shall ensure that consular staff and the staff of any external service provider with which they are cooperating as referred to in Article 43 of Regulation (EU) No 810/2009 receive regular training on data quality and protection of personal data. Under no circumstances may these tasks be transferred to external service providers.;

Or. fr

Amendment 312

Gérard Deprez

Proposal for a regulation

Article 1 – paragraph 1 – point 26 – point b

Regulation (EC) No 767/2008

Article 29 – paragraph 1 – point c

Text proposed by the Commission

(c) the data are accurate, up-to-date and of an adequate level of quality and completeness when they are transmitted to the VIS.;

Amendment

(c) the data are accurate, up-to-date and of an adequate level of quality and completeness when they are transmitted to the VIS.

For this purpose, Member States shall ensure that consular staff and the staff of any external service provider with which they are cooperating as referred to in Article 43 of Regulation (EU) No 810/2009 receive regular training on data quality.;

Amendment 313
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 26 – point c
 Regulation (EC) No 767/2008
 Article 29 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(c) in point (a) of paragraph 2, the word "VIS" is replaced by the words "VIS or the CIR" in both instances where it appears;

deleted

Amendment 314
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 26 – point d
 Regulation (EC) No 767/2008
 Article 29 – paragraph 2a – subparagraph 1

Text proposed by the Commission

Amendment

The management authority together with the Commission shall develop and maintain automated data quality control mechanisms and procedures for carrying out quality checks on the data in VIS and shall provide regular reports to the Member States. The management authority shall provide a regular report to the Member states and **Commission** on the data quality controls.

The management authority together with the Commission shall develop and maintain automated data quality control mechanisms and procedures for carrying out quality checks on the data in VIS and shall provide regular reports to the Member States. The management authority shall provide a regular report to the Member States, **the Commission** and **the European Parliament** on the data quality controls.

Every two years the Commission shall report to the European Parliament and the Council on data quality issues encountered. That report shall be accompanied by proposals for remedying the issues raised.

Amendment 315
Monica Macovei

Proposal for a regulation
Article 1 – paragraph 1 – point 26 – point d
Regulation (EC) 767/2008
Article 29 – paragraph 2 a – subparagraph 1

Text proposed by the Commission

The management authority together with the Commission shall develop and maintain automated data quality control mechanisms and procedures for carrying out quality checks on the data in VIS and shall provide regular reports to the Member States. **The management authority** shall provide a regular report to the Member states **and** Commission on the data quality controls.

Amendment

eu-LISA together with the Commission shall develop and maintain automated data quality control mechanisms and procedures for carrying out quality checks on the data in VIS and shall provide regular reports to the Member States. **eu-LISA** shall provide a regular report to the Member states, Commission **and European Parliament** on the data quality controls.

Or. en

Amendment 316
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 26 – point d a (new)
Regulation (EC) No 767/2008
Article 29 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

(da) *The following paragraph 2b is inserted:*

"The management authority shall perform technical feasibility tests in order to establish the reliability of biometric matching with facial images ahead of the launch of such functionality."

Or. en

In line with FRA opinion 6.

Amendment 317

Gérard Deprez

Proposal for a regulation

Article 1 – paragraph 1 – point 26 – point d a (new)

Regulation (EC) No 767/2008

Article 29 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(da) In Article 29, the following paragraph is added:

"3a. In relation to the processing of personal data in the VIS, each Member State shall designate the authority which is to be considered as controller in accordance with point (7) of Article 4 of Regulation (EU) 2016/679 and which shall have central responsibility for the processing of data by that Member State. Each Member State shall notify the Commission of the designation.";

Or. fr

Amendment 318

Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 27

Regulation (EC) No 767/2008

Article 29 a – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Entering data referred to in Articles **9, 22c and 22d** into the VIS shall be subject to the following preliminary conditions:

1. Entering data referred to in Articles into the VIS shall be subject to the following preliminary conditions:

Or. en

Amendment 319
Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 27

Regulation (EC) No 767/2008

Article 29 a – paragraph 1 – point a

Text proposed by the Commission

(a) data pursuant to Articles 9, **22c and 22d and Article 6(4)** may only be sent to the VIS following a quality check performed by the responsible national authorities;

Amendment

(a) data pursuant to Articles 9, **and** may only be sent to the VIS following a quality check performed by the responsible national authorities;

Or. en

Justification

Article 6(4) does not exist

Amendment 320
Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 27

Regulation (EC) No 767/2008

Article 29 a – paragraph 1 – point b

Text proposed by the Commission

(b) data pursuant to Articles 9, **22c and 22d and Article 6(4)** will be processed by the VIS, following a quality check performed by the VIS pursuant to paragraph 2.

Amendment

(b) data pursuant to Articles 9 will be processed by the VIS, following a quality check performed by the VIS pursuant to paragraph 2.

Or. en

Justification

Article 6(4) does not exist

Amendment 321
Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 27

Regulation (EC) No 767/2008

Article 29 a – paragraph 2 – point a

Text proposed by the Commission

(a) when creating application files or files of third country nationals in VIS, quality checks shall be performed on the data referred to in Articles 9, **22c and 22d** ; should these checks fail to meet the established quality criteria, the responsible authority(ies) shall be automatically notified by the VIS;

Amendment

(a) when creating application files or files of third country nationals in VIS, quality checks shall be performed on the data referred to in Articles 9; should these checks fail to meet the established quality criteria, the responsible authority(ies) shall be automatically notified by the VIS;

Or. en

Amendment 322
Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 27

Regulation (EC) No 767/2008

Article 29 a – paragraph 2 – point b

Text proposed by the Commission

(b) the automated procedures pursuant to Article 9(a)(3) **and 22b(2)** may be triggered by the VIS only following a quality check performed by the VIS pursuant to this Article; should these checks fail to meet the established quality criteria, the responsible authority(ies) shall be automatically notified by the VIS;

Amendment

(b) the automated procedures pursuant to Article 9(a)(3) may be triggered by the VIS only following a quality check performed by the VIS pursuant to this Article; should these checks fail to meet the established quality criteria, the responsible authority(ies) shall be automatically notified by the VIS;

Or. en

Amendment 323
Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 27

Regulation (EC) No 767/2008

Article 29 a – paragraph 2 – point c

Text proposed by the Commission

(c) quality checks on ***facial images*** and dactylographic data shall be performed when creating application files of third country nationals in VIS, to ascertain the fulfilment of minimum data quality standards allowing biometric matching;

Amendment

(c) quality checks on ***photographs*** and dactylographic data shall be performed when creating application files of third country nationals in VIS, to ascertain the fulfilment of minimum data quality standards allowing biometric matching;

Or. fr

Amendment 324

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 27

Regulation (EC) No 767/2008

Article 29 a – paragraph 3

Text proposed by the Commission

3. Quality standards shall be established for the storage of the data referred to in paragraph 1 and 2 of this Article. The specification of these standards shall be laid down in ***implementing*** acts. Those ***implementing*** acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

Amendment

3. Quality standards shall be established for the storage of the data referred to in paragraph 1 and 2 of this Article. The specification of these standards shall be laid down in ***delegated*** acts. Those ***delegated*** acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

Or. fr

Amendment 325

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 28

Regulation (EC) No 767/2008

Article 31 – paragraph 1

Text proposed by the Commission

Amendment

(28) in Article 31, paragraphs 1 and 2 are replaced by the following: *deleted*

‘1. Without prejudice to Regulation (EU) 2016/679, the data referred to in Article 9(4)(a), (b), (c), (k) and (m); 9(6) and 9(7) may be transferred or made available to a third country or to an international organisation listed in the Annex, only if necessary in individual cases for the purpose of proving the identity of third-country nationals, and only for the purpose of return in accordance with Directive 2008/115/EC or of resettlement in accordance with the Regulation ...[Resettlement Framework Regulation], and provided that the Member State which entered the data in the VIS has given its approval.’

Or. en

Amendment 326
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 28 – introductory part

Text proposed by the Commission

Amendment

(28) in Article 31, paragraphs 1 and 2 are replaced by the following:

(28) in Article 31, paragraph 2 is replaced by the following:

Or. fr

Amendment 327
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 28
Regulation (EC) No 767/2008
Article 31 – paragraph 1

1. ***Without prejudice to*** Regulation (EU) 2016/679, the data referred to in Article 9(4)(a), (b), (c), (k) and (m); 9(6) and 9(7) may be transferred or made available to a third country or to an international organisation listed in the Annex, only if necessary in individual cases for the purpose of proving the identity of third-country nationals, and only for the purpose of return in accordance with ***Directive 2008/115/EC*** or of resettlement in accordance with the Regulation ...[Resettlement Framework Regulation], ***and*** provided that the Member State which entered the data in the VIS has given its approval.;

1. ***The data transfer shall comply with the relevant provisions of Union law, in particular Regulation EU 2016/679, including its Chapter V.*** The data referred to in Article 9(4)(a), (b), (c), (k) and (m); 9(6) and 9(7) may be transferred or made available to a third country or to an international organisation listed in the Annex, only if necessary in individual cases for the purpose of proving the identity of third-country nationals, and only for the purpose of return in accordance with ***Return Regulation [xxx/xxx]*** or of resettlement in accordance with the Regulation ...[Resettlement Framework Regulation], provided that the Member State which entered the data in the VIS has given its approval, ***and provided that the third country or international organisation agrees to use the data only for the purpose for which they were provided. No personal data of applicants for international protection shall be shared with their country of origin to prepare their return, as long as no final decision has been taken on their application for international protection.***

Or. en

Justification

FRA op. 12.

Amendment 328
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 28
Regulation (EC) No 767/2008
Article 31 – paragraph 1

1. Without prejudice to Regulation

1. Without prejudice to Regulation

(EU) 2016/679, the data referred to in Article 9(4)(a), (b), (c), **(k)** and (m); **9(6) and 9(7)** may be transferred or made available to a third country or to an international organisation listed in the Annex, only if necessary in individual cases for the purpose *of proving the identity of third-country nationals, and only for the purpose of return in accordance with Directive 2008/115/EC* or of resettlement in accordance with the Regulation ...[Resettlement Framework Regulation], and provided that the Member State which entered the data in the VIS has given its approval.;

(EU) 2016/679, the data referred to in Article 9(4)(a), (b), (c) and (m) may be transferred or made available to a third country or to an international organisation listed in the Annex, only if **absolutely** necessary in individual cases for the **sole** purpose of resettlement in accordance with the Regulation ...[Resettlement Framework Regulation], and provided that the Member State which entered the data in the VIS has given its approval.;

Or. fr

Amendment 329
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 28 a (new)
Regulation (EC) No 767/2008
Article 31 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(28a) in Article 31, the following paragraph 3a is added:

"The European Commission and the national supervisory authorities shall cooperate with the data protection authorities of third countries with which VIS data is shared."

Or. en

Amendment 330
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 28 b (new)
Regulation (EC) No 767/2008
Article 31 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

(28b) in Article 31, the following paragraph 3b is added:

"No personal data contained in VIS or retrieved by the automated checks referred to in Article 9a shall be shared with third countries or international organisations for law enforcement purposes."

Or. en

Justification

FRA op. 12.

Amendment 331
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 28 a (new)
Regulation (EC) No 767/2008
Article 32 a (new)

Text proposed by the Commission

Amendment

(28a) Article 32a is added

"Article 32a

Security incidents

1. Any event that has or may have an impact on the security of the VIS or may cause damage or loss to VIS data shall be considered to be a security incident, especially where unlawful access to data may have occurred or where the availability, integrity and confidentiality of data has or may have been compromised.

2. Security incidents shall be managed in such a way as to ensure a quick, effective and proper response.

3. Without prejudice to the notification and communication of a

personal data breach pursuant to Article 33 of Regulation (EU) 2016/679 or Article 30 of Directive (EU) 2016/680, Member States and Europol shall notify the Commission, eu-LISA, the competent supervisory authorities and the European Data Protection Supervisor of any security incidents without delay. Eu-LISA shall notify the Commission and the European Data Protection Supervisor without delay of any security incidents concerning the VIS Central System.

4. Information regarding a security incident that has or may have an impact on the operation of the VIS in a Member State or, within eu-LISA, on the availability, integrity and confidentiality of the data entered or sent by other Member States, shall be provided to all Member States without delay and reported in compliance with the incident management plan provided by eu-LISA.

5. The Member States and eu-LISA shall collaborate in the event of a security incident.

6. The Commission shall report serious incidents immediately to the European Parliament and to the Council. These reports shall be classified as EU RESTRICTED/RESTREINT UE in accordance with applicable security rules.

7. Where a security incident is caused by the misuse of data, Member States and Europol shall ensure that penalties are imposed in accordance with Article 36;"

Or. fr

Amendment 332
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 28 c (new)
Regulation (EC) No 767/2008

Present text

1. Any person who, or Member State which, has suffered damage as a result of an unlawful processing operation or any act incompatible with this Regulation shall be entitled to receive compensation from the Member State which is responsible for the damage suffered. That Member State shall be exempted from its liability, in whole or in part, if it proves that it is not responsible for the event giving rise to the damage.
2. If any failure of a Member State to comply with its obligations under this Regulation causes damage to the VIS, that Member State shall be held liable for such damage, unless and insofar as *the Management Authority* or another Member State failed to take reasonable measures to prevent the damage from occurring or to minimise its impact.
3. Claims for compensation against a Member State for the damage referred to in paragraphs 1 and 2 shall be governed by the *provisions of* national law of *the defendant* Member State.

Amendment

(28c) Article 33 is amended as follows:

"1. Any person who, or Member State which, has suffered damage as a result of an unlawful processing operation or any act incompatible with this Regulation shall be entitled to receive compensation from the Member State which is responsible for the damage suffered. That Member State shall be exempted from its liability, in whole or in part, if it proves that it is not responsible for the event giving rise to the damage.

(a) any person or Member State that has suffered material damage as a result of an unlawful personal data processing operation or any other act incompatible with this Regulation by a Member State shall be entitled to receive compensation from that Member State;

(b) any person or Member State that has suffered material or non-material damage as a result of any act by Europol or eu-LISA incompatible with this Regulation shall be entitled to receive compensation from the agency in question. The Member State concerned, Europol or eu-LISA shall be exempted from their liability under the first subparagraph, in whole or in part, if they prove that they are not responsible for the event which gave rise to the damage.

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

3. Claims for compensation against a Member State for the damage referred to in paragraphs 1 and 2 shall be governed by the national law of *that* Member State.

Claims for compensation against the controller, Europol or eu-LISA for the damage referred to in paragraphs 1 and 2 shall be subject to the conditions provided for in the Treaties.;"

Or. fr

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32008R0767&from=EN>)

Amendment 333
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 29
Regulation (EC) No 767/2008
Article 34 – paragraph 1

Text proposed by the Commission

1. Each Member State, the European Border and Coast Guard Agency and the Management Authority shall keep logs of all data processing operations within the VIS. These logs shall show the purpose of access referred to in Article 6(1), Article 20a(1), Article 22k(1) and Articles 15 to 22 ***and 22g to 22j***, the date and time, the type of data transmitted as referred to in Articles 9 to 14, the type of data used for interrogation as referred to in Article 15(2), Article 18, Article 19(1), Article 20(1), Article 21(1), Article 22(1), Article ***22g, Article 22h, Article 22i, Article 22j, Article 45a, and Article 45d*** and the name of the authority entering or retrieving the data. In addition, each Member State shall keep logs of the staff duly authorised to enter or retrieve the data.

Amendment

1. Each Member State, the European Border and Coast Guard Agency and the Management Authority shall keep logs of all data processing operations within the VIS. These logs shall show the purpose of access referred to in Article 6(1), Article 20a(1), Article 22k(1) and Articles 15 to 22, the date and time, the type of data transmitted as referred to in Articles 9 to 14, the type of data used for interrogation as referred to in Article 15(2), Article 18, Article 19(1), Article 20(1), Article 21(1), Article 22(1), Article 45a, and Article 45d and the name of the authority entering or retrieving the data. In addition, each Member State shall keep logs of the staff duly authorised to enter or retrieve the data.

Or. en

Amendment 334
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 29
Regulation (EC) No 767/2008
Article 34 – paragraph 1

Text proposed by the Commission

1. Each Member State, **the European Border and Coast Guard Agency** and the Management Authority shall keep logs of all data processing operations within the VIS. These logs shall show the purpose of access referred to in Article 6(1), Article 20a(1), Article 22k(1) and Articles 15 to 22 and 22g to 22j, the date and time, the type of data transmitted as referred to in Articles 9 to 14, the type of data used for interrogation as referred to in Article 15(2), Article 18, Article 19(1), Article 20(1), Article 21(1), Article 22(1), Article 22g, Article 22h, Article 22i, Article 22j, Article 45a, and Article 45d and the name of the authority entering or retrieving the data. In addition, each Member State shall keep logs of the staff duly authorised to enter or retrieve the data.

Amendment

1. Each Member State and the Management Authority shall keep logs of all data processing operations within the VIS. These logs shall show the purpose of access referred to in Article 6(1), Article 20a(1), Article 22k(1) and Articles 15 to 22 and 22g to 22j, the date and time, the type of data transmitted as referred to in Articles 9 to 14, the type of data used for interrogation as referred to in Article 15(2), Article 18, Article 19(1), Article 20(1), Article 21(1), Article 22(1), Article 22g, Article 22h, Article 22i, Article 22j, Article 45a, and Article 45d and the name of the authority entering or retrieving the data. In addition, each Member State shall keep logs of the staff duly authorised to enter or retrieve the data.

Or. fr

Amendment 335
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 30 – point a
Regulation (EC) No 767/2008
Article 37 – paragraph 1 – introductory part

Text proposed by the Commission

Third country nationals and the persons referred to in **Articles 9(4)(f), 22c(2)(e) or 22d(e)** shall be informed of the following by the Member State responsible;

Amendment

Without prejudice to the right to information referred to in Articles 11 and 12 of Regulation (EC) 45/2001, Articles 13 and 14 of Regulation (EU) 2016/679, and Article 13 of Directive 2016/680, third

country nationals and the persons referred to in **Article** 9(4)(f) shall be informed of the following by the Member State responsible:

Or. en

Amendment 336
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 30 – point a a (new)
Regulation (EC) No 767/2008
Article 37 – paragraph 1 – point f

Present text

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

Amendment

(aa) in paragraph 1, point f is amended as follows:

"(f) the existence of the right of access to data relating to them, and the right to request that inaccurate data relating to them be corrected or that unlawfully processed data relating to them be deleted, including the right to receive information on the procedures for exercising those rights, **as laid down in Article 47 of the [Interoperability Regulation, borders and visa], and about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data** referred to in Article 41(1), which shall hear claims concerning the protection of personal data."

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008R0767>)

Justification

In light of the changed and more complex architecture of the interoperable JHA databases, the current text of the Interoperability proposals contains a one-stop-shop web service to deal with correction, erasure, etc. in article 47.

Amendment 337
Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 30 – point a b (new)

Regulation (EC) No 767/2008

Article 37 – paragraph 1 – subparagraph f a (new)

Text proposed by the Commission

Amendment

(ab) in Article 37 (1), the following subparagraph fa is added:

“the fact that the VIS may be accessed by the Member States and Europol for law enforcement purposes”

Or. en

Justification

FRA op. 13

Amendment 338
Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 30 – point b

Regulation (EC) No 767/2008

Article 37 – paragraph 2

Text proposed by the Commission

Amendment

2. The information referred to in paragraph 1 shall be provided in writing to the third country national when the data, the photograph and the fingerprint data as referred to in points (4), (5) and (6) of Article 9, **Article 22c(2) and Article 22d (a) to (g)** are collected, and where necessary, orally, in a language and manner that the data subject understands or is reasonably presumed to understand. Children must be informed in an age-appropriate manner, using leaflets and/or infographics and/or demonstrations specifically designed to explain the fingerprinting procedure.;

2. The information referred to in paragraph 1 shall be provided in writing to the third country national **in a concise, intelligible and easily accessible form, and, where applicable, in a transparent form, pursuant to the GDPR and the Police Directive**, when the data, the photograph and the fingerprint data as referred to in points (4), (5) and (6) of Article 9 are collected, and where necessary, orally, in a language and manner that the data subject understands or is reasonably presumed to understand. Children must be informed in an age-appropriate manner, using leaflets and/or

infographics and/or demonstrations specifically designed to explain the fingerprinting procedure.

Or. en

Justification

FRA op. 13.

Amendment 339
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 30 – point c
Regulation (EC) No 767/2008
Article 37 – paragraph 3

Text proposed by the Commission

In the absence of such a form signed by those persons this information shall be provided in accordance with Article 14 of Regulation (EU) 2016/679.;

Amendment

The information provided shall cover the legal basis for processing personal data and the possibility of limiting the processing of personal data, in conformity with the GDPR and the Police Directive;

The information should be provided clearly, concisely and accurately and, wherever possible, transparently, in conformity with the GDPR and the Police Directive;

A standard form is used to set out reasons for refusal and will be kept in the VIS, in line with the proposed Article 22(d)(c), to enable applicants who have been refused to exercise their right to an effective judicial remedy. The form might be similar to Annex VI of the Visa Code or Annex V of the Schengen Borders Code;

In the absence of such a form signed by those persons this information shall be provided in accordance with Article 14 of Regulation (EU) 2016/679.;

Or. fr

Amendment 340
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 30 a (new)
Regulation (EC) No 767/2008
Article 38 – Title

Present text

Amendment

Right of access, correction and deletion

(30a) in Article 38, the title is amended

‘Right of access to and correction and deletion of personal data, right to rectification, completion and erasure of personal data and right to restrict the processing thereof’

Or. fr

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679&from=en>

Amendment 341
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 30 a (new)
Regulation (EC) No 767/2008
Article 38 – paragraph 1

Present text

Amendment

1. Without prejudice to the **obligation to provide other** information **in accordance with** Article 12(a) of Directive 95/46/EC, any person shall have the right to obtain communication of the data relating to him recorded in the VIS and of the Member State which transmitted them to the VIS. Such access to data may be granted only by a Member State. Each Member State shall record any requests for such access.

(30a) in Article 38, paragraph 1 is amended as follows:

"1. Without prejudice to the **right to** information **referred to in Articles 11 and 12 of Regulation (EC) 45/2001, Articles 13 and 14 of Regulation (EU) 2016/679, and Article 13 of Directive 2016/680**, any person shall have the right to obtain communication of the data relating to him recorded in the VIS and of the Member State which transmitted them to the VIS. Such access to data may be granted only by a Member State. Each Member State shall record any requests for such access. **The Member State shall reply to such requests without delay and no later than within 30**

days of receipt of the request”, in line with Article 12 (3) and (4) of the GDPR.”

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008R0767>)

Justification

FRA op. 14.

Amendment 342
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 30 b (new)
Regulation (EC) No 767/2008
Article 38 – paragraph 2

Present text

2. Any person may request that data relating to him which are inaccurate be corrected and that data recorded unlawfully be deleted. The correction and deletion shall be carried out without delay by the Member State responsible, in accordance with its laws, regulations and procedures.

Amendment

(30b) in Article 38, paragraph 2 is amended as follows:

"2. Any person may request that data relating to him which are inaccurate be corrected and that data recorded unlawfully be deleted. The correction and deletion shall be carried out without delay by the Member State responsible, in accordance with its laws, regulations and procedures. ***The correction and deletion shall be carried out without delay and no later than in 30 days of receipt of the request, in line with Article 12 (3) and (4) of the GDPR.***"

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008R0767>)

Justification

FRA op. 14.

Amendment 343

PE630.454v01-00

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Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 30 b (new)

Regulation (EC) No 767/2008

Article 38 – paragraph 2

Present text

2. Any person may request that data relating to him which are inaccurate be corrected and that data recorded unlawfully be deleted. The correction and deletion shall be carried out without delay by the Member State responsible, in accordance with its laws, regulations and procedures.

Amendment

(30b) in Article 38, paragraph 2 is amended

"2. Any person may request that data relating to him which are inaccurate be corrected and that data recorded unlawfully be deleted. The correction and deletion shall be carried out without delay by the Member State responsible, in accordance with its laws, regulations and procedures. ***The Member State shall respond to such a request immediately and no later than 30 days following receipt of the request, in conformity with Article 12(3) and (4) of the GDPR,***'

Or. fr

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679&from=en>

Amendment 344

Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 31

Regulation (EC) No 767/2008

Article 38 – paragraph 3

Text proposed by the Commission

3. If the request as provided for in paragraph 2 is made to a Member State other than the Member State responsible, the authorities of the Member State with which the request was lodged shall contact the authorities of the Member State responsible within a period of seven days. The Member State responsible shall check the accuracy of the data and the lawfulness of their processing in the VIS within a

Amendment

3. If the request ***for access, correction or erasure of personal data***, as provided for in paragraph 2 is made to a Member State other than the Member State responsible, the authorities of the Member State with which the request was lodged shall contact the authorities of the Member State responsible ***in writing*** within a period of seven days. The Member State responsible shall check the accuracy of the

period of one month.;

data and the lawfulness of their processing in the VIS *without undue delay and in any event* within a period of one month. *The persons concerned shall be informed by the Member State which contacted the authority of the Member State responsible that his or her request was forwarded, to whom and about the further procedure."*;

Or. en

Justification

FRA op. 14. and in line with interoperability

Amendment 345 **Marie-Christine Vergiat**

Proposal for a regulation
Article 1 – paragraph 1 – point 31 a (new)
Regulation (EC) No 767/2008
Article 40 – paragraph 1

Present text

1. *In* each Member State any person shall have the right to bring an action or a complaint before the competent authorities or courts of that Member State which refused the right of access to or *the* right of **correction** or **deletion** of data relating to him, provided for in Article 38(1) *and* (2).

Amendment

(31a) in Article 40, paragraph 1 is amended

‘Without prejudice to Articles 77 and 79 of Regulation (EU) 2016/679, in each Member State any person shall have the right to bring an action or a complaint before the competent authorities or courts of that Member State which refused the right of access to, or right of **rectification**, **completion** or **erasure** of, data relating to him or her provided for in Article 38 of this Regulation. The right to bring such an action or complaint shall also apply in cases where requests for access, **rectification**, **completion** or **erasure** were not responded to within the deadlines provided for in Article 38 or were never dealt with by the data controller. Member States shall provide applicants with detailed information regarding the procedure to be followed in the event of an appeal, as specified in Annex VI, in a

language which the applicant understands or may reasonably be supposed to understand;'

Or. fr

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679&from=en>

Amendment 346
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 31 d (new)
Regulation (EC) No 767/2008
Article 40 – paragraph 2

Present text

2. The assistance of the National Supervisory Authorities referred to in Article 39(2) shall remain available throughout the proceedings.

Amendment

(31d) in Article 40, paragraph 2 is amended as follows:

"2. The assistance of the National Supervisory Authorities referred to in Article 39(2) **and the EDPS** shall remain available throughout the proceedings."

Or. en

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008R0767>

Amendment 347
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 32
Regulation (EC) No 767/2008
Article 43 – paragraph 1

Text proposed by the Commission

1. The European Data Protection Supervisor shall act in close cooperation with national supervisory authorities with respect to specific issues requiring national involvement, in particular if the European Data Protection Supervisor or a national supervisory authority finds major discrepancies between practices of

Amendment

1. The European Data Protection Supervisor shall act in close cooperation with national supervisory authorities with respect to specific issues requiring national involvement, in particular if the European Data Protection Supervisor or a national supervisory authority finds major discrepancies between practices of

Member States or finds potentially unlawful transfers using the communication channels of the interoperability components, or in the context of questions raised by one or more national supervisory authorities on the implementation and interpretation of this Regulation.

Member States or finds potentially unlawful transfers using the communication channels of the interoperability components, or in the context of questions raised by one or more national supervisory authorities on the implementation and interpretation of this Regulation. *The national supervisory authorities and the European Data Protection Supervisor shall assist each other in carrying out audits and inspections and examine any difficulties concerning the interpretation or application of this Regulation.*

Or. fr

Amendment 348
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 32
Regulation (EC) No 767/2008
Article 43 – paragraph 2

Text proposed by the Commission

Amendment

2. In the cases referred to in paragraph 1, coordinated supervision shall be ensured in accordance with Article 62 of Regulation (EU) XXXX/2018 [revised Regulation 45/2001].;

deleted

Or. fr

Amendment 349
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 33
Regulation (EC) No 767/2008
Article 45 – paragraph 3

Text proposed by the Commission

Amendment

3. The technical specifications for the quality, resolution and use of fingerprints and of *the facial image* for biometric verification and identification in the VIS shall be laid down in *implementing* acts. Those *implementing* acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

3. The technical specifications for the quality, resolution and use of fingerprints and of *photographs* for biometric verification and identification in the VIS shall be laid down in *delegated* acts. Those *delegated* acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).

Or. fr

Amendment 350

Gérard Deprez

Proposal for a regulation

Article 1 – paragraph 1 – point 34

Regulation (EC) No 767/2008

Article 45a – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

The duly authorised staff of the competent authorities of Member States, the Commission, eu-LISA and the European Border and Coast Guard Agency established by Regulation (EU) 2016/1624 shall have access to consult the following data, solely for the purposes of reporting and statistics without allowing for individual identification:

Amendment

The duly authorised staff of the competent authorities of Member States, the Commission, eu-LISA and the European Border and Coast Guard Agency established by Regulation (EU) 2016/1624 shall have access to consult the following data, solely for the purposes of reporting and statistics without allowing for individual identification *and in accordance with the safeguards related to non-discrimination referred to in Article 7:*

Or. fr

Amendment 351

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 34

Regulation (EC) No 767/2008

Article 45a – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

The duly authorised staff of the competent authorities of Member States, the Commission, eu-LISA **and the European Border and Coast Guard Agency established by Regulation (EU) 2016/1624** shall have access to consult the following data, solely for the purposes of reporting and statistics without allowing for individual identification:

Amendment

The duly authorised staff of the competent authorities of Member States, the Commission, eu-LISA shall have access to consult the following data, solely for the purposes of reporting and statistics, without allowing for individual identification **as a result of the data being completely anonymous and in accordance with the safeguards related to non-discrimination referred to in Article 7:**

Or. fr

Amendment 352
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 34
Regulation (EC) No 767/2008
Article 45 a – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

(c) sex, **date** of birth and current nationality of the applicant;

Amendment

(c) sex, **year** of birth and current nationality of the applicant, **this shall not lead to the identification of the person concerned;**

Or. en

Justification

FRA op. 21.

Amendment 353
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 34
Regulation (EC) No 767/2008
Article 45a – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) sex, date of birth and current nationality of the applicant;

(c) sex, year of birth and current nationality of the applicant;

Or. fr

Amendment 354
Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 34

Regulation (EC) No 767/2008

Article 45 a – paragraph 1 – subparagraph 1 – point f

Text proposed by the Commission

Amendment

(f) the type of document issued, i.e. whether ATV, uniform or LTV, ***long stay visa or residence permit***;

(f) the type of document issued, i.e. whether ATV, uniform or LTV;

Or. en

Amendment 355
Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 34

Regulation (EC) No 767/2008

Article 45 a – paragraph 1 – subparagraph 1 – point h

Text proposed by the Commission

Amendment

(h) the grounds indicated for any decision concerning the document or the application, only as regards short stay visas; ***as regards long stay visas and residence permits, the decision concerning the application (whether to issue or to refuse the application and on which ground)***;

(h) the grounds indicated for any decision concerning the ***visa*** document or the application, only as regards short stay visas;

Or. en

Amendment 356

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 34

Regulation (EC) No 767/2008

Article 45a – paragraph 1 – subparagraph 1 – point h

Text proposed by the Commission

Amendment

(h) As regards short stay visa, main purpose(s) of the journey; ***as regards long stay visas and residence permit, the purpose of the application;***

(h) As regards short stay visa, main purpose(s) of the journey;

Or. fr

Amendment 357

Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 34

Regulation (EC) No 767/2008

Article 45 a – paragraph 1 – subparagraph 1 – point i

Text proposed by the Commission

Amendment

(i) the competent authority, including its ***location***, which refused the application and the date of the refusal, only as regards short stay visas;

(i) the competent authority, including its ***country***, which refused the application and the date of the refusal, only as regards short stay visas;

Or. en

Justification

FRA op. 21.

Amendment 358

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 34

Regulation (EC) No 767/2008

Article 45a – paragraph 1 – subparagraph 1 – point k

Text proposed by the Commission

Amendment

(k) *As regards short stay visa, main purpose(s) of the journey; as regards long stay visas and residence permit, the purpose of the application;*

(k) **main** purpose(s) of the journey;

Or. fr

Amendment 359
Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 34

Regulation (EC) No 767/2008

Article 45 a – paragraph 1 – subparagraph 1 – point k

Text proposed by the Commission

Amendment

(k) As regards short stay visa, main purpose(s) of the journey; *as regards long stay visas and residence permit, the purpose of the application;*

(k) As regards short stay visa, main purpose(s) of the journey;

Or. en

Amendment 360
Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 34

Regulation (EC) No 767/2008

Article 45 a – paragraph 1 – subparagraph 1 – point l

Text proposed by the Commission

Amendment

(l) the data entered in respect of any document withdrawn, annulled, revoked or whose validity is extended, as applicable;

(l) the data entered in respect of any **visa** document withdrawn, annulled, revoked or whose validity is extended, as applicable;

Or. en

Amendment 361
Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 34

Regulation (EC) No 767/2008

Article 45 a – paragraph 1 – subparagraph 1 – point m

Text proposed by the Commission

Amendment

(m) where applicable, the expiry date of the long stay visa or residence permit; **deleted**

Or. en

Amendment 362
Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 34

Regulation (EC) No 767/2008

Article 45 a – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The duly authorised staff of the European Border and Coast Guard Agency shall have access to consult the data referred to in the first subparagraph for the purpose of carrying out risk analyses and vulnerability assessments as referred to in Articles 11 and 13 of Regulation (EU) 2016/1624. **deleted**

Or. fr

Amendment 363
Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 34

Regulation (EC) No 767/2008

Article 45 a – paragraph 5

Text proposed by the Commission

Amendment

5. Every quarter, eu-LISA shall compile statistics based on the VIS data on long-stay visas and residence permits showing, for each location, in particular:

deleted

(a) total of long-stay visas applied for, issued, refused, extended and withdrawn;

(b) total of residence permits applied for, issued, refused, extended and withdrawn.

Or. en

Amendment 364

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 35

Regulation (EC) No 767/2008

Article 45 b

Text proposed by the Commission

Amendment

Article 45b

deleted

(Article 45 is deleted.)

Or. fr

Amendment 365

Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 35

Regulation (EC) No 767/2008

Article 45 b – paragraph 1

Text proposed by the Commission

Amendment

1. In order to fulfil their obligation under point (b) of Article 26(1) of the Convention implementing the Schengen Agreement, air carriers, sea carriers and international carriers transporting groups overland by coach shall send a query to the VIS in order to verify whether or not third

1. In order to fulfil their obligation under point (b) of Article 26(1) of the Convention implementing the Schengen Agreement, air carriers, sea carriers and international carriers transporting groups overland by coach shall send a query to the VIS in order to verify whether or not third

country nationals holding a short-stay visa, a long stay visa or a residence permit are in possession of a valid short stay visa, long stay visa or residence permit, as applicable. For this purpose, as regards short stay visas, carriers shall provide the data listed under points (a), (b) and (c) of Article 9(4) of this Regulation *or under points (a), (b) and (c) of Article 22c*, as applicable.

country nationals holding a short-stay visa, a long stay visa or a residence permit are in possession of a valid short stay visa, long stay visa or residence permit, as applicable. For this purpose, as regards short stay visas, carriers shall provide the data listed under points (a), (b) and (c) of Article 9(4) of this Regulation as applicable.

Or. en

Amendment 366

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 35

Regulation (EC) No 767/2008

Article 45 b – paragraph 1

Text proposed by the Commission

1. In order to fulfil their obligation under point (b) of Article 26(1) of the Convention implementing the Schengen Agreement, air carriers, sea carriers and international carriers transporting groups overland by coach shall send a query to the VIS in order to verify whether or not third country nationals holding a short-stay visa, a long stay visa *or a residence permit* are in possession of a valid short stay visa, long stay visa *or residence permit*, as applicable. For this purpose, as regards short stay visas, carriers shall provide the data listed under points (a), (b) and (c) of Article 9(4) of this Regulation or under points (a), (b) and (c) of Article 22c, as applicable.

Amendment

1. In order to fulfil their obligation under point (b) of Article 26(1) of the Convention implementing the Schengen Agreement, air carriers, sea carriers and international carriers transporting groups overland by coach shall send a query to the VIS in order to verify whether or not third country nationals holding a short-stay visa *or* a long stay visa are in possession of a valid short stay visa *or* long stay visa, as applicable. For this purpose, as regards short stay visas, carriers shall provide the data listed under points (a), (b) and (c) of Article 9(4) of this Regulation or under points (a), (b) and (c) of Article 22c, as applicable.

Or. en

Amendment 367

Gérard Deprez

Proposal for a regulation

Article 1 – paragraph 1 – point 35

Regulation (EC) No 767/2008

Article 45 b – paragraph 4

Text proposed by the Commission

4. The VIS shall respond by indicating whether or not the person has a valid visa, providing the carriers with an OK/NOT OK answer.

Amendment

4. The VIS shall respond by indicating whether or not the person has a valid visa, ***long-stay visa, residence permit or residence card***, providing the carriers with an OK/NOT OK answer.

Or. fr

Amendment 368

Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 35

Regulation (EC) No 767/2008

Article 45 b – paragraph 5

Text proposed by the Commission

5. An authentication scheme, reserved exclusively for carriers, shall be set up in order to allow access to the carrier gateway for the purposes of paragraph 2 to the duly authorised members of the carriers' staff. The authentication scheme shall be adopted by the Commission by means of implementing acts in accordance with the examination procedure referred to in Article 49(2).

Amendment

5. An authentication scheme, reserved exclusively for carriers, shall be set up in order to allow access to the carrier gateway for the purposes of paragraph 2 to the duly authorised members of the carriers' staff. The authentication scheme shall be adopted by the Commission by means of implementing acts in accordance with the examination procedure referred to in Article 49(2). ***The carrier gateway shall be designed in a manner to avoid that data entry mistakes are flagged as 'NOT OK'. The carriers shall provide information to passengers refused boarding due to a 'NOT OK' response, indicating also how to exercise their rights referred in Articles 37 and 38.***

Or. en

FRA op. 15.

Amendment 369

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 35

Regulation (EC) No 767/2008

Article 45 c

Text proposed by the Commission

Amendment

Article 45c

deleted

(Article 45c is deleted.)

Or. fr

Amendment 370

Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 35

Regulation (EC) No 767/2008

Article 45 c – paragraph 1

Text proposed by the Commission

Amendment

1. Where it is technically impossible to proceed with the consultation query referred to in Article 45b(1), because of a failure of any part of the VIS or for other reasons beyond the carriers' control, the carriers shall be exempted of the obligation to verify the possession of a valid visa or travel document by using the carrier gateway. Where such failure is detected by the Management Authority, it shall notify the carriers. It shall also notify the carriers when the failure is remedied. Where such failure is detected by the carriers, they may notify the Management Authority.

1. Where it is technically impossible to proceed with the consultation query referred to in Article 45b(1), because of a failure of any part of the VIS or for other reasons beyond the carriers' control, ***including because of the small size of the company***, the carriers shall be exempted of the obligation to verify the possession of a valid visa or travel document by using the carrier gateway. Where such failure is detected by the Management Authority, it shall notify the carriers. It shall also notify the carriers when the failure is remedied. Where such failure is detected by the carriers, they may notify the Management Authority.

*Justification**FRA, op. 18.***Amendment 371****Marie-Christine Vergiat****Proposal for a regulation****Article 1 – paragraph 1 – point 35**

Regulation (EC) No 767/2008

Article 45 d

*Text proposed by the Commission**Amendment**Article 45d**deleted**(Article 45d is deleted.)*

Or. fr

Amendment 372**Kristina Winberg****Proposal for a regulation****Article 1 – paragraph 1 – point 35**

Regulation (EC) No 767/2008

Article 45 d – paragraph 1

*Text proposed by the Commission**Amendment*

1. To exercise the tasks and powers pursuant to Article 40(1) of Regulation (EU) 2016/1624 of the European Parliament and of the Council* and in addition to the access provided for in Article 40(8) of that Regulation, ***the members of the European Border and Coast Guard teams, as well as teams of staff involved in return-related operations,*** shall, within their mandate, have the right to access and search data entered in VIS.

1. To exercise the tasks and powers pursuant to Article 40(1) of Regulation (EU) 2016/1624 of the European Parliament and of the Council* and in addition to the access provided for in Article 40(8) of that Regulation, ***all officials deployed in operational activities, in particular return related operations, by the European Border and Coast Guard,*** shall, within their mandate, have the right to access and search data entered in VIS.

Or. en

Justification

LEGISLATIVE ACTS: Regulation (EC) No 767/2008, Regulation (EC) No 810/2009, Regulation (EU) 2017/2226, Regulation (EU) 2016/399, Regulation XX/2018 [Interoperability Regulation], and Decision 2004/512/EC and repealing Council Decision 2008/633/JHA

A full mandate has to be provided to the European Border and Coast Guard Agency in order to ensure safe, dignified and effective return of illegal migrants to their home countries

Amendment 373

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 35

Regulation (EC) No 767/2008

Article 45 d – paragraph 1

Text proposed by the Commission

1. To exercise the tasks and powers pursuant to Article 40(1) of Regulation (EU) 2016/1624 of the European Parliament and of the Council* and in addition to the access provided for in Article 40(8) of that Regulation, the members of the European Border and Coast Guard teams, *as well as teams of staff involved in return-related operations*, shall, within their mandate, have the right to access and search data entered in VIS.

Amendment

1. To exercise the tasks and powers pursuant to Article 40(1) of Regulation (EU) 2016/1624 of the European Parliament and of the Council* and in addition to the access provided for in Article 40(8) of that Regulation, the members of the European Border and Coast Guard teams shall, within their mandate, have the right to access and search data entered in VIS.

Or. en

Amendment 374

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 35

Regulation (EC) No 767/2008

Article 45 e

Text proposed by the Commission

Article 45e

Amendment

deleted

(Article 45e is deleted.)

Or. fr

Amendment 375

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 35

Regulation (EC) No 767/2008

Article 45 e – paragraph 1

Text proposed by the Commission

1. In view of the access referred to in paragraph 1 of Article 45d, a European Border and Coast Guard team may submit a request for the consultation of all data or a specific set of data stored in the VIS to the European Border and Coast Guard central access point referred to in Article 45d(2). The request shall refer to the operational plan on border checks, border surveillance **and/or return** of that Member State on which the request is based. Upon receipt of a request for access, the European Border and Coast Guard central access point shall verify whether the conditions for access referred to in paragraph 2 are fulfilled. If all conditions for access are fulfilled, the duly authorised staff of the central access point shall process the requests. The VIS data accessed shall be transmitted to the team in such a way as not to compromise the security of the data.

Amendment

1. In view of the access referred to in paragraph 1 of Article 45d, a European Border and Coast Guard team may submit a request for the consultation of all data or a specific set of data stored in the VIS to the European Border and Coast Guard central access point referred to in Article 45d(2). The request shall refer to the operational plan on border checks **or** border surveillance of that Member State on which the request is based. Upon receipt of a request for access, the European Border and Coast Guard central access point shall verify whether the conditions for access referred to in paragraph 2 are fulfilled. If all conditions for access are fulfilled, the duly authorised staff of the central access point shall process the requests. The VIS data accessed shall be transmitted to the team in such a way as not to compromise the security of the data.

Or. en

Amendment 376

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 35

Regulation (EC) No 767/2008

Article 45 e – paragraph 2 – point a

Text proposed by the Commission

(a) the host Member State authorises the members of the team to consult VIS in order to fulfil the operational aims specified in the operational plan on border checks, border surveillance **and return**, and

Amendment

(a) the host Member State authorises the members of the team to consult VIS in order to fulfil the operational aims specified in the operational plan on border checks **or** border surveillance, and

Or. en

Amendment 377

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 35

Regulation (EC) No 767/2008

Article 45 e – paragraph 3

Text proposed by the Commission

3. In accordance with Article 40(3) of Regulation (EU) 2016/1624, members of the teams, **as well as teams of staff involved in return-related tasks** may only act in response to information obtained from the VIS under instructions from and, as a general rule, in the presence of border guards **or staff involved in return-related tasks** of the host Member State in which they are operating. The host Member State may authorise members of the teams to act on its behalf.

Amendment

3. In accordance with Article 40(3) of Regulation (EU) 2016/1624, members of the teams may only act in response to information obtained from the VIS under instructions from and, as a general rule, in the presence of border guards of the host Member State in which they are operating. The host Member State may authorise members of the teams to act on its behalf.

Or. en

Amendment 378

Kristina Winberg

Proposal for a regulation

Article 1 – paragraph 1 – point 35

Regulation (EC) No 767/2008

Article 45 e – paragraph 3

Text proposed by the Commission

Amendment

3. In accordance with Article 40(3) of Regulation (EU) 2016/1624, ***members of the teams***, as well as teams of staff involved in return-related tasks may only act in response to information obtained from the VIS under instructions from and, as a general rule, in the presence of border guards or staff involved in return-related tasks of the host Member State in which they are operating. The host Member State may authorise members of the teams to act on its behalf.

3. In accordance with Article 40(3) of Regulation (EU) 2016/1624, ***all officials deployed in operational activities by the European Border and Coast Guard Agency***, as well as teams of staff involved in return-related tasks may only act in response to information obtained from the VIS under instructions from and, as a general rule, in the presence of border guards or staff involved in return-related tasks of the host Member State in which they are operating. The host Member State may authorise members of the teams to act on its behalf.

Or. en

Justification

LEGISLATIVE ACTS: Regulation (EC) No 767/2008, Regulation (EC) No 810/2009, Regulation (EU) 2017/2226, Regulation (EU) 2016/399, Regulation XX/2018 [Interoperability Regulation], and Decision 2004/512/EC and repealing Council Decision 2008/633/JHA

A full mandate has to be provided to the European Border and Coast Guard Agency in order to ensure safe, dignified and effective return of illegal migrants to their home countries.

Amendment 379

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 35

Regulation (EC) No 767/2008

Article 45 e – paragraph 4

Text proposed by the Commission

Amendment

4. ***In case of doubt or if the verification of the identity of the visa holder, long stay visa holder or residence permit holder fails, the member of the European Border and Coast Guard team shall refer the person to a border guard of the host Member State.***

deleted

Amendment 380
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 35
Regulation (EC) No 767/2008
Article 45 e – paragraph 4

Text proposed by the Commission

4. In case of doubt or if the verification of the identity of the visa holder, ***long stay visa holder or residence permit holder*** fails, the member of the European Border and Coast Guard team shall refer the person to a border guard of the host Member State.

Amendment

4. In case of doubt or if the verification of the identity of the visa holder fails, the member of the European Border and Coast Guard team shall refer the person to a border guard of the host Member State.

Or. en

Amendment 381
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 35
Regulation (EC) No 767/2008
Article 45 e – paragraph 5 – point a

Text proposed by the Commission

(a) When exercising tasks related to border checks pursuant to Regulation (EU) 2016/399, the members of the teams shall have access to VIS data for verification at external border crossing points in accordance with ***Articles 18 or 22g*** of this Regulation respectively;

Amendment

(a) When exercising tasks related to border checks pursuant to Regulation (EU) 2016/399, the members of the teams shall have access to VIS data for verification at external border crossing points in accordance with ***Article 18*** of this Regulation respectively;

Or. en

Amendment 382
Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 35

Regulation (EC) No 767/2008

Article 45 e – paragraph 5 – point b

Text proposed by the Commission

(b) When verifying whether the conditions for entry to, stay or residence on the territory of the Member States are fulfilled, the members of the teams shall have access to the VIS data for verification within the territory of third country nationals in accordance with **Articles 19 or 22h** of this Regulation respectively;

Amendment

(b) When verifying whether the conditions for entry to, stay or residence on the territory of the Member States are fulfilled, the members of the teams shall have access to the VIS data for verification within the territory of third country nationals in accordance with **Article 19** of this Regulation respectively;

Or. en

Amendment 383

Kristina Winberg

Proposal for a regulation

Article 1 – paragraph 1 – point 35

Regulation (EC) No 767/2008

Article 45 e – paragraph 7

Text proposed by the Commission

7. Every log of data processing operations within the VIS by a member of the European Border and Coast Guard **teams or teams of staff involved in return-related tasks** shall be kept by the Management Authority in accordance with the provisions of Article 34.

Amendment

7. Every log of data processing operations within the VIS by a member of the European Border and Coast Guard **Agency** shall be kept by the Management Authority in accordance with the provisions of Article 34.

Or. en

Justification

LEGISLATIVE ACTS: Regulation (EC) No 767/2008, Regulation (EC) No 810/2009, Regulation (EU) 2017/2226, Regulation (EU) 2016/399, Regulation XX/2018 [Interoperability Regulation], and Decision 2004/512/EC and repealing Council Decision 2008/633/JHA

A full mandate has to be provided to the European Border and Coast Guard Agency in order to ensure safe, dignified and effective return of illegal migrants to their home countries

Amendment 384
Bodil Valero

Proposal for a regulation
Article 1 – paragraph 1 – point 35
Regulation (EC) No 767/2008
Article 45 e – paragraph 7

Text proposed by the Commission

7. Every log of data processing operations within the VIS by a member of the European Border and Coast Guard teams ***or teams of staff involved in return-related tasks*** shall be kept by the Management Authority in accordance with the provisions of Article 34.

Amendment

7. Every log of data processing operations within the VIS by a member of the European Border and Coast Guard teams shall be kept by the Management Authority in accordance with the provisions of Article 34.

Or. en

Amendment 385
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 35
Regulation (EC) No 767/2008
Article 45 e – paragraph 8

Text proposed by the Commission

8. ***Every instance of access and every search made by the European Border and Coast Guard Agency shall be logged in accordance with the provisions of Article 34 and every use made of data accessed by the European Border and Coast Guard Agency shall be registered.***

Amendment

deleted

Or. fr

Amendment 386

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 35

Regulation (EC) No 767/2008

Article 45 e – paragraph 9

Text proposed by the Commission

9. *Except where necessary to perform the tasks for the purposes of the Regulation establishing a European Travel Information and Authorisation System (ETIAS), no parts of* VIS shall be connected to any computer system for data collection and processing operated by or at the European Border and Coast Guard Agency nor shall the data contained in VIS to which the European Border and Coast Guard Agency has access be transferred to such a system. No part of *VIS shall* be downloaded. The logging of access and searches shall not be construed as constituting to be the downloading or copying of VIS data.

Amendment

9. *No parts of* **SIS or** VIS shall be connected to any computer system for data collection and processing operated by or at the European Border and Coast Guard Agency nor shall the data contained in **SIS or** VIS to which the European Border and Coast Guard Agency has access be transferred to such a system. No part of **SIS may** be downloaded. The logging of access and searches shall not be construed as constituting to be the downloading or copying of VIS data.

Or. fr

Amendment 387

Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 38

Regulation (EC) No 767/2008

Article 50 – title

Text proposed by the Commission

Monitoring and evaluation

Amendment

Monitoring and evaluation *of impact on fundamental rights*

Or. en

Amendment 388

Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 38

Regulation (EC) No 767/2008

Article 50 – paragraph 1

Text proposed by the Commission

1. The Management Authority shall ensure that procedures are in place to monitor the functioning of the VIS against objectives relating to output, cost-effectiveness, security and quality of service.

Amendment

1. The Management Authority shall ensure that procedures are in place to monitor the functioning of the VIS against objectives relating to output, cost-effectiveness, security and quality of service, ***as well as to monitor that the right of protection of personal data, the right to non-discrimination, the rights of the child and the right to effective remedy are ensured.***

Or. en

Amendment 389

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 38

Regulation (EC) No 767/2008

Article 50 – paragraph 1

Text proposed by the Commission

1. The Management Authority shall ensure that procedures are in place to monitor the functioning of the VIS against objectives relating to output, cost-effectiveness, security and quality of service.

Amendment

1. The Management Authority shall ensure that procedures are in place to monitor the functioning of the VIS against objectives relating to output, cost-effectiveness, security, ***compliance with fundamental rights*** and quality of service.

Or. en

Amendment 390

Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 38

Regulation (EC) No 767/2008
Article 50 – paragraph 4 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the number and type of cases in which the urgency procedures referred to in Article 22m(2) were used, including those cases where the urgency was not accepted by the ex post verification carried out by the central access point;

Or. en

Amendment 391
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 38
Regulation (EC) No 767/2008
Article 50 – paragraph 4 – point d a (new)

Text proposed by the Commission

Amendment

(da) statistics on child trafficking.

Or. en

Amendment 392
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 38
Regulation (EC) No 767/2008
Article 50 – paragraph 5

Text proposed by the Commission

Amendment

5. Every ***four*** years ,the Commission shall produce an overall evaluation of the VIS. This overall evaluation shall include an examination of results achieved against objectives and an assessment of the continuing validity of the underlying rationale, the application of this Regulation in respect of the VIS, the security of the

5. Every ***two*** years, the Commission shall produce an overall evaluation of the VIS. This overall evaluation shall include an examination of results achieved against objectives and an assessment of the continuing validity of the underlying rationale, the application of this Regulation in respect of the VIS, the security of the

VIS, the use made of the provisions referred to in Article 31 and any implications for future operations. The Commission shall transmit the evaluation to the European Parliament and the Council.

VIS, the use made of the provisions referred to in Article 31 and any implications for future operations, *as well as respect for fundamental rights and in particular the right to the protection of data, to non-discrimination, to the rights of the child and to effective legal remedy. The evaluation also examines whether access to VIS on the part of repressive authorities can result in discrimination.* The Commission shall transmit the evaluation to the European Parliament and the Council.

Or. fr

Amendment 393
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 38
Regulation (EC) No 767/2008
Article 50 – paragraph 5

Text proposed by the Commission

5. Every four years ,the Commission shall produce an overall evaluation of the VIS. This overall evaluation shall include an examination of results achieved against objectives and an assessment of the continuing validity of the underlying rationale, the application of this Regulation in respect of the VIS, the security of the VIS, the use made of the provisions referred to in Article 31 and any implications for future operations. The Commission shall transmit the evaluation to the European Parliament and the Council.

Amendment

5. Every four years ,the Commission shall produce an overall evaluation of the VIS. This overall evaluation shall include an examination of results achieved against objectives and an assessment of the continuing validity of the underlying rationale, *and its impact on fundamental rights*, the application of this Regulation in respect of the VIS, the security of the VIS, the use made of the provisions referred to in Article 31 and any implications for future operations. The Commission shall transmit the evaluation to the European Parliament and the Council.

Or. en

Amendment 394
Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 38

Regulation (EC) No 767/2008

Article 50 – paragraph 5

Text proposed by the Commission

5. Every four years ,the Commission shall produce an overall evaluation of the VIS. This overall evaluation shall include an examination of results achieved against objectives and an assessment of the continuing validity of the underlying rationale, the application of this Regulation in respect of the VIS, the security of the VIS, the use made of the provisions referred to in Article 31 and any implications for future operations. The Commission shall transmit the evaluation to the European Parliament and the Council.

Amendment

5. Every four years ,the Commission shall produce an overall evaluation of the VIS. This overall evaluation shall include an examination of results achieved against objectives and an assessment of the continuing validity of the underlying rationale, the application of this Regulation in respect of the VIS, the security of the VIS, the ***impact on fundamental rights,*** ***the*** use made of the provisions referred to in Article 31 and any implications for future operations. The Commission shall transmit the evaluation to the European Parliament and the Council.

Or. en

Amendment 395

Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 40

Regulation (EC) No 767/2008

Chapter III a

Text proposed by the Commission

CHAPTER IIIa

Amendment

deleted

(The entire Chapter IIIa is deleted.)

Or. en

Amendment 396

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 40

Text proposed by the Commission

Amendment

ENTRY AND USE OF DATA ON LONG
STAY VISAS **AND RESIDENCE
PERMITS**

ENTRY AND USE OF DATA ON LONG
STAY VISAS

*(This amendment applies throughout the
text of Chapter IIIa)*

Or. en

Amendment 397
Monica Macovei

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) 767/2008
Article 22 a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

**1a. The authority competent to issue a
decision shall create an individual file
before issuing the decision.**

Or. en

Justification

For the purpose of preserving the security of the area without control at internal borders, any third country national accessing the Schengen territory, irrespective of their status as holder of a long or short stay document, visa-free or under visa obligation, should fulfil the minimal condition of not being a threat to the internal security of the Member States. Therefore, security checks must be carried out before issuing a document to a third country national, enabling her/him to access the respective territory.

Amendment 398
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 a – paragraph 2

Text proposed by the Commission

Amendment

2. Upon creation of the individual file, the VIS shall automatically launch the query pursuant to Article 22b.

deleted

Or. fr

Amendment 399
Bodil Valero

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 a – paragraph 2

Text proposed by the Commission

Amendment

2. Upon creation of the individual file, the VIS shall automatically launch the query pursuant to Article 22b.

deleted

Or. en

Amendment 400
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 a – paragraph 3

Text proposed by the Commission

Amendment

3. If the holder has applied as part of a group or with a family member, the authority shall create an individual file for each person in the group and link the files of the persons having applied together and who were issued a long stay visa or residence permit.

3. If the holder has applied as part of a group or with a family member, the authority shall create an individual file for each person in the group and link the files of the persons having applied together and who were issued a long stay visa or residence permit. *Applications from parents or legal guardians are not separated from those of children.*

Amendment 401

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 40

Regulation (EC) No 767/2008

Article 22 b

Text proposed by the Commission

Amendment

Article 22b

deleted

Or. en

Amendment 402

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 40

Regulation (EC) No 767/2008

Article 22 b

Text proposed by the Commission

Amendment

Queries to other systems

deleted

(Article 22b is deleted.)

Or. fr

Amendment 403

Gérard Deprez

Proposal for a regulation

Article 1 – paragraph 1 – point 40

Regulation (EC) No 767/2008

Article 22 b – paragraph 2

Text proposed by the Commission

Amendment

2. Every time an individual file is created ***upon issuance or refusal*** pursuant

2. Every time an individual file is created pursuant to Article 22c ***or 22d in***

to Article 22d *of* a long-stay visa or residence permit, the VIS shall launch a query by using the European Search Portal defined in Article 6(1) of [the Interoperability Regulation] to compare the **relevant** data referred to in Article 22c(2)(a), (b), (c), (f) and (g) of this Regulation **with the relevant data, in the VIS, the Schengen Information System (SIS), the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS) including the watchlist referred to in Article 29 of Regulation (EU) 2018/XX for the purposes of establishing a European Travel Information and Authorisation System, [the ECRIS-TCN system as far as convictions related to terrorist offences and other forms of serious criminal offences are concerned], the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN).**

connection with a long-stay visa or residence permit, **and prior to any decision to issue such,** the VIS shall launch a query by using the European Search Portal defined in Article 6(1) of [the Interoperability Regulation] to compare the data referred to in Article 22c(2)(a), (b), (c), (f) and (g) of this Regulation. **The VIS shall verify:**

- (a) whether the travel document used for the application corresponds to a travel document reported lost, stolen, misappropriated or invalidated in SIS;**
- (b) whether the travel document used for the application corresponds to a travel document reported lost, stolen or invalidated in the SLTD database;**
- (c) whether the applicant is subject to a refusal of entry and stay alert entered in SIS;**
- (d) whether the applicant is subject to an alert in respect of persons wanted for arrest for surrender purposes on the basis of a European Arrest Warrant or wanted for arrest for extradition purposes in SIS;**
- (e) whether the applicant and the travel document correspond to a refused, revoked or annulled travel authorisation in the ETIAS Central System;**
- (f) whether the applicant and the travel document are in the watch list**

referred to in Article 34 of Regulation (EU) 2018/1240;

(g) whether data is already recorded in VIS on the same person;

(h) whether the data provided in the application concerning the travel document correspond to another application for a long-stay visa, residence permit or residence card associated with different identity data;

(i) whether the applicant is currently reported as an overstayer or whether he or she has been reported as an overstayer in the past in the EES;

(j) whether the applicant is recorded as having been refused entry in the EES;

(k) whether the applicant has been subject to a decision to refuse, annul or revoke a short-stay visa recorded in VIS;

(l) whether the applicant has been subject to a decision to refuse, annul or revoke a long-stay visa, residence permit or residence card recorded in VIS;

(m) whether the data provided in the application correspond to Europol data;

(n) whether the applicant is registered in Eurodac;

(o) whether the applicant is registered in the ECRIS-TCN system as having been convicted of a terrorist offence or other forms of serious criminal offence;

(p) whether the travel document used for the application corresponds to a travel document recorded in the TDAWN database;

(q) in cases where the applicant is a minor, whether the applicant's parental authority or legal guardian:

(i) is subject to an alert in respect of persons wanted for arrest for surrender purposes on the basis of a European Arrest Warrant or wanted for arrest for extradition purposes in SIS;

- (ii) *is subject to a refusal of entry and stay alert in SIS;*
- (iii) *holds a travel document in the watch list referred to in Article 34 of Regulation (EU) 2018/1240.*

Or. fr

Amendment 404
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 40
 Regulation (EC) No 767/2008
 Article 22 b – paragraph 2

Text proposed by the Commission

2. Every time an individual file is created ***upon issuance or refusal*** pursuant to Article 22d ***of*** a long-stay visa or residence permit, the VIS shall launch a query ***by using the European Search Portal defined in Article 6(1) of [the Interoperability Regulation] to compare the relevant data referred to in Article 22c(2)(a), (b), (c), (f) and (g) of this Regulation with the relevant data, in the VIS, the Schengen Information System (SIS), the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS) including the watchlist referred to in Article 29 of Regulation (EU) 2018/XX for the purposes of establishing a European Travel Information and Authorisation System, [the ECRIS-TCN system as far as convictions related to terrorist offences and other forms of serious criminal offences are concerned], the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN).***

Amendment

2. Every time an individual file is created pursuant to Article 22(c) ***or*** (d) ***concerning*** a long-stay visa or residence permit, the VIS shall launch a query. ***The VIS shall verify:***

- (a) *whether the travel document used for the application corresponds to a travel*

document reported lost, stolen, misappropriated or invalidated in SIS;

(b) whether the travel document used for the application corresponds to a travel document reported lost, stolen or invalidated in the SLTD database;

(c) whether the applicant is subject to a refusal of entry and stay alert entered in SIS, unless there is a return in SIS;

(d) whether the applicant is subject to an alert in respect of persons wanted for arrest for surrender purposes on the basis of a European Arrest Warrant or wanted for arrest for extradition purposes in SIS;

(e) whether the applicant and the travel document are in the watch list referred to in Article 34 of Regulation (EU) 2018/1240;

(f) whether data is already recorded in VIS on the same person;

(g) whether the data provided in the application concerning the travel document correspond to another application for a long-stay visa, residence permit or residence card associated with different identity data;

(h) whether the applicant has been subject to a decision to refuse, annul or revoke a short-stay visa recorded in VIS;

(i) whether the applicant has been subject to a decision to refuse, annul or revoke a long-stay visa, residence permit or residence card recorded in VIS;

(j) whether the data provided in the application correspond to Europol data;

(k) whether the applicant is registered in the ECRIS-TCN system as having been convicted of a terrorist offence or other forms of serious criminal offence;

(l) in cases where the applicant is a minor, whether the applicant's parental authority or legal guardian:

(m) is subject to an alert in respect of persons wanted for arrest for surrender

purposes on the basis of a European Arrest Warrant or wanted for arrest for extradition purposes in SIS;

(n) is subject to a refusal of entry and stay alert in SIS;

(o) holds a travel document in the watch list referred to in Article 34 of Regulation (EU) 2018/1240.

These provisions must not impede the submission of an application for asylum, whatever the motivation. If a visa application is submitted by a victim of violent crime such as domestic violence or trafficking in human beings committed by their sponsor, the file submitted to VIS must be separated from that of the sponsor so that the victims may be protected from further danger.

No automated request shall be processed using biometric data of persons aged 70 or over or children under the age of 13 which were collected more than five years ago.

Automated requests on the basis of biometric data belonging to persons aged 70 or over or children under the age of 13 shall be processed in the presence of fingerprinting and facial recognition experts in order to limit the margin of error in the processing of those requests. Automatic searches in the visa information system should only be permitted if the file has been created by consular authorities, thereby excluding automatic searches in files created in the country.

Or. fr

Amendment 405
Monica Macovei

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) 767/2008

Article 22 b – paragraph 2

Text proposed by the Commission

2. Every time an individual file is created upon issuance or refusal pursuant to Article 22d of a long-stay visa **or** residence permit, the VIS shall launch a query by using the European Search Portal defined in Article 6(1) of [the Interoperability Regulation] to compare the relevant data referred to in Article 22c(2)(a), (b), (c), (f) and (g) of this Regulation with the relevant data, in the VIS, the Schengen Information System (SIS), the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS) including the watchlist referred to in Article 29 of Regulation (EU) 2018/XX for the purposes of establishing a European Travel Information and Authorisation System, [the ECRIS-TCN system as far as convictions related to terrorist offences and other forms of serious criminal offences are concerned], the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN).

Amendment

2. Every time an individual file is created upon issuance or refusal pursuant to Article 22d of a long-stay visa, residence permit **or residence card**, the VIS shall launch a query by using the European Search Portal defined in Article 6(1) of [the Interoperability Regulation] to compare the relevant data referred to in Article 22c(2)(a), (b), (c), (f) and (g) of this Regulation with the relevant data, in the VIS, the Schengen Information System (SIS), the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS) including the watchlist referred to in Article 29 of Regulation (EU) 2018/XX for the purposes of establishing a European Travel Information and Authorisation System, [the ECRIS-TCN system as far as convictions related to terrorist offences and other forms of serious criminal offences are concerned], the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN).

Or. en

Amendment 406

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 40

Regulation (EC) No 767/2008

Article 22 b – paragraph 3

Text proposed by the Commission

3. The VIS shall add a reference to any hit obtained pursuant to paragraphs (2) and (5) to the individual file. Additionally, the VIS shall identify, where relevant, the

Amendment

3. The VIS shall add a reference to any hit obtained pursuant to paragraphs (2) and (5) to the individual file. Additionally, the VIS shall identify, where relevant, the

Member State(s) that entered or supplied the data having triggered the hit(s) or Europol, *and* shall *record this in* the *individual file*.

Member State(s) that entered or supplied the data having triggered the hit(s) or Europol *but* shall *not store* the *details*.

Or. fr

Amendment 407
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 b – paragraph 4 – point d

Text proposed by the Commission

Amendment

(d) an alert on persons and objects for discreet checks or specific checks.

deleted

Or. fr

Amendment 408
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 b – paragraph 7 – point a

Text proposed by the Commission

Amendment

(a) that authority shall verify whether the data recorded in the individual file corresponds to the data present in the VIS, or one of the consulted EU information systems/databases, the Europol data, or the *Interpol databases pursuant to paragraph 2;*

(a) that authority shall verify whether the data recorded in the individual file corresponds to the data present in the VIS, or one of the consulted EU information systems/databases, the Europol data, or the *SLTD database;*

Or. fr

Amendment 409
Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 40

Regulation (EC) No 767/2008

Article 22 c – paragraph 1 – point 2 – point a

Text proposed by the Commission

(a) first name(s) (given name(s)); first name(s); ***date*** of birth; current nationality or nationalities; sex; ***date***, place and country of birth;

Amendment

(a) first name(s) (given name(s)); first name(s); ***year*** of birth; current nationality or nationalities; sex; place and country of birth;

Or. fr

Amendment 410

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 40

Regulation (EC) No 767/2008

Article 22 c – paragraph 1 – point 2 – point e

Text proposed by the Commission

(e) ***the surname, first name and address of the natural person or the name and address of the employer or any other organisation on which the application was based;***

Amendment

deleted

Or. en

Amendment 411

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 40

Regulation (EC) No 767/2008

Article 22 c – paragraph 1 – point 2 – point f

Text proposed by the Commission

(f) ***a facial image of the holder, where possible taken live;***

Amendment

(f) ***a photograph of the applicant;***

Amendment 412
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 d

Text proposed by the Commission

Amendment

Article 22 d

deleted

(Article 22 d is deleted.)

Or. fr

Amendment 413
Bodil Valero

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 d – paragraph 1 – point e

Text proposed by the Commission

Amendment

***(e) the surname, first name and
address of the natural person on whom the
application is based;***

deleted

Or. en

Amendment 414
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 h – paragraph 1 – point 1

Text proposed by the Commission

Amendment

1. For the sole purpose of verifying the identity of the holder and the authenticity and the validity of the long-stay visa or residence permit ***or whether the person is not a threat to public policy, internal security or public health of any of the Member States***, the authorities competent for carrying out checks within the territory of the Member States as to whether the conditions for entry to, stay or residence on the territory of the Member States are fulfilled and, as applicable, ***police authorities***, shall have access to search using the number of the long-stay visa or residence permit in combination with one or several of the data in Article 22c(2)(a), (b) and (c).

1. For the sole purpose of verifying the identity of the holder and the authenticity and the validity of the long-stay visa or residence permit, the authorities competent for carrying out checks within the territory of the Member States as to whether the conditions for entry to, stay or residence on the territory of the Member States are fulfilled and, as applicable, shall have access to search using the number of the long-stay visa or residence permit in combination with one or several of the data in Article 22c(2)(a), (b) and (c).

Or. fr

Amendment 415

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 40

Regulation (EC) No 767/2008

Article 22 h – paragraph 1

Text proposed by the Commission

1. For the sole purpose of verifying the identity of the holder and the authenticity and the validity of the long-stay visa or residence permit ***or whether the person is not a threat to public policy, internal security or public health of any of the Member States***, the authorities competent for carrying out checks within the territory of the Member States as to whether the conditions for entry to, stay or residence on the territory of the Member States are fulfilled and, as applicable, police authorities, shall have access to search using the number of the long-stay visa or residence permit in combination with one or several of the data in Article 22c(2)(a), (b) and (c).

Amendment

1. For the sole purpose of verifying the identity of the holder and the authenticity and the validity of the long-stay visa or residence permit, the authorities competent for carrying out checks within the territory of the Member States as to whether the conditions for entry to, stay or residence on the territory of the Member States are fulfilled and, as applicable, police authorities, shall have access to search using the number of the long-stay visa or residence permit in combination with one or several of the data in Article 22c(2)(a), (b) and (c).

Amendment 416
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 i

Text proposed by the Commission

Amendment

Article 22i

deleted

(Article 22i is deleted.)

Or. fr

Amendment 417
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 j

Text proposed by the Commission

Amendment

Article 22j

deleted

(Article 22j is deleted.)

Or. fr

Amendment 418
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 k – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall designate the

1. Member States shall designate the

authorities which are entitled to consult the data stored in the VIS in order to prevent, detect and investigate terrorist offences or other serious criminal offences.

authorities which are entitled to consult the data stored in the VIS in order to prevent, detect and investigate terrorist offences or other serious criminal offences. ***The authorities shall only be allowed to consult data of children below 12 to protect missing children and children who are victims of serious crimes.***

Or. en

Amendment 419
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 k – paragraph 1

Text proposed by the Commission

1. Member States shall designate the authorities which are entitled to consult the data stored in the VIS in order to prevent, detect and investigate terrorist offences or other serious criminal offences.

Amendment

1. Member States shall designate the authorities which are entitled to consult the data stored in the VIS in order to prevent, detect and investigate terrorist offences or other serious criminal offences ***within a strictly defined framework.***

Or. fr

Amendment 420
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 k – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Designated authorities may access VIS for consultation where all of the following conditions are met:
(a) access for consultation is necessary for the purpose of the

prevention, detection or investigation of a terrorist offences or another serious criminal offence;

(b) access for consultation is necessary and proportionate in a specific case;

(c) evidence or reasonable grounds exist to consider that the consultation of the VIS data will contribute to the prevention, detection or investigation of any of the criminal offences in question, in particular where there is a substantiated suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence falls under a category covered by this Regulation.

Or. en

Justification

FRA op. 19.

Amendment 421
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 k – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Access to VIS as a tool for the purpose of identifying an unknown suspect, perpetrator or suspected victim of a terrorist offence or other serious criminal offence shall be allowed where, in addition to the conditions listed in paragraph 1, the following conditions are met:

(a) a prior search has been conducted in national databases; and

(b) in the case of searches with fingerprints, a prior search has been

launched in the automated fingerprint identification system of the other Member States under Decision 2008/615/JHA where comparisons of fingerprints are technically available, and either that search has been fully carried out, or that search has not been fully carried out within two days of being launched.

Or. en

Justification

FRA op. 19.

Amendment 422
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 k – paragraph 2

Text proposed by the Commission

2. Each Member State shall keep a list of the designated authorities. Each Member State shall notify eu-LISA and the Commission of its designated authorities and may at any time amend or replace its notification.

Amendment

2. Each Member State shall keep a ***strictly limited*** list of the designated authorities. ***This list must include the list of persons with access to the VIS.*** Each Member State shall notify eu-LISA and the Commission of its designated authorities and may at any time amend or replace its notification.

Or. fr

Amendment 423
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 k – paragraph 3 – point 1

Text proposed by the Commission

Amendment

Each Member State shall designate a central access point which shall have access to the VIS. The central access point shall verify that the conditions to request access to the VIS laid down in Article 22n are fulfilled.

Each Member State shall designate a central access point which shall have access to the VIS, ***which shall be a named person, as well as their possible replacement***. The central access point shall verify that the conditions to request access to the VIS laid down in Article 22n are fulfilled.

Or. fr

Amendment 424
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 k – paragraph 3 – point 2

Text proposed by the Commission

The designated authority and the central access point may be part of the same organisation ***if permitted under national law, but the central access point*** shall act fully independently of the designated authorities when performing its tasks under this Regulation. The central access point shall be separate from the designated authorities and shall not receive instructions from them as regards the outcome of the verification which it shall carry out independently.

Amendment

The designated authority and the central access point may be part of the same organisation ***and*** shall act fully independently of the designated authorities when performing its tasks under this Regulation. The central access point shall be separate from the designated authorities and shall not receive instructions from them as regards the outcome of the verification which it shall carry out independently.

Or. fr

Amendment 425
Péter Niedermüller

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 l – paragraph 2 – subparagraph 2

Text proposed by the Commission

The central access point shall act independently when performing its tasks under this Regulation and shall not receive instructions from the Europol designated authority referred to in paragraph 1 as regards the outcome of the verification.

Amendment

The central access point shall act **fully** independently when performing its tasks under this Regulation and shall not receive instructions from the Europol designated authority referred to in paragraph 1 as regards the outcome of the verification **which it shall perform independently.**

Or. en

Justification

FRA op. 19.

Amendment 426
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 m – paragraph 2

Text proposed by the Commission

2. In a case of exceptional urgency, where there is a need to prevent an imminent danger to the life of a person associated with a terrorist offence **or another serious criminal offence**, the central access point(s) shall process the request immediately and shall only verify ex post whether all the conditions of Article 22n are fulfilled, including whether a case of urgency actually existed. The ex post verification shall take place without undue delay and in any event no later than seven working days after the processing of the request.

Amendment

2. In a case of exceptional urgency, where there is a need to prevent an imminent danger to the life of a person associated with a terrorist offence, the central access point(s) shall process the request immediately and shall only verify ex post whether all the conditions of Article 22n are fulfilled, including whether a case of urgency actually existed. The ex post verification shall take place without undue delay and in any event no later than seven working days after the processing of the request.

Or. fr

Amendment 427
Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 40

Regulation (EC) No 767/2008

Article 22 m – paragraph 3

Text proposed by the Commission

3. Where an ex post verification determines that the access to VIS data was not justified, all the authorities that accessed such data shall erase the information accessed from the VIS and shall inform the central access points of the erasure.

Amendment

3. Where an ex post verification determines that the access to VIS data was not justified, all the authorities that accessed such data shall ***immediately*** erase the information accessed from the VIS and shall inform the central access points of the erasure.

Or. fr

Amendment 428

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 40

Regulation (EC) No 767/2008

Article 22 n – paragraph 1 – point c

Text proposed by the Commission

(c) reasonable grounds exist to consider that the consultation of the VIS data will substantially contribute to the prevention, detection or investigation of any of the criminal offences in question, in particular where there is ***a substantiated suspicion*** that ***the suspect, perpetrator or victim of*** a terrorist offence or other serious criminal offence falls under a category covered by this Regulation;

Amendment

(c) reasonable grounds exist to consider that the consultation of the VIS data will substantially contribute to the prevention, detection or investigation of any of the criminal offences in question, in particular where there is ***evidence*** that ***a person has perpetrated*** a terrorist offence or other serious criminal offence, ***or the perpetrator or victim of such an offence*** falls under a category covered by this Regulation;

Or. fr

Amendment 429

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 40

Regulation (EC) No 767/2008

Article 22 n – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) where a query to the CIR was launched in accordance with Article 22 of Regulation 2018/XX [on interoperability], the reply received as referred to in paragraph 5 of [Article 22 of Regulation reveals that data is stored in the VIS.]

deleted

Or. fr

Amendment 430

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 40

Regulation (EC) No 767/2008

Article 22 n – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) surname(s) (family name), first name(s) (given names), *date* of birth, nationality or nationalities and/or sex;

(a) surname(s) (family name), first name(s) (given names), *year* of birth, nationality or nationalities and/or sex;

Or. fr

Amendment 431

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 40

Regulation (EC) No 767/2008

Article 22 n – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) fingerprints, *including latent fingerprints*;

(d) fingerprints;

Amendment 432

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1 – point 40

Regulation (EC) No 767/2008

Article 22 n – paragraph 3 – point e

Text proposed by the Commission

Amendment

(e) facial image.

deleted

Or. en

Amendment 433

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 40

Regulation (EC) No 767/2008

Article 22 o – title

Text proposed by the Commission

Amendment

Access to VIS for identification of persons
in specific circumstances

Access to VIS for identification of persons
in ***the context of criminal investigations***

Or. fr

Amendment 434

Péter Niedermüller

Proposal for a regulation

Article 1 – paragraph 1 – point 40

Regulation (EC) No 767/2008

Article 22 o – paragraph 1

Text proposed by the Commission

Amendment

By derogation from Article 22n(1),
designated authorities shall not be obliged
to fulfil the conditions laid down in that

By derogation from Article 22n(1),
designated authorities shall not be obliged
to fulfil the conditions laid down in that

paragraph to access the VIS for the purpose of identification of persons who had gone missing, abducted or identified as victims of trafficking in human beings and in respect of whom there are reasonable grounds to consider that consultation of VIS data will support their identification, ***and/or contribute in investigating specific cases of human trafficking***. In such circumstances, the designated authorities may search in the VIS with the fingerprints of those persons.

paragraph to access the VIS for the purpose of identification of persons, ***particularly children*** who had gone missing, abducted or identified as victims of trafficking in human beings and in respect of whom there are reasonable grounds to consider that consultation of VIS data will support their identification. In such circumstances, the designated authorities may search in the VIS with the fingerprints of those persons.

Or. en

Justification

Proposed deletion by FRA as it conflicts with the general rules of law enforcement access to investigate terrorism and other serious crimes (proposed Articles 22m-22n), FRA op. 20.

Amendment 435 **Marie-Christine Vergiat**

Proposal for a regulation **Article 1 – paragraph 1 – point 40** Regulation (EC) No 767/2008 Article 22 o – paragraph 1

Text proposed by the Commission

By derogation from Article 22n(1), designated authorities shall not be obliged to fulfil the conditions laid down in that paragraph to access the VIS for the purpose of identification of persons who had gone missing, abducted or identified as victims of trafficking in human beings and in respect of whom there are ***reasonable*** grounds to consider that consultation of VIS data will support their identification, and/or contribute in investigating specific cases of human trafficking. In such circumstances, the designated authorities may search in the VIS with the fingerprints of those persons.

Amendment

By derogation from Article 22n(1), designated authorities shall not be obliged to fulfil the conditions laid down in that paragraph to access the VIS for the purpose of identification of persons who had gone missing, abducted or identified as victims of trafficking in human beings and in respect of whom there are ***serious*** grounds to consider that consultation of VIS data will support their identification, and/or contribute in investigating specific cases of human trafficking. In such circumstances, the designated authorities may search in the VIS with the fingerprints of those persons.

(This cross-cutting amendment shall apply to any occurrence of the expression

'reasonable grounds', which shall be replaced by 'serious grounds'.)

Or. fr

Amendment 436

Gérard Deprez

Proposal for a regulation

Article 1 – paragraph 1 – point 40

Regulation (EC) No 767/2008

Article 22 q – paragraph 1

Text proposed by the Commission

1. Each Member State and Europol shall ensure that all data processing operations resulting from requests to access to VIS data in accordance with Chapter IIc are logged or documented for the purposes of checking the admissibility of the request, monitoring the lawfulness of the data processing and data integrity and security, and self-monitoring.

Amendment

1. Each Member State and Europol shall ensure that all data processing operations resulting from requests to access to VIS data in accordance with Chapter IIc are logged or documented for the purposes of checking the admissibility of the request, monitoring the lawfulness of the data processing and data integrity and security, and self-monitoring.

The operations shall be protected by appropriate measures against unauthorised access and erased two years after their creation, unless they are required for monitoring procedures that have already begun.

Or. fr

Amendment 437

Marie-Christine Vergiat

Proposal for a regulation

Article 1 – paragraph 1 – point 40

Regulation (EC) No 767/2008

Article 22 q – paragraph 1

Text proposed by the Commission

1. Each Member State and Europol shall ensure that all data processing

Amendment

1. Each Member State and Europol shall ensure that all data processing

operations resulting from requests to access to VIS data in accordance with Chapter *II*c are ***logged or documented for the purposes of checking*** the admissibility of the request, monitoring the lawfulness of the data processing ***and*** data integrity ***and*** security, and self-monitoring.

operations resulting from requests to access to VIS data in accordance with Chapter *III*c are ***recorded or documented for the purposes of monitoring*** the admissibility of the request, monitoring the lawfulness of the data processing, data integrity, security ***and possible impact on fundamental rights***, and self-monitoring. ***The operations shall be protected by appropriate measures against unauthorised access and erased two years after their creation, unless they are required for monitoring procedures that have already begun.***

Or. fr

Amendment 438
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 q – paragraph 2 – point g

Text proposed by the Commission

(g) in accordance with national rules or with Regulation (EU) 2016/794, the unique user identity of the official who carried out the search and of the official who ordered the search.

Amendment

(g) in accordance with national rules or with Regulation (EU) 2016/794 ***or, where applicable, Regulation (EC) No 45/2001,*** the unique user identity of the official who carried out the search and of the official who ordered the search.

Or. fr

Amendment 439
Gérard Deprez

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 q – paragraph 3

3. Logs and documentation shall be used only for monitoring the lawfulness of data processing and for ensuring data integrity and security. Only logs which do not contain personal data may be used for the monitoring and evaluation referred to in Article 50 of this Regulation. The supervisory authority established in accordance with Article 41(1) of Directive (EU) 2016/680, which is responsible for checking the admissibility of the request and monitoring the lawfulness of the data processing and data integrity and security, shall have access to these logs at its request for the purpose of fulfilling its duties.

3. Logs and documentation shall be used only for monitoring the lawfulness of data processing, ***for monitoring the impact on fundamental rights***, and for ensuring data integrity and security. Only logs which do not contain personal data may be used for the monitoring and evaluation referred to in Article 50 of this Regulation. The supervisory authority established in accordance with Article 41(1) of Directive (EU) 2016/680, which is responsible for checking the admissibility of the request and monitoring the lawfulness of the data processing and data integrity and security, shall have access to these logs at its request for the purpose of fulfilling its duties.

Or. fr

Amendment 440
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 q – paragraph 3

3. Logs and documentation shall be used only for monitoring the lawfulness of data processing and for ensuring data integrity and security. Only logs which do not contain personal data may be used for the monitoring and evaluation referred to in Article 50 of this Regulation. The supervisory authority established in accordance with Article 41(1) of Directive (EU) 2016/680, which is responsible for checking the admissibility of the request and monitoring the lawfulness of the data processing and data integrity and security, shall have access to these logs at its request for the purpose of fulfilling its duties.

3. Logs and documentation shall be used only for monitoring the lawfulness of data processing, ***for monitoring the impact on fundamental rights***, and for ensuring data integrity and security. Only logs which do not contain personal data may be used for the monitoring and evaluation referred to in Article 50 of this Regulation. The supervisory authority established in accordance with Article 41(1) of Directive (EU) 2016/680, which is responsible for checking the admissibility of the request and monitoring the lawfulness of the data processing and data integrity and security, shall have access to these logs at its request for the purpose of fulfilling its duties.

Amendment 441
Marie-Christine Vergiat

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) No 767/2008
Article 22 r

Text proposed by the Commission

Amendment

Article 22 r

deleted

(Article 22 r is deleted.)

Amendment 442
Monica Macovei

Proposal for a regulation
Article 1 – paragraph 1 – point 40
Regulation (EC) 767/2008
Article 22 r

Text proposed by the Commission

Amendment

Article 22r

deleted

***Conditions for access to VIS data by
designated authorities of a Member State
in respect of which this Regulation has
not yet been put into effect***

***1. Access to the VIS for consultation
by designated authorities of a Member
State in respect of which this Regulation
has not yet been put into effect shall take
place where the following conditions are
met:***

- (a) the acces is within the scope of
their powers;***
- (b) the acces is subject to the same
conditions as referred to in Article 22n(1);***
- (c) the acces is preceded by a duly
reasoned written or electronic request to a
designated authority of a Member State to***

which this Regulation applies; that authority shall then request the national central access point(s) to consult the VIS.

2. A Member State in respect of which this Regulation has not yet been put into effect shall make its visa information available to Member States to which this Regulation applies, on the basis of a duly reasoned written or electronic request, subject to compliance with the conditions laid down in Article 22n(1).

Or. en

Justification

With the passive access to VIS, BG&RO can directly access in read-only mode the data from the VIS, consequently no cumbersome procedure is needed in order to verify data for law enforcement purposes by requesting access through another member state.

Amendment 443

Marie-Christine Vergiat

Proposal for a regulation

Article 2 – paragraph 1

Decision 2004/512/EC

Article 1 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the common identity repository as referred to in [Article 17(2)(a) of Regulation 2018/XX on interoperability], *deleted*

Or. fr

Amendment 444

Marie-Christine Vergiat

Proposal for a regulation

Article 2 – paragraph 1

Decision 2004/512/EC

Article 1 – paragraph 2 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) a Secure Communication Channel between the VIS and the EES Central System; *deleted*

Or. fr

Amendment 445
Marie-Christine Vergiat

Proposal for a regulation
Article 2 – paragraph 1
Decision 2004/512/EC
Article 1 – paragraph 2 – subparagraph 1 – point f

Text proposed by the Commission

Amendment

(f) a secure communication infrastructure between the VIS Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2017/XX on interoperability], shared biometric matching service established by [Article 12 of Regulation 2017/XX on interoperability], the common identity repository established by [Article 17 of Regulation 2017/XX on interoperability] and the multiple-identity detector (MID) established by [Article 25 of Regulation 2017/XX on interoperability]; *deleted*

Or. fr

Amendment 446
Marie-Christine Vergiat

Proposal for a regulation
Article 2 – paragraph 1
Decision 2004/512/EC
Article 1 – paragraph 2 – subparagraph 1 – point h

Text proposed by the Commission

Amendment

(h) a carrier gateway; *deleted*

Or. fr

Amendment 447

Marie-Christine Vergiat

Proposal for a regulation

Article 2 – paragraph 1

Decision 2004/512/EC

Article 1 – paragraph 2 – subparagraph 1 – point i

Text proposed by the Commission

Amendment

(i) a secure web service enabling communication between the VIS, on the one hand and the the carrier gateway, and the international systems (Interpol systems/databases), on the other hand; *deleted*

Or. fr

Amendment 448

Marie-Christine Vergiat

Proposal for a regulation

Article 2 – paragraph 1

Decision 2004/512/EC

Text proposed by the Commission

Amendment

The Central System, the National Uniform Interfaces, the web service, the carrier gateway and the Communication Infrastructure of the VIS shall share and re-use as much as technically possible the hardware and software components of respectively the EES Central System, the EES National Uniform Interfaces, the ETIAS carrier gateway, the EES web service and the EES Communication Infrastructure).. *deleted*

Amendment 449
Marie-Christine Vergiat

Proposal for a regulation
Article 3 – paragraph 1 – point 2 – point b
Regulation (EC) No 810/2009
Article 13 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where fingerprints and a *live* photograph *of sufficient quality* were collected from the applicant and entered in the VIS as part of an application lodged less than 59 months before the date of the new application, these [data] may be copied to the subsequent application.;

Amendment

Where fingerprints and a photograph were collected from the applicant and entered in the VIS as part of an application lodged less than 59 months before the date of the new application, these [data] may be copied to the subsequent application.

Or. fr

Amendment 450
Bodil Valero

Proposal for a regulation
Article 3 – paragraph 1 – point 2 – point c
Regulation (EU) No 810/2009
Article 13 – paragraph 7 – point a

Text proposed by the Commission

(a) children under the age of **6**;;

Amendment

(a) children under the age of **12 and persons over the age of 70**;;

Or. en

Amendment 451
Marie-Christine Vergiat

Proposal for a regulation
Article 3 – paragraph 1 – point 2 – point c
Regulation (EC) No 810/2009
Article 13 – paragraph 7 – point a

Text proposed by the Commission

Amendment

(a) **children** under the age of **6**;

(a) **minors** under the age of **18**;

Or. fr

Amendment 452

Bodil Valero

Proposal for a regulation

Article 3 – paragraph 1 – point 3 – point b

Regulation (EU) No 810/2009

Article 21 – paragraphs 3 a and 3 b

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 453

Marie-Christine Vergiat

Proposal for a regulation

Article 3 – paragraph 1 – point 3 – point b

Regulation (EC) No 810/2009

Article 21 – paragraph 3 a – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) SIS and the SLTD to check whether the travel document used for the application corresponds to a travel document reported lost, stolen or invalidated **and whether the travel document used for the application corresponds to a travel document recorded in a file in the Interpol TDAWN**;

(a) SIS and the SLTD to check whether the travel document used for the application corresponds to a travel document reported lost, stolen or invalidated;

Or. fr

Amendment 454

Marie-Christine Vergiat

Proposal for a regulation

Article 3 – paragraph 1 – point 3 – point b

Regulation (EC) No 810/2009

Article 21 – paragraph 3 a – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) the ETIAS Central System to check whether the applicant correspond to a refused, revoked or annulled application for travel authorisation; *deleted*

Or. fr

Amendment 455

Marie-Christine Vergiat

Proposal for a regulation

Article 3 – paragraph 1 – point 3 – point b

Regulation (EC) No 810/2009

Article 21 – paragraph 3 a – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) the EES to check whether the applicant is currently reported as overstayer, whether he has been reported as overstayer in the past or whether the applicant was refused entry in the past; *deleted*

Or. fr

Amendment 456

Marie-Christine Vergiat

Proposal for a regulation

Article 3 – paragraph 1 – point 3 – point b

Regulation (EC) No 810/2009

Article 21 – paragraph 3 a – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) the Eurodac to check whether the applicant was subject to a withdrawal or *deleted*

*rejection of the application for
international protection;*

Or. fr

Amendment 457

Bodil Valero

Proposal for a regulation

Article 3 – paragraph 1 – point 4

Regulation (EU) No 810/2009

Article 21 a

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 458

Marie-Christine Vergiat

Proposal for a regulation

Article 3 – paragraph 1 – point 4

Regulation (EC) No 810/2009

Article 21 a – paragraph –1 (new)

Text proposed by the Commission

Amendment

Assessment of high security risks must not give rise to discrimination against third-country nationals based on gender, race or ethnic origin, religion or belief, disability, age or sexual orientation. It shall be fully consistent with human dignity and integrity. Particular attention shall be paid to children, in keeping with the principle of safeguarding the best interests of the child. Particular attention shall also be paid to ruling out any risk of profiling.

Or. fr

Amendment 459

Gérard Deprez

Proposal for a regulation

Article 3 – paragraph 1 – point 4

Regulation (EC) No 810/2009

Article 21 a – paragraph 1 – introductory part

Text proposed by the Commission

1. Assessment of security or illegal immigration or a high epidemic risks shall be based on:

Amendment

1. Assessment of security or illegal immigration or a high epidemic risks ***shall be conducted on the basis of the same safeguards and conditions as those laid down in Regulation 2018/1240 (ETIAS) and*** shall be based on:

Or. fr

Amendment 460

Marie-Christine Vergiat

Proposal for a regulation

Article 3 – paragraph 1 – point 4

Regulation (EC) No 810/2009

Article 21 a – paragraph 1 – introductory part

Text proposed by the Commission

1. ***Assessment of security or illegal immigration*** or high epidemic risks ***shall be based on***:

Amendment

1. ***The Commission shall adopt a delegated act in accordance with Article 48a to further define the risks related to security or illegal immigration*** or high epidemic risks ***on the basis of***:

Or. fr

Amendment 461

Marie-Christine Vergiat

Proposal for a regulation

Article 3 – paragraph 1 – point 4

Regulation (EC) No 810/2009

Article 21 a – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) statistics generated by the EES indicating abnormal rates of overstayers and refusals of entry for a specific group of travellers holding a visa;

deleted

Or. fr

Amendment 462

Marie-Christine Vergiat

Proposal for a regulation

Article 3 – paragraph 1 – point 4

Regulation (EC) No 810/2009

Article 21 a – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) statistics generated by the VIS in accordance with Article 45a indicating abnormal rates of refusals of visa applications due to *an irregular migration*, security *or public health* risk associated with *a specific group of travellers*;

(b) statistics generated by the VIS in accordance with Article 45a indicating abnormal rates of refusals of visa applications due to *a* security risk associated with *an individual*;

Or. fr

Amendment 463

Marie-Christine Vergiat

Proposal for a regulation

Article 3 – paragraph 1 – point 4

Regulation (EC) No 810/2009

Article 21 a – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) information substantiated by factual and evidence-based elements provided by Member States concerning abnormal rates of overstayers and refusals of entry for a specific group of travellers for that Member State;

deleted

Amendment 464
Marie-Christine Vergiat

Proposal for a regulation
Article 3 – paragraph 1 – point 4
Regulation (EC) No 810/2009
Article 21 a – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) information concerning specific high epidemic risks provided by Member States as well as epidemiological surveillance information and risk assessments provided by the European Centre for Disease Prevention and Control (ECDC) and disease outbreaks reported by the World Health Organisation (WHO).

deleted

Amendment 465
Marie-Christine Vergiat

Proposal for a regulation
Article 3 – paragraph 1 – point 4
Regulation (EC) No 810/2009
Article 21 a – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall adopt ***an implementing*** act specifying the risks referred to in paragraph 1. That ***implementing*** act shall be adopted in accordance with the examination procedure referred to in Article 52(2).

2. The Commission shall adopt ***a delegated*** act specifying the risks referred to in paragraph 1. That ***delegated*** act shall be adopted in accordance with the examination procedure referred to in Article 52(2).

Amendment 466

Marie-Christine Vergiat

Proposal for a regulation

Article 3 – paragraph 1 – point 4

Regulation (EC) No 810/2009

Article 21 a – paragraph 3

Text proposed by the Commission

Amendment

3. Based on the specific risks determined in accordance with paragraph 2 specific risk indicators shall be established, consisting of a combination of data including one or several of the following:

deleted

- (a) age range, sex, nationality;**
- (b) country and city of residence;**
- (c) Member State(s) of destination;**
- (d) Member State of first entry;**
- (e) purpose of travel;**
- (f) current occupation.**

Or. fr

Amendment 467

Marie-Christine Vergiat

Proposal for a regulation

Article 3 – paragraph 1 – point 4

Regulation (EC) No 810/2009

Article 21 a – paragraph 4

Text proposed by the Commission

Amendment

4. The specific risk indicators shall be targeted and proportionate. They shall in no circumstances be based solely on a person's sex or age. They shall in no circumstances be based on information revealing a person's race, colour, ethnic or social origin, genetic features, language, political or any other opinions, religion or philosophical belief, trade union membership, membership of a national minority, property, birth, disability or

4. The specific risk indicators shall be targeted and proportionate. They shall in no circumstances be based solely on a person's sex or age. They shall in no circumstances be based on information revealing a person's race, colour, ethnic or social origin, genetic features, language, political or any other opinions, religion or philosophical belief, trade union membership, membership of a national minority, property, birth, disability or

sexual orientation.

sexual orientation. *Particular attention shall be paid to ruling out any risk of profiling.*

Or. fr

Amendment 468
Marie-Christine Vergiat

Proposal for a regulation
Article 3 – paragraph 1 – point 4
Regulation (EC) No 810/2009
Article 21 a – paragraph 5

Text proposed by the Commission

5. The specific risk indicators shall be adopted by the Commission by **implementing** act. That **implementing** act shall be adopted in accordance with the examination procedure referred to in Article 52(2).

Amendment

5. The specific risk indicators shall be adopted by the Commission by **delegated** act. That **delegated** act shall be adopted in accordance with the examination procedure referred to in Article 52(2).

Or. fr

Amendment 469
Marie-Christine Vergiat

Proposal for a regulation
Article 3 – paragraph 1 – point 4
Regulation (EC) No 810/2009
Article 21 a – paragraph 6

Text proposed by the Commission

6. The specific risk indicators shall be used by the visa authorities when assessing whether the applicant presents a risk **of illegal immigration, a risk** to the security of the Member States, **or a high epidemic risk in accordance to Article 21(1).**

Amendment

6. The specific risk indicators shall be used by the visa authorities when assessing whether the applicant presents a risk to the security of the Member States.

Or. fr

Amendment 470
Marie-Christine Vergiat

Proposal for a regulation
Article 3 – paragraph 1 – point 4
Regulation (EC) No 810/2009
Article 21 a – paragraph 7

Text proposed by the Commission

7. The specific risks and the specific risk indicators shall be regularly reviewed by the Commission.

Amendment

7. The specific risks and the specific risk indicators shall be regularly reviewed by the Commission **and the findings shall be submitted to the Fundamental Rights Agency.**

Or. fr

Amendment 471
Gérard Deprez

Proposal for a regulation
Article 4 – paragraph 1 – point 2
Regulation (EU) No 2017/2226
Article 13 – paragraph 3

Text proposed by the Commission

3. In order to fulfil their obligation under point (b) of Article 26(1) of the Convention implementing the Schengen Agreement, carriers shall use the web service to verify whether a short-stay visa is valid, including if the number of authorised entries have already been used or if the holder has reached the maximum duration of the authorised stay or, as the case may be, if the visa is valid for the territory of the port of destination of that travel. Carriers shall provide the data listed under points (a), (b) and (c) of Article 16(1) of this Regulation. On that basis, the web service shall provide carriers with an OK/NOT OK answer. Carriers may store the information sent and the answer received in accordance with the applicable law. Carriers shall establish an

Amendment

3. In order to fulfil their obligation under point (b) of Article 26(1) of the Convention implementing the Schengen Agreement, carriers shall use the web service to verify whether a short-stay visa is valid, including if the number of authorised entries have already been used or if the holder has reached the maximum duration of the authorised stay or, as the case may be, if the visa is valid for the territory of the port of destination of that travel. Carriers shall provide the data listed under points (a), (b) and (c) of Article 16(1) of this Regulation. On that basis, the web service shall provide carriers with an OK/NOT OK answer. Carriers may store the information sent and the answer received in accordance with the applicable law. Carriers shall establish an

authentication scheme to ensure that only authorised staff may access the web service. It shall not be possible to regard the OK/NOT OK answer as a decision to authorise or refuse entry in accordance with Regulation (EU) 2016/399.

authentication scheme to ensure that only authorised staff may access the web service. It shall not be possible to regard the OK/NOT OK answer as a decision to authorise or refuse entry in accordance with Regulation (EU) 2016/399. ***In cases where passengers are not allowed to board due to a query in VIS, carriers shall provide passengers with that information and the means to exercise their rights to access, rectification and erasure of personal data stored in VIS.***

Or. fr

Amendment 472
Marie-Christine Vergiat

Proposal for a regulation
Article 4 – paragraph 1 – point 2
Regulation (EU) 2017/2226
Article 13 – paragraph 3

Text proposed by the Commission

Amendment

(2) Article 13(3) is replaced by the following:

deleted

‘3. In order to fulfil their obligation under point (b) of Article 26(1) of the Convention implementing the Schengen Agreement, carriers shall use the web service to verify whether a short-stay visa is valid, including if the number of authorised entries have already been used or if the holder has reached the maximum duration of the authorised stay or, as the case may be, if the visa is valid for the territory of the port of destination of that travel. Carriers shall provide the data listed under points (a), (b) and (c) of Article 16(1) of this Regulation. On that basis, the web service shall provide carriers with an OK/NOT OK answer. Carriers may store the information sent and the answer received in accordance with the applicable law. Carriers shall establish an authentication scheme to

ensure that only authorised staff may access the web service. It shall not be possible to regard the OK/NOT OK answer as a decision to authorise or refuse entry in accordance with Regulation (EU) 2016/399.

Or. fr

Amendment 473
Péter Niedermüller

Proposal for a regulation

Article 5 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 8 – paragraph 3 – point b a

Text proposed by the Commission

Amendment

(1) in Article 8(3), the following point (ba) is added: *deleted*

‘(ba)

if the third-country national holds a long stay visa or a residence permit, the thorough checks on entry shall also comprise verification of the identity of the holder of the long-stay visa or residence permit and the authenticity of the long-stay visa or residence permit by consulting the Visa Information System (VIS) in accordance with Article 22g of Regulation (EC) No 767/2008;

in circumstances where verification of the document holder or of the document in accordance with Articles 22g of that Regulation, as applicable, fails or where there are doubts as to the identity of the holder, the authenticity of the document and/or the travel document, the duly authorised staff of those competent authorities shall proceed to a verification of the document chip.’

Or. en

Amendment 474

Bodil Valero

Proposal for a regulation

Article 5 – paragraph 1 – point 1

Regulation (EU) 2016/399

Article 8 – paragraph 3 – point b a

Text proposed by the Commission

if the third-country national holds a long stay visa *or a residence permit*, the thorough checks on entry shall also comprise verification of the identity of the holder of the long-stay visa *or residence permit* and the authenticity of the long-stay visa *or residence permit* by consulting the Visa Information System (VIS) in accordance with Article 22g of Regulation (EC) No 767/2008;

Amendment

if the third-country national holds a long stay visa, the thorough checks on entry shall also comprise verification of the identity of the holder of the long-stay visa and the authenticity of the long-stay visa by consulting the Visa Information System (VIS) in accordance with Article 22g of Regulation (EC) No 767/2008;

Or. en

Amendment 475

Marie-Christine Vergiat

Proposal for a regulation

Article 7

Several articles

Text proposed by the Commission

Article 7

Amendments to Regulation (EU) XXX on establishing a framework for interoperability between EU information systems (borders and visa) [interoperability Regulation]

Regulation (EU) XXX on establishing a framework for interoperability between EU information systems (borders and visa) [interoperability Regulation] is amended as follows:

(1) in Article 13(1), point (b) is replaced by the following:

Amendment

deleted

‘(b) the data referred to in Article 9(6), Article 22c(2)(f) and (g) and Article 22d(f) and (g) of Regulation (EC) No 767/2008;

‘(b) the data referred to in Article 9(4)(a), (b) and (c), Article 9 (5) and (6), Article 22c(2)(a) to (cc), (f) and (g), Article 22d(a), (b), (c), (f) and (g) of Regulation (EC) No 767/2008;

‘(b) competent authorities referred to in Article 6(1) and (2) of Regulation (EC) No 767/2008 when creating or updating an application file or an individual file in the VIS in accordance with Article 8 or Article 22a of Regulation (EC) No 767/2008;;

(a) in paragraph 1, point (b) is replaced by the following:

‘(b) an application file or an individual file is created or updated in the VIS in accordance with Article 8, or Article 22a of Regulation (EC) No 767/2008;;

‘(b) first name(s) (given name(s)); date of birth, sex and nationality(ies) as referred to in Article 9(4)(a), in Article 22c(2)(a) and in Article 22d(a) of Regulation (EC) No 767/2008;;

‘(b) (b) the competent authorities referred to in Article 6(1) and (2) of Regulation (EC) No 767/2008 for hits that occurred when creating or updating an application file or an individual file in the VIS in accordance with Article 8 or Article 22a of Regulation (EC) No 767/2008;.

Or. fr

Amendment 476
Péter Niedermüller

Proposal for a regulation

Article 7 – paragraph 1 – point 1

Regulation (EU) XXX on interoperability (borders and visa)

Article 13 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(1) in Article 13(1), point (b) is deleted
replaced by the following:

‘(b) the data referred to in Article 9(6), Article 22c(2)(f) and (g) and Article 22d(f) and (g) of Regulation (EC) No 767/2008;’

Or. en

Amendment 477
Péter Niedermüller

Proposal for a regulation

Article 7 – paragraph 1 – point 2

Regulation (EU) XXX on interoperability (borders and visa)

Article 18 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the data referred to in Article 9(4)(a), *(b) and (c)*, Article 9 (5) and (6), *Article 22c(2)(a) to (cc), (f) and (g), Article 22d(a), (b), (c), (f) and (g)* of Regulation (EC) No 767/2008;

(b) the data referred to in Article 9(4)(a), Article 9 (5) and (6) of Regulation (EC) No 767/2008;

Or. en

Amendment 478
Péter Niedermüller

Proposal for a regulation

Article 7 – paragraph 1 – point 3

Regulation (EU) XXX on interoperability (borders and visa)

Article 26 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) competent authorities referred to in Article 6(1) and (2) of Regulation (EC) No 767/2008 when creating or updating an application file or an individual file in the VIS in accordance with Article 8 *or Article 22a* of Regulation (EC) No 767/2008;;

(b) competent authorities referred to in Article 6(1) and (2) of Regulation (EC) No 767/2008 when creating or updating an application file or an individual file in the VIS in accordance with Article 8 of Regulation (EC) No 767/2008;;

Or. en

Amendment 479
Péter Niedermüller

Proposal for a regulation

Article 7 – paragraph 1 – point 4

Regulation (EU) XXX on interoperability (borders and visa)

Article 27

Text proposed by the Commission

Amendment

(4) *Article 27 is amended as follows:* *deleted*

(a) *in paragraph 1, point (b) is replaced by the following:*

‘(b) an application file or an individual file is created or updated in the VIS in accordance with Article 8, or Article 22a of Regulation (EC) No 767/2008;;’

‘(b) surname (family name); first name(s) (given name(s)); date of birth, sex and nationality(ies) as referred to in Article 9(4)(a), in Article 22c(2)(a) and in Article 22d(a) of Regulation (EC) No 767/2008;;’

Or. en

Amendment 480
Péter Niedermüller

Proposal for a regulation

Article 7 – paragraph 1 – point 5

Regulation (EU) XXX on interoperability (borders and visa)

Article 29 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the competent authorities referred to in Article 6(1) and (2) of Regulation (EC) No 767/2008 for hits that occurred when creating or updating an application file or an individual file in the VIS in accordance with Article 8 *or Article 22a* of Regulation (EC) No 767/2008;.

(b) the competent authorities referred to in Article 6(1) and (2) of Regulation (EC) No 767/2008 for hits that occurred when creating or updating an application file or an individual file in the VIS in accordance with Article 8 of Regulation (EC) No 767/2008;.

Amendment 481
Péter Niedermüller

Proposal for a regulation

Article 7 – paragraph 1 – point 5 b (new)

Regulation (EU) XXX on interoperability (borders and visa)

Article 47

Present text

1. In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 **and** Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, any person shall have the right to address him or herself to the Member State responsible for the manual verification of different identities or of any Member State, who shall examine and reply to the request.

2. The Member State responsible for the manual verification of different identities as referred to in Article 29 or the Member State to which the request has been made shall reply to such requests within **45** days of receipt of the request.

Amendment

(5b) Article 47 is amended as follows:

"1. In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001, Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, **and Articles 14 and 16 of Directive (EU) 2016/680**, any person shall have the right to address him or herself to the Member State responsible for the manual verification of different identities or of any Member State, who shall examine and reply to the request.

2. ***Without prejudice to paragraph 1, and in order to facilitate and better enable the effective exercise of the rights of data subjects as described in paragraph 1 to access, rectify, erase or restrict the processing of their personal data under interoperability components, in particular for those third country nationals who may be outside the territory of the Member States, eu-LISA shall establish a web service, hosted in its technical site, which shall enable data subjects to make a request for access, correction, erasure or rectification of their personal data. The web service shall act as a single point of contact for those third country nationals outside the territory of the Member States. On the basis of such a request, the web service shall immediately transmit the request to the Member State responsible for manual verification of different identities in accordance with Article 29,***

3. If a request for correction or erasure of personal data is made to a Member State other than the Member State responsible, the Member State to which the request has been made shall contact the authorities of the Member State responsible within seven days and the Member State responsible shall check the accuracy of the data and the lawfulness of the data processing within **30** days of such contact.

4. Where, following an examination, it is found that the data stored in the multiple-identity detector (MID) are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data.

5. *Where data in the MID is amended by the responsible Member State during its validity period, the responsible Member State shall carry out the processing laid down in Article 27 and, where relevant, Article 29 to determine whether the amended data shall be linked. Where the processing does not report any hit, the responsible Member State or, where applicable, the Member State to which the request has been made shall delete the data from the identity confirmation file. Where the automated processing reports one or several hit(s), the responsible Member State shall create or update the relevant link in accordance with the relevant provisions of this Regulation.*

6. *Where the responsible Member State or, where applicable, the Member State to which the request has been made does not agree that data stored in the MID are factually inaccurate or have been*

or, where appropriate, to the Member State responsible for the entry of the data in the underlying information system which is the subject of the request.

3. *The Commission shall adopt implementing acts concerning the detailed rules on the conditions for the operation of the web service and the data protection and security rules applicable. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64.*

4. The Member State responsible for the manual verification of different identities as referred to in Article 29 or the Member State to which the request has been made, *either directly from the data subject in accordance with paragraph 1 or via the web service established by eu.LISA in accordance with paragraph 2*, shall reply to such requests *at the latest* within **14** days of receipt of the request.

5. If a request for correction or erasure of personal data is made to a Member State other than the Member State responsible, the Member State to which the request has been made shall contact the authorities of the Member State responsible within seven days and the Member State responsible shall check the accuracy of the data and the lawfulness of the data processing within **14** days of such contact. *The person concerned shall be informed by the Member State which contacted the authority of the Member State responsible that his or her request was forwarded about the further procedure.*

6. Where, following an examination, it is found that the data stored in the multiple-identity detector (MID) are factually inaccurate or have been recorded unlawfully, the Member State responsible

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.

7. This decision shall also provide the person concerned with information explaining the possibility to challenge the decision taken in respect of the request referred in ***paragraph 3*** and, where relevant, information on how to bring an action or a complaint before the competent authorities or courts, and any assistance, including from the competent national supervisory authorities.

8. Any request made pursuant to ***paragraph 3*** shall contain the necessary information to identify the person concerned. That information shall be used exclusively to enable the exercise of the rights referred to in ***paragraph 3*** and shall be erased immediately afterwards.

9. The responsible Member State or, where applicable, the Member State to which the request has been made shall keep a record in the form of a written document that a request referred to in ***paragraph 3*** was made and how it was addressed, and shall make that document available to competent data protection national supervisory authorities without delay.

or, where applicable, the Member State to which the request has been made shall correct or delete these data. The person concerned ***shall be informed that his or her data was corrected or deleted. (...)***

7. This decision shall also provide the person concerned with information explaining the possibility to challenge the decision taken in respect of the request referred in ***paragraphs 1 and 2***, and, where relevant, information on how to bring an action or a complaint before the competent authorities or courts, and any assistance, including from the competent national supervisory authorities.

8. Any request made pursuant to ***paragraphs 1 or 2*** shall contain the necessary information to identify the person concerned. That information shall be used exclusively to enable the exercise of the rights referred to in ***paragraph 1*** and shall be erased immediately afterwards.

9. The responsible Member State or, where applicable, the Member State to which the request has been made shall keep a record in the form of a written document that a request referred to in ***paragraphs 1 and 2*** was made and how it was addressed, and shall make that document available to competent data protection national supervisory authorities without delay."

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2018:478:FIN>)

Justification

TCNs and other data subjects whose sensitive personal data is processed through interoperability should be able to effectively exercise their rights under EU data protection rules. As interoperability provides a one-stop shop for national authorities seeking to identify an individual or detect multiple identities, TCNs - especially those not present on EU territory - should have a one-stop shop for launching requests for access, correction, erasure or rectification. This should be without prejudice to their right to address themselves directly to the Member State responsible.

Amendment 482
Péter Niedermüller

Proposal for a regulation

Article 7 – paragraph 1 – point 5 c (new)

Regulation (EU) XXX on interoperability (borders and visa)

Article 47a

Text proposed by the Commission

Amendment

(5c) the following article 47a is inserted:

Article 47a

Liability

Without prejudice to the right to compensation from, and liability under Regulation (EU) 2016/679, Directive (EU) 2016/680 and Regulation (EC) No 45/2001:

(a) any person who has suffered material or non-material damage as a result of an unlawful personal data processing operation through the use of interoperability components or any other act by a Member State which is incompatible with this Regulation shall be entitled to receive compensation from that Member State;

(b) any person who has suffered material or non-material damage as a result of an unlawful personal data processing operation through the use of interoperability components or any other act by Europol or by the European Border and Coast Guard Agency which is incompatible with this Regulation shall be entitled to receive compensation from Europol or the European Border and Coast Guard as appropriate. The Member State, Europol or the European Border and Coast Guard Agency shall be exempted from liability, in whole or in part, if they prove that they are not responsible for the event which gave rise to the damage.

Or. en

Amendment 483
Péter Niedermüller

Proposal for a regulation

Article 7 – paragraph 1 – point 5 d (new)

Regulation (EU) XXX on interoperability (borders and visa)

Article 47b

Text proposed by the Commission

Amendment

(5d) the following article 47b is inserted:

Article 47b

Penalties

Member States shall ensure that any misuse of data, processing of data or exchange of data contrary to this Regulation is punishable in accordance with national law. The penalties provided shall be effective, proportionate and dissuasive and shall include the possibility for administrative and criminal penalties. Europol and the European Border and Coast Guard Agency shall ensure that members of their staff or members of their teams who misuse, process or exchange data contrary to this Regulation are subject to penalties. Those penalties shall be effective, proportionate and dissuasive.

Or. en