



**2016/0407(COD)**

15.6.2017

# **AMENDMENTS**

## **5 - 86**

**Draft opinion**  
**Hilde Vautmans**  
(PE605.921v01-00)

Use of the Schengen Information System for the return of illegally staying  
third-country nationals

Proposal for a regulation  
(COM(2016)0881 – C8-0532/2016 – 2016/0407(COD))



**Amendment 5**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

(1) 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 full respect of fundamental rights and in particular the principle of non-refoulement, and in accordance with Directive 2008/115/EC of the European Parliament and of the Council, is an essential part of the comprehensive efforts to tackle irregular migration and increase the rate of return of irregular migrants.***

*Amendment*

(1) 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 ***shall entitle Member States to accompany them back to the border in accordance with established procedures and their own national legislation.***

Or. fr

**Amendment 6**  
**Tonino Picula**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

(1) 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 full respect of fundamental rights and ***in particular the principle of non-refoulement, and in accordance with Directive 2008/115/EC of the European Parliament and of the Council, is an essential part of the comprehensive efforts to tackle irregular migration and increase the rate of return of irregular migrants.***

*Amendment*

(1) 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 full respect of fundamental rights and ***the principle of non-refoulement, codified by the Charter of Fundamental Rights of the European Union (Charter) and the 1951 Geneva Convention, and in accordance with Directive 2008/115/EC of the European Parliament and of the Council, is an essential part of the comprehensive efforts to tackle irregular migration and manage migration in close cooperation***

*with third countries of origin or transit.*

Or. en

**Amendment 7**  
**Jordi Solé**

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

*Text proposed by the Commission*

(2) It is necessary to increase the effectiveness of the European system to return illegally staying third-country nationals. *This is essential for maintaining public trust in the Union migration and asylum policy and providing support to persons in need of international protection.*

*Amendment*

(2) It is necessary to increase the effectiveness of the European system to return illegally staying third-country nationals.

Or. en

**Amendment 8**  
**Jean-Luc Schaffhauser**

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

*Text proposed by the Commission*

(2) It is necessary to increase the effectiveness of *the European system* to return illegally staying third-country nationals. This is essential for maintaining public trust in *the Union* migration and asylum policy *and providing support to persons in need of international protection.*

*Amendment*

(2) It is necessary to increase the effectiveness of *national systems* to return illegally staying third-country nationals. This is essential for maintaining public trust in *national* migration and asylum policy.

Or. fr

**Amendment 9**  
**Tonino Picula**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) Member States should take all necessary measures to return illegally staying third-country nationals in an effective and proportionate manner, in accordance with the provisions of Directive 2008/115/EC.

*Amendment*

(3) Member States should take all necessary measures to return illegally staying third-country nationals in an effective and proportionate manner **and ensuring full respect and protection of migrants' human rights**, in accordance with the provisions of Directive 2008/115/EC.

Or. en

**Amendment 10**  
**Jordi Solé**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) Member States should take all necessary measures to return illegally staying third-country nationals in an effective and proportionate manner, in accordance with the provisions of Directive 2008/115/EC.

*Amendment*

(3) Member States should take all necessary measures to return illegally staying third-country nationals in an effective and proportionate manner, in accordance with the provisions of Directive 2008/115/EC **and with full respect of fundamental rights and in particular the principle of non-refoulement**.

Or. en

**Amendment 11**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) Member States *should* take all necessary measures to return illegally staying third-country nationals in an effective *and proportionate* manner, *in accordance with the provisions of Directive 2008/115/EC*.

*Amendment*

(3) Member States *must* take all necessary measures to return illegally staying third-country nationals in an effective manner.

Or. fr

**Amendment 12**

**Jean-Luc Schaffhauser**

**Proposal for a regulation**

**Recital 4**

*Text proposed by the Commission*

(4) A *Union-wide* system for sharing information between *Member States* on return decisions issued in respect of third-country nationals staying illegally on the territory of the Member States *in accordance with provisions respecting Directive 2008/115/EC and for monitoring whether third-country nationals subject to those decisions have left the territory of the Member States should be established*.

*Amendment*

(4) A system for sharing information between *countries so desiring* on return decisions issued in respect of third-country nationals staying illegally on the territory of the Member States should be established.

Or. fr

**Amendment 13**

**Jean-Luc Schaffhauser**

**Proposal for a regulation**

**Recital 5**

*Text proposed by the Commission*

(5) *Regulation (EU) 2018/xxx [border checks]<sup>24</sup> and Regulation (EU) 2018/xxx [police and judicial cooperation] lay down*

*Amendment*

*deleted*

*the conditions for the establishment, operation and use of the Schengen Information System (SIS).*

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*<sup>24</sup>Regulation (EU) 2018/... on the establishment, use and operation of the Schengen Information System for the purposes of border checks (OJ L ...).*

*<sup>24</sup>Regulation (EU) 2018/... on the establishment, use and operation of the Schengen Information System for the purposes of police and judicial cooperation in criminal matters (OJ L...).*

Or. fr

**Amendment 14**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Recital 6**

*Text proposed by the Commission*

*Amendment*

*(6) SIS alerts on return and the exchange of supplementary information on these alerts should support competent authorities to take the necessary measures to enforce return decisions issued in accordance with provisions respecting Directive 2008/115/EC. SIS should contribute to the identification and the information sharing between Member States on third-country nationals who are the subject of such return decision, who have absconded and are apprehended in another Member State. These measures should help prevent and deter irregular migration and enhance cooperation between Member States' authorities.*

*deleted*

Or. fr

**Amendment 15**  
**Jean-Luc Schaffhauser**

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

*Text proposed by the Commission*

*Amendment*

**(7) To ensure the effectiveness of return and increase the added value of alerts on return, Member States should enter alerts in SIS in relation to all return decisions they issue to illegally staying third-country nationals in accordance with provisions respecting Directive 2008/115/EC. For this purpose, Member States should enter an alert in SIS also when decisions imposing or stating an obligation to return are issued in the situations described in Article 2(2) of that Directive, notably to third-country nationals who are subject to a refusal of entry in accordance with the Schengen Borders Code, or who are apprehended or intercepted by the competent authorities in connection with the irregular crossing by land, sea or air of the external border of a Member State and who have not subsequently obtained an authorisation or a right to stay in that Member State, and to third-country nationals who are subject to return as a criminal law sanction or as a consequence of a criminal law sanction, according to national law, or who are the subject of extradition procedures.**

**deleted**

Or. fr

**Amendment 16**  
**Jean-Luc Schaffhauser**

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

*Text proposed by the Commission*

*Amendment*



**(8) This Regulation should set out common rules for entering alerts related to return in SIS as soon as the underlying return decisions in accordance with provisions respecting Directive 2008/115/EC are issued. The alert should indicate whether a period for voluntary departure has been granted to the third-country national concerned, including whether such period has been extended taking into account the specific circumstances of the individual case, and whether the decision has been suspended or the removal has been postponed.**

*deleted*

Or. fr

**Amendment 17  
Jean-Luc Schaffhauser**

**Proposal for a regulation  
Recital 9**

*Text proposed by the Commission*

*Amendment*

**(9) It is necessary to specify the categories of data that can be entered in SIS in respect of third-country nationals who are the subject of a return decision issued in accordance with provisions respecting Directive 2008/115/EC. Alerts on return should contain only those data that are required in order to identify the data subjects, to allow the competent authorities to take informed decisions without losing time and to ensure, where necessary, their protection in relation to persons who are armed, violent, have escaped or are involved in an activity as referred to in Articles 1, 2, 3 and 4 of Council Framework Decision 2002/475/JHA on combating terrorism<sup>26</sup>. Furthermore, in order to facilitate identification and detect multiple identities, the alert should include also a reference to the personal identification**

*deleted*

*document and a copy of such document, if available.*

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<sup>26</sup>*Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3).*

Or. fr

**Amendment 18**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

*Amendment*

*(10) Each Member State should designate an authority responsible for the exchange of supplementary information in connection to alerts on return in order to ensure efficient and swift cooperation among the Member States.*

*deleted*

Or. fr

**Amendment 19**  
**Jean-Luc Schaffhauser**

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

*Text proposed by the Commission*

*Amendment*

*(11) Procedures should be established to enable Member States to verify that the obligation to return has been complied with and to confirm the departure of the third-country national concerned to the Member State that issued the alert on return. This information should contribute to a more comprehensive*

*deleted*

*follow-up of the compliance with return decisions in accordance with provisions respecting Directive 2008/115/EC.*

Or. fr

**Amendment 20**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

*Amendment*

*(12) Alerts on return should be deleted as soon as the Member State or competent authority that issued the return decision in accordance with provisions respecting Directive 2008/115/EC has been informed that the return has taken place. Where a return decision is accompanied by an entry ban, the latter should be entered in SIS in accordance with Article 24(3) of Regulation (EU) 2018/xxx [border checks]. In such cases Member States should take all necessary measures to ensure that no time-gap exist between the moment in which the third-country national leaves the Schengen area and the activation of the alert on the entry ban in SIS.*

*deleted*

Or. fr

**Amendment 21**  
**Georgios Eptideios**

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

*Amendment*

*(12) Alerts on return should be deleted as soon as the Member State or competent*

*(12) Where a return decision is accompanied by an entry ban, the latter*

***authority that issued the return decision in accordance with provisions respecting Directive 2008/115/EC has been informed that the return has taken place.*** Where a return decision is accompanied by an entry ban, the latter should be entered in SIS in accordance with Article 24(3) of Regulation (EU) 2018/xxx [border checks]. In such cases Member States should take all necessary measures to ensure that no time-gap exist between the moment in which the third-country national leaves the Schengen area and the activation of the alert on the entry ban in SIS.

should be entered in SIS in accordance with Article 24(3) of Regulation (EU) 2018/xxx [border checks]. In such cases Member States should take all necessary measures to ensure that no time-gap exist between the moment in which the third-country national leaves the Schengen area and the activation of the alert on the entry ban in SIS.

Or. el

## **Amendment 22** **Dubravka Šuica**

### **Proposal for a regulation** **Recital 12**

#### *Text proposed by the Commission*

(12) Alerts on return should be deleted as soon as the Member State or competent authority that issued the return decision in accordance with provisions respecting Directive 2008/115/EC has been informed that the return has taken place. Where a return decision is accompanied by an entry ban, the latter should be entered in SIS in accordance with Article 24(3) of Regulation (EU) 2018/xxx [border checks]. In such cases Member States should take all necessary measures to ensure that no time-gap exist between the moment in which the third-country national leaves the ***Schengen area*** and the activation of the alert on the entry ban in SIS.

#### *Amendment*

(12) Alerts on return should be deleted as soon as the Member State or competent authority that issued the return decision in accordance with provisions respecting Directive 2008/115/EC has been informed that the return has taken place. Where a return decision is accompanied by an entry ban, the latter should be entered in SIS in accordance with Article 24(3) of Regulation (EU) 2018/xxx [border checks]. In such cases Member States should take all necessary measures to ensure that no time-gap exist between the moment in which the third-country national leaves the ***external borders of a Member State*** and the activation of the alert on the entry ban in SIS.

Or. en

### *Justification*

*The term Schengen area is inconsistent with the term used in Article 6.: "Where a third-country national, who is the subject of an alert on return, exits through the external border of the issuing Member State, the confirmation of return shall be communicated to the competent authority in accordance with national law"*

#### **Amendment 23**

**Tonino Picula**

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

##### **Recital 12**

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

(12) Alerts on return should be deleted as soon as the Member State or competent authority that issued the return decision in accordance with provisions respecting Directive 2008/115/EC has been informed that the return has taken place. Where a return decision is accompanied by an entry ban, the latter should be entered in SIS in accordance with Article 24(3) of Regulation (EU) 2018/xxx [border checks]. In such cases Member States should take all necessary measures to ensure that no time-gap exist between the moment in which the third-country national leaves the **Schengen area** and the activation of the alert on the entry ban in SIS.

###### *Amendment*

(12) Alerts on return should be deleted as soon as the Member State or competent authority that issued the return decision in accordance with provisions respecting Directive 2008/115/EC has been informed that the return has taken place. Where a return decision is accompanied by an entry ban, the latter should be entered in SIS in accordance with Article 24(3) of Regulation (EU) 2018/xxx [border checks]. In such cases Member States should take all necessary measures to ensure that no time-gap exist between the moment in which the third-country national leaves the **external border of a Member State** and the activation of the alert on the entry ban in SIS.

Or. en

### *Justification*

*Avoiding any uncertainty that may arise from terms "Schenegen area" and "external borders of Member States". The term "Schengen area" used in this recital is not consistent with the text of Article 6, Paragraph 1 where the term "external borders of a Member State" is used. The latter would fit better in this Recital and it would address the concerns of Member States that still do not apply the Schengen Acquis in whole.*

#### **Amendment 24**

**Jean-Luc Schaffhauser**

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

*Text proposed by the Commission*

*Amendment*

**(13) SIS should contain a mechanism for notifying the Member States about the non-compliance of third-country nationals with an obligation to return within a given period of voluntary departure. The mechanism should support the Member States in fulfilling their obligations in accordance with Article 8(1) of Directive 2008/115/EC with regard to third-country nationals who have not complied with an obligation to return.**

*deleted*

Or. fr

**Amendment 25**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

*Amendment*

**(14) This Regulation should establish mandatory rules for the consultation between national authorities to solve possible conflicting instructions. Consultations should be carried out where third-country nationals who hold, or are being granted, a valid residence permit or other authorisation or right to stay by a Member State are subject to an alert on return issued by another Member State, or cases where conflicting situations may arise at entry in the territories of the Member States.**

*deleted*

Or. fr

**Amendment 26**  
**Tonino Picula**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

(14) This Regulation should establish mandatory rules for the consultation ***between national authorities*** to solve possible conflicting instructions. Consultations should be carried out where third-country nationals who hold, or are being granted, a valid residence permit or other authorisation or right to stay by a Member State are subject to an alert on return issued by another Member State, or cases where conflicting situations may arise at entry in the territories of the Member States.

*Amendment*

(14) This Regulation should establish ***clear guidance and*** mandatory rules for the consultation to solve possible conflicting instructions ***and to ensure unified implementation of proposed measures through recognition of decisions and competencies between national authorities***. Consultations should be carried out where third-country nationals who hold, or are being granted, a valid residence permit or other authorisation or right to stay by a Member State are subject to an alert on return issued by another Member State, or cases where conflicting situations may arise at entry in the territories of the Member States

Or. en

**Amendment 27**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) ***Alerts should be kept in SIS only for the time required to fulfil the purposes for which they were entered. In accordance with Article 34 of Regulation (EU) 2018/xxx [border checks] the review period for alerts on third-country nationals is five years.***

*Amendment*

***deleted***

Or. fr

**Amendment 28**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

*Amendment*

*(16) Data processed in SIS or transferred through the exchange of supplementary information may provide to the enforcing Member State information that is useful for the rapid identification and re-documentation of illegally staying third-country nationals, in view of their return to a third country. In individual cases, it should be possible to share such data and information with a third country for this purpose. Sharing of any personal data should be subject to clear conditions, should be carried out in accordance with the provisions of Regulation (EU) 2016/679 and be conducted with the agreement of the Member State that issued the alert.*

*deleted*

Or. fr

**Amendment 29**  
**Georgios Epitideios**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

*Amendment*

(16) Data processed in SIS or transferred through the exchange of supplementary information may provide to the enforcing Member State information that is useful for the rapid identification and re-documentation of illegally staying third-country nationals, in view of their return to a third country. In individual cases, it should be possible to share such data and information with a third country for this

(16) Data processed in SIS or transferred through the exchange of supplementary information may provide to the enforcing Member State information that is useful for the rapid identification and re-documentation of illegally staying third-country nationals, in view of their return to a third country. ***It also significantly reduces the possibility of any of them returning illegally to the Member State***



purpose. Sharing of any personal data should be subject to clear conditions, should be carried out in accordance with the provisions of Regulation (EU) 2016/679 and be conducted with the agreement of the Member State that issued the alert.

*some time in the future.* In individual cases, it should be possible to share such data and information with a third country for this purpose. Sharing of any personal data should be subject to clear conditions, should be carried out in accordance with the provisions of Regulation (EU) 2016/679 and be conducted with the agreement of the Member State that issued the alert.

Or. el

**Amendment 30**  
**Tonino Picula**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

(16) Data processed in SIS or transferred through the exchange of supplementary information may provide to the enforcing Member State information that is useful for the rapid identification and re-documentation of illegally staying third-country nationals, in view of their return to a third country. In individual cases, it should be possible to share such data and information with a third country for this purpose. Sharing of any personal data should be subject to clear conditions, should be carried out in accordance with the provisions of Regulation (EU) 2016/679 and be conducted with the agreement of the Member State that issued the alert.

*Amendment*

(16) Data processed in SIS or transferred through the exchange of supplementary information may provide to the enforcing Member State information that is useful for the rapid identification and re-documentation of illegally staying third-country nationals, in view of their return to a third country. In individual cases, it should be possible to share such data and information with a third country for this purpose. ***However, this should only occur after a final decision on return has been taken.*** Sharing of any personal data should be subject to clear conditions, should be carried out in accordance with the provisions of Regulation (EU) 2016/679 and be conducted with the agreement of the Member State that issued the alert.

Or. en

**Amendment 31**  
**Dubravka Šuica**

**Proposal for a regulation**  
**Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***(16a) All measures taken in relation to the SIS should comply with the Charter of Fundamental Rights. Member States should apply guidelines, to be established and monitored jointly by the European Union Agency for Asylum and the European Union Agency for Fundamental Rights, for a common practice with regard to taking fingerprints and facial images of irregular third-country nationals that complies with the Charter of Fundamental Rights of the European Union and builds upon the checklist prepared by the European Union Agency for Fundamental Rights. Special care and sensitivity should be applied regarding the registration of minors, for example regarding the taking of facial images and finger prints.***

Or. en

**Amendment 32**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

*Amendment*

***(17) National authorities responsible for return may differ significantly among Member States, and such authorities may also vary within a Member State depending on the reasons for illegal stay. Judicial authorities may also issue return decisions in accordance with provisions respecting Directive 2008/115/EC, for instance as result of appeals against a refusal of granting an authorisation or***

***deleted***

*right to stay, or as a criminal sanction. All national authorities in charge of issuing and enforcing return decisions in accordance with Directive 2008/115/EC should be entitled to access SIS in order to enter, update, delete and search alerts on return.*

Or. fr

**Amendment 33**  
**Dubravka Šuica**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) National authorities responsible for return may differ significantly among Member States, and such authorities may also vary within a Member State depending on the reasons for illegal stay. Judicial authorities may also issue return decisions in accordance with provisions respecting Directive 2008/115/EC, for instance as result of appeals against a refusal of granting an authorisation or right to stay, or as a criminal sanction. All national authorities in charge of issuing and enforcing return decisions in accordance with Directive 2008/115/EC should be entitled to access SIS in order to enter, update, delete and search alerts on return.

*Amendment*

(17) National authorities responsible for return may differ significantly among Member States, and such authorities may also vary within a Member State depending on the reasons for illegal stay. ***Furthermore, different national lists of "safe third countries" exist.*** Judicial authorities may also issue return decisions in accordance with provisions respecting Directive 2008/115/EC, for instance as result of appeals against a refusal of granting an authorisation or right to stay, or as a criminal sanction. All national authorities in charge of issuing and enforcing return decisions in accordance with Directive 2008/115/EC should be entitled to access SIS in order to enter, update, delete and search alerts on return.

Or. en

**Amendment 34**  
**Jean-Luc Schaffhauser**

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

*Text proposed by the Commission*

*Amendment*

**(18) Access to alerts on return should be granted to national authorities referred to in points (a), (b), (c) and (d) of Article 29(1) and in Article 29(2) of Regulation (EU) 2018/xxx [border checks] for the purpose of identification and return of third-country nationals.**

**deleted**

Or. fr

**Amendment 35  
Jean-Luc Schaffhauser**

**Proposal for a regulation  
Recital 19**

*Text proposed by the Commission*

*Amendment*

**(19) Regulation (EU) 2016/794 on the European Union Agency for Law Enforcement cooperation (Europol Regulation) provides that Europol supports and strengthens actions carried out by the competent authorities of Member States and their cooperation in combating terrorism and serious crime and provides analysis and threat assessments. In order to facilitate Europol in carrying out its tasks, in particular within the European Migrant Smuggling Centre, it is appropriate to allow Europol access to the alert category defined in this Regulation.**

**deleted**

Or. fr

**Amendment 36  
Georgios Eptideios**

**Proposal for a regulation  
Recital 19**

*Text proposed by the Commission*

(19) Regulation (EU) 2016/794 on the European Union Agency for Law Enforcement cooperation (Europol Regulation) provides that Europol supports and strengthens actions carried out by the competent authorities of Member States and their cooperation in combating terrorism and serious crime and provides analysis and threat assessments. In order to facilitate Europol in carrying out its tasks, in particular within the European Migrant Smuggling Centre, it is appropriate to allow Europol access to the alert category defined in this Regulation.

*Amendment*

(19) Regulation (EU) 2016/794 on the European Union Agency for Law Enforcement cooperation (Europol Regulation) provides that Europol supports and strengthens actions carried out by the competent authorities of Member States and their cooperation in combating terrorism and serious crime and provides analysis and threat assessments. In order to facilitate Europol in carrying out its tasks, in particular within the European Migrant Smuggling Centre, it is appropriate to allow Europol access to the alert category defined in this Regulation, ***following consultation with the Member State authorities.***

Or. el

**Amendment 37**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

***(20) Regulation (EU) 2016/1624 provides that the host Member State shall authorise the members of the European Border and Coast Guard teams or teams of staff involved in return-related tasks, deployed by the European Border and Coast Guard Agency, to consult European databases, where this consultation is necessary for fulfilling operational aims specified in the operational plan on border checks, border surveillance and return. The objective of the deployment of the European Border and Coast Guard teams, teams of staff involved in return-related tasks and the migration management support teams is to provide***

*Amendment*

***deleted***

*for technical and operational reinforcement to the requesting Member States, especially to those facing disproportionate migratory challenges. Fulfilling the tasks assigned to the European Border and Coast Guard teams, teams of staff involved in return-related tasks and to the migration management support teams, necessitates access to alerts on return SIS via a technical interface of European Border and Coast Guard Agency connecting to Central SIS.*

Or. fr

**Amendment 38**  
**Georgios Epitideios**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

(20) Regulation (EU) 2016/1624 provides that the host Member State shall authorise the members of the European Border and Coast Guard teams or teams of staff involved in return-related tasks, deployed by the European Border and Coast Guard Agency, to consult European databases, where this consultation is necessary for fulfilling operational aims specified in the operational plan on border checks, border surveillance and return. The objective of the deployment of the European Border and Coast Guard teams, teams of staff involved in return-related tasks and the migration management support teams is to provide for technical and operational reinforcement to the requesting Member States, especially to those facing disproportionate migratory challenges. Fulfilling the tasks assigned to the European Border and Coast Guard teams, teams of staff involved in return-related tasks and to the migration

*Amendment*

(20) Regulation (EU) 2016/1624 provides that the host Member State shall authorise the members of the European Border and Coast Guard teams or teams of staff involved in return-related tasks, deployed by the European Border and Coast Guard Agency, to consult European databases, where this consultation is necessary for fulfilling operational aims specified in the operational plan on border checks, border surveillance and return, **having previously informed the national authorities**. The objective of the deployment of the European Border and Coast Guard teams, teams of staff involved in return-related tasks and the migration management support teams is to provide for technical and operational reinforcement to the requesting Member States, especially to those facing disproportionate migratory challenges. Fulfilling the tasks assigned to the European Border and Coast Guard teams, teams of staff involved in return-

management support teams, necessitates access to alerts on return SIS via a technical interface of European Border and Coast Guard Agency connecting to Central SIS.

related tasks and to the migration management support teams, necessitates access to alerts on return SIS via a technical interface of European Border and Coast Guard Agency connecting to Central SIS.

Or. el

**Amendment 39**  
**Jean-Luc Schaffhauser**

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

*Text proposed by the Commission*

*Amendment*

**(21) The provisions on responsibilities of the Member States and the European Agency on the operational management of large-scale IT systems in the area of freedom, security and justice, the entry and processing of alerts, the conditions to access and retention of alerts, data processing, data protection, liability and monitoring and statistics as included in Regulation (EU) 2018/xxx [Border checks] should also apply to data entered and processed in SIS in accordance with this Regulation.**

**deleted**

Or. fr

**Amendment 40**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

*Amendment*

**(22) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the Treaty on**

**deleted**

*European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds, to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399 of the European Parliament and of the Council<sup>27</sup>, upon the Schengen acquis, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.*

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<sup>27</sup>*Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1).*

Or. fr

**Amendment 41**  
**Jean-Luc Schaffhauser**

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

*Text proposed by the Commission*

*Amendment*

*(23) To the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399, this Regulation constitutes a development of the provisions of the Schengen acquis in which the United Kingdom does not take part, in accordance with Council Decision*

*deleted*



*2000/365/EC<sup>228</sup>; the United Kingdom is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Moreover, in accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, the United Kingdom is not taking part in the adoption of this Regulation and is not bound by or subject to its application.*

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*<sup>28</sup>Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis (OJ L 131, 1.6.2000, p. 43).*

Or. fr

**Amendment 42**  
**Jean-Luc Schaffhauser**

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

*Text proposed by the Commission*

*Amendment*

*(24) To the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399, this Regulation constitutes a development of the provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC<sup>29</sup>; Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it*

*deleted*

*or subject to its application. Moreover, in accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by or subject to its application.*

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*<sup>29</sup>Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002, p. 20).*

Or. fr

**Amendment 43**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

*Amendment*

*(25) As regards Iceland and Norway, this Regulation constitutes, to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399, a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1, point C of Council Decision*

*deleted*

1999/437/EC<sup>31</sup>.

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<sup>30</sup> OJ L 176, 10.7.1999, p. 36.

<sup>31</sup> Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (OJ L 176, 10.7.1999, p. 31).

Or. fr

**Amendment 44**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Recital 26**

*Text proposed by the Commission*

*Amendment*

**(26) As regards Switzerland, this Regulation constitutes, to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399, a development of the provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1, point C of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC<sup>33</sup>.**

**deleted**

<sup>32</sup> OJ L 53, 27.2.2008, p. 52.

<sup>33</sup> Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008, p. 1).

Or. fr

**Amendment 45**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

*Amendment*

*(27) As regards Liechtenstein, this Regulation constitutes, to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399, a development of the provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1, point C of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision*

*deleted*

2011/350/EU<sup>35</sup>.

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<sup>34</sup> OJ L 160, 18.6.2011, p. 21.

<sup>35</sup> Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

Or. fr

**Amendment 46**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Recital 28**

*Text proposed by the Commission*

*Amendment*

(28) *The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 and delivered an opinion on [...],*

*deleted*

Or. fr

**Amendment 47**  
**Dubravka Šuica**

**Proposal for a regulation**  
**Recital 28 a (new)**

*Text proposed by the Commission*

*Amendment*

***(28a) To facilitate the return of third country nationals, it is recommended that adequate provisions are included in agreements with third countries, for example in form of readmission agreements or other bilateral agreements such as the "Joint way forward" agreement between Afghanistan and the EU.***

Or. en

**Amendment 48**  
**Dubravka Šuica**

**Proposal for a regulation**  
**Recital 28 b (new)**

*Text proposed by the Commission*

*Amendment*

***(28b) Any reform or new provision in the Regulation should not create unnecessary obstacles for Member States who will or are in process of joining the Schengen area.***

Or. en

**Amendment 49**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Article 1 – title**

*Text proposed by the Commission*

*Amendment*

***Subject matter and scope***

***Border Control***

Or. fr

**Amendment 50**  
**Jean-Luc Schaffhauser**

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

*Text proposed by the Commission*

*This Regulation lays down the conditions and procedures for the entry and processing in the Schengen Information System (SIS), as established by Regulation (EU) 2018/xxx [border checks], of alerts in respect of third-country nationals subject to return decisions issued by the Member States in accordance with procedures respecting Directive 2008/115/EC, as well as for exchanging supplementary information on such alerts.*

*Amendment*

*Member States' border controls shall be reintroduced for an indefinite period.*

*Member States shall return illegal aliens in accordance with their national legislation.*

Or. fr

**Amendment 51**  
**Jean-Luc Schaffhauser**

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

*Text proposed by the Commission*

*Definitions*

*Amendment*

*Sharing of information*

Or. fr

**Amendment 52**  
**Jean-Luc Schaffhauser**

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

*Text proposed by the Commission*

*For the purposes of this Regulation the*

*Amendment*

*The Member States may, through intergovernmental agreements, set up and*

*following definitions shall apply:*

*use a computerised database containing  
return decisions taken at their borders.*

Or. fr

**Amendment 53**

**Jean-Luc Schaffhauser**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

*(a) ‘return’ means return as defined  
in Article 3(3) of Directive 2008/115/EC;*

*deleted*

Or. fr

**Amendment 54**

**Jean-Luc Schaffhauser**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) ‘third-country national’ means  
third-country nationals as defined in  
Article 3(1) of Directive 2008/115/EC;*

*deleted*

Or. fr

**Amendment 55**

**Jean-Luc Schaffhauser**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

*(c) ‘return decision’ means a return  
decision as defined in Article 3(4) of*

*deleted*



*Directive 2008/115/EC;*

Or. fr

**Amendment 56**  
**Jean-Luc Schaffhauser**

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

*Text proposed by the Commission*

*Amendment*

(d) *‘return decision issued in accordance with provisions respecting Directive 2008/115/EC’ means a return decision within the meaning of point (c) and an administrative or judicial decision or act, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return, issued under the conditions of Article 2(2) of Directive 2008/115/EC;*

*deleted*

Or. fr

**Amendment 57**  
**Jean-Luc Schaffhauser**

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

*Text proposed by the Commission*

*Amendment*

(e) *‘voluntary departure’ means voluntary departure as defined in Article 4(8) of Directive 2008/115/EC;*

*deleted*

Or. fr

**Amendment 58**  
**Jean-Luc Schaffhauser**

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

*Text proposed by the Commission*

*Amendment*

**(f)** *‘CS-SIS’ means the technical support function of the Central SIS as referred to in Article 4(1)(a) of Regulation (EU) 2018/xxx [border checks].*

*deleted*

Or. fr

**Amendment 59**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Article 3**

*Text proposed by the Commission*

*Amendment*

**Article 3**

*deleted*

**Entry of data in SIS**

**1. Data on third-country nationals subject to a return decision issued in accordance with provisions respecting Directive 2008/115/EC shall be entered in SIS for the purpose of verifying that the obligation to return has been complied with and for supporting the enforcement of the decision. An alert shall be entered in SIS without delay when the return decision is issued in accordance with provisions respecting Directive 2008/115/EC.**

**2. The period for voluntary departure granted to third-country nationals subject to a return decision issued in accordance with provisions respecting Directive 2008/115/EC shall be immediately recorded in the alert.**

**3. The suspension and the postponement of the enforcement of the return decision issued in accordance with provisions respecting Directive 2008/115/EC shall be**

*immediately recorded in the alert.*

Or. fr

**Amendment 60**  
**Dubravka Šuica**

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

*Text proposed by the Commission*

1. Data on third-country nationals subject to a return decision issued in accordance with provisions respecting Directive 2008/115/EC shall be entered in SIS for the purpose of verifying that the obligation to return has been complied with and for supporting the enforcement of the decision. An alert shall be entered in SIS without delay when the return decision is issued in accordance with provisions respecting Directive 2008/115/EC.

*Amendment*

1. Data on third-country nationals subject to a return decision issued in accordance with provisions respecting Directive 2008/115/EC shall be entered in SIS *immediately after the decision becomes effective under the national legislation of the respective Member State* for the purpose of verifying that the obligation to return has been complied with and for supporting the enforcement of the decision. An alert shall be entered in SIS without delay when the return decision is issued in accordance with provisions respecting Directive 2008/115/EC.

Or. en

**Amendment 61**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Article 4**

*Text proposed by the Commission*

**Article 4**

**Data categories**

**Data entered in SIS in accordance with Article 3 of this Regulation shall contain only the following:**

**(a) surname(s);**

*Amendment*

**deleted**

- (b) forename(s);*
- (c) name(s) at birth;*
- (d) previously used names and aliases;*
- (e) any specific, objective, physical characteristics not subject to change;*
- (f) place of birth;*
- (g) date of birth;*
- (h) sex;*
- (i) nationality / nationalities;*
- (j) whether the person concerned is armed, violent, has escaped or is involved in an activity as referred to in Articles 1, 2, 3 and 4 of Council Framework Decision 2002/475/JHA on combating terrorism;*
- (k) reason for the alert;*
- (l) authority issuing the alert;*
- (m) a reference to the decision giving rise to the alert;*
- (n) action to be taken;*
- (o) link(s) to other alerts issued in SIS;*
- (p) the category of the person's identification document;*
- (q) the country of issue of the person's identification document;*
- (r) the number(s) of the person's identification document;*
- (s) the date of issue of the person's identification document;*
- (t) photographs and facial images;*
- (u) dactylographic data;*
- (v) a colour copy of the identity document;*
- (w) period for voluntary departure;*
- (x) whether the return decision issued in accordance with provisions respecting Directive 2008/115/EC has been suspended or the enforcement of the decision has been postponed.*

*An alert may not be entered without the data referred to in (a),(g),(k),(m),(n) and (w). When available, all other data listed above shall also be entered.*

Or. fr

**Amendment 62**  
**Jordi Solé**

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

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. en

**Amendment 63**  
**Jordi Solé**

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 64**  
**Dubravka Šuica**

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

*Text proposed by the Commission*

(p) the category of the person's identification **document**;

*Amendment*

(p) the category of the person's **current and/or past** identification **documents**;

Or. en

**Amendment 65**  
**Dubravka Šuica**

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

*Text proposed by the Commission*

(r) the number(s) of the person's identification **document**;

*Amendment*

(r) the number(s) of the person's **current and/or past** identification **documents**;

Or. en

**Amendment 66**  
**Jordi Solé**

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

*Text proposed by the Commission*

An alert may not be entered without the data referred to in (a),(g),(k),(m),(n) **and (w)**. When available, all other data listed above shall also be entered.

*Amendment*

An alert may not be entered without the data referred to in (a),(g),(k),(m),(n),(w) **and (x)**. When available, all other data listed above shall also be entered.

Or. en

**Amendment 67**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Article 5**

*Text proposed by the Commission*

*Amendment*

**Article 5**

*deleted*

***Authority responsible for the exchange of supplementary information***

***Each Member State shall designate an authority responsible for the exchange of supplementary information on third-country nationals subject to return in accordance with the provisions of the SIRENE Manual laid down in Article 8 of Regulation (EU) 2018/xxx [Border checks].***

Or. fr

**Amendment 68**

**Jean-Luc Schaffhauser**

**Proposal for a regulation**

**Article 6**

*Text proposed by the Commission*

*Amendment*

**Article 6**

*deleted*

***Confirmation of return***

**1.**

***Where a third-country national who is the subject of an alert on return is identified when exiting through the external borders of a Member State, the Member State that identified the third-country national concerned shall communicate the following information to the issuing Member State through the exchange of supplementary information:***

***(a) the fact that the third-country national has been identified;***

***(b) the location and time of the check;***

***(c) whether the third-country national has left the territory of the Member States;***

***(d) whether the return was a voluntary***

*compliance with an obligation to return or was enforced;*

*(e) the third-country of destination.*

*Where a third-country national, who is the subject of an alert on return, exits through the external border of the issuing Member State, the confirmation of return shall be communicated to the competent authority in accordance with national law.*

*2. The issuing Member State shall immediately delete the alert following the receipt of the confirmation of return.*

*3. The Member States shall provide on a monthly basis statistics to the European Agency for the operational management of large-scale information systems in the area of freedom, security and justice established by Regulation (EU) No 1077/2011 of the European Parliament and of the Council<sup>36</sup> ('the Agency') on the number of confirmed returns, on whether the return was carried out in voluntary compliance with an obligation to return or was enforced, and on the third countries of destination. Those statistics shall not contain personal data.*

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<sup>36</sup>*Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 286, 1.11.2011, p 1).*

Or. fr

**Amendment 69**  
**Jordi Solé**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – subparagraph 1 – point e**



*Text proposed by the Commission*

*Amendment*

(e) *the third-country of destination.*

*deleted*

Or. en

## **Amendment 70**

**Miguel Urbán Crespo, Sabine Lösing, Takis Hadjigeorgiou**

### **Proposal for a regulation**

#### **Article 6 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The Member States shall provide on a monthly basis statistics to the European Agency for the operational management of large-scale information systems in the area of freedom, security and justice established by Regulation (EU) No 1077/2011 of the European Parliament and of the Council<sup>36</sup> ('the Agency') on the number of confirmed returns, ***on whether the return was carried out in voluntary compliance with an obligation to return or was enforced***, and on the third countries of destination. Those statistics shall not contain personal data.

3. The Member States shall provide on a monthly basis statistics to the European Agency for the operational management of large-scale information systems in the area of freedom, security and justice established by Regulation (EU) No 1077/2011 of the European Parliament and of the Council<sup>36</sup> ('the Agency') on the number of confirmed returns, ***only in the case of non-voluntary*** return, and on the third countries of destination. Those statistics shall not contain personal data.

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<sup>36</sup> Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 286, 1.11.2011, p.1).

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<sup>36</sup> Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 286, 1.11.2011, p.1).

Or. en

## **Amendment 71**

**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Article 7**

*Text proposed by the Commission*

*Amendment*

**Article 7**

*deleted*

*Non-compliance with return decisions issued in accordance with provisions respecting Directive 2008/115/EC*

- 1. CS-SIS shall notify the Member States about their alerts on return for which the period for voluntary departure has expired.*
- 2. Where a third-country national who is subject of an alert on return is identified by a competent authority and it has been ascertained by the same authority that the obligation to return has not been complied with, that authority shall immediately consult the issuing Member State through the exchange of supplementary information in order to determine without delay the action to be taken.*

Or. fr

**Amendment 72**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Article 8**

*Text proposed by the Commission*

*Amendment*

**Article 8**

*deleted*

**Consultation procedure**

- 1. Where a Member State considers granting a residence permit or other authorisation offering a right to stay to a third-country national who is the subject of an alert on return entered by another Member State, the former shall first consult, through the exchange of*

*supplementary information, the Member State that entered the alert. The Member State that entered the alert shall reply within seven days. If the Member State considering granting a residence permit or other authorisation offering a right to stay decides to grant it, the alert on return shall be deleted.*

*2. Where a Member State considers entering an alert for return concerning a third-country national who is the holder of a valid residence permit or other authorisation offering a right to stay issued by another Member State, it shall inform through the exchange of supplementary information the Member State that issued the permit in order to allow that Member State to decide whether there are reasons justifying its withdrawal. The Member State that issued the permit shall provide a definite reply within seven days.*

*3. In the event of a hit on an alert on return concerning a third-country national who is the holder of a valid residence permit or other authorisation offering a right to stay, the Member State that identified the third-country national concerned shall consult immediately the involved Member States, through the exchange of supplementary information, in order to determine the action to be taken.*

*4. Where a third-country national who is the subject of an alert on return is identified when entering through the external borders, the Member State that identified the third-country national concerned shall immediately inform, through the exchange of supplementary information, the issuing Member State in order to delete the alert.*

*5. Member States shall provide on an annual basis statistics to the Agency about the consultations carried out in accordance with paragraphs 1, 2, 3 and 4.*

**Amendment 73**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Article 9**

*Text proposed by the Commission*

*Amendment*

**Article 9**

*deleted*

***Deletion of alerts***

***1. Without prejudice to Articles 6 and 8, alerts on return shall be deleted when the decision upon which the alert was based has been withdrawn or annulled by the competent authority. Alerts on return shall also be deleted when the third-country national concerned can demonstrate that they have left the territory of the Member States in compliance with a return decision issued in accordance with provisions respecting Directive 2008/115/EC.***

***2. Alerts on return entered in respect of a person who has acquired citizenship of a Member State or of any State whose nationals are beneficiaries of the right of free movement within the Union shall be deleted as soon as the issuing Member State becomes aware, or is informed pursuant to Article 39 of Regulation (EU) 2018/xxx [border checks], that the person in question has acquired such citizenship.***

**Amendment 74**  
**Georgios Epitideios**

**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. Without prejudice to Articles 6 and 8, alerts on return shall be deleted ***when the decision upon which the alert was based has been withdrawn or annulled by the competent authority. Alerts on return shall also be deleted when the third-country national concerned can demonstrate that they have left the territory of the Member States in compliance with a return decision issued in accordance with provisions respecting Directive 2008/115/EC.***

*Amendment*

1. Without prejudice to Articles 6 and 8, alerts on return shall be ***recorded and not deleted and shall be kept on file by the authorities of the Member State that issued*** the return decision.

Or. en

**Amendment 75**

**Jordi Solé**

**Proposal for a regulation**

**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. Without prejudice to Articles 6 and 8, alerts on return shall be deleted when the decision upon which the alert was based has been withdrawn or annulled by the competent authority. Alerts on return shall also be deleted when the third-country national concerned can demonstrate that they have left the territory of the Member States in compliance with a return decision issued in accordance with provisions respecting Directive 2008/115/EC.

*Amendment*

1. Without prejudice to Articles 6 and 8, alerts on return shall be ***immediately*** deleted when the decision upon which the alert was based has been withdrawn or annulled by the competent authority. Alerts on return shall also be deleted when the third-country national concerned can demonstrate that they have left the territory of the Member States in compliance with a return decision issued in accordance with provisions respecting Directive 2008/115/EC.

Or. en

**Amendment 76**

**Miguel Urbán Crespo, Sabine Lösing, Takis Hadjigeorgiou**

**Proposal for a regulation**

## Article 9 – paragraph 1

*Text proposed by the Commission*

1. Without prejudice to Articles 6 and 8, alerts on return shall be deleted when the decision upon which the alert was based has been withdrawn or annulled by the competent authority. Alerts on return shall also be deleted when the third-country national concerned can demonstrate that they have left the territory of the Member States ***in compliance with a return decision issued in accordance with provisions respecting Directive 2008/115/EC.***

*Amendment*

1. Without prejudice to Articles 6 and 8, alerts on return shall be deleted when the decision upon which the alert was based has been withdrawn or annulled by the competent authority. Alerts on return shall also be deleted when the third-country national concerned can demonstrate that they have left the territory of the Member States ***including by simply demonstrating their presence outside EU territory***

Or. en

## Amendment 77 Georgios Epitideios

### Proposal for a regulation Article 9 – paragraph 2

*Text proposed by the Commission*

2. ***Alerts on return entered in respect of a person who has acquired citizenship of a Member State or of any State whose nationals are beneficiaries of the right of free movement within the Union shall be deleted as soon as the issuing Member State becomes aware, or is informed pursuant to Article 39 of Regulation (EU) 2018/xxx [border checks], that the person in question has acquired such citizenship.***

*Amendment*

***deleted***

Or. el

## Amendment 78 Jean-Luc Schaffhauser

### Proposal for a regulation

## Article 10

*Text proposed by the Commission*

*Amendment*

### **Article 10**

**deleted**

***Transfer of personal data to third countries for the purpose of return***

***Data processed in SIS and the related supplementary information pursuant to this Regulation may be transferred or made available to a third-country in accordance with Chapter V of Regulation (EU) 2016/679 with the authorisation of the issuing Member State, only for the purpose of identification of and issuance of an identification or travel document to an illegally staying-third country national in view of return.***

Or. fr

## Amendment 79

**Miguel Urbán Crespo, Sabine Lösing, Takis Hadjigeorgiou**

### **Proposal for a regulation**

#### **Article 10 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Data processed in SIS and the related supplementary information pursuant to this Regulation may be transferred or made available to a third-country ***in accordance with Chapter V of Regulation (EU) 2016/679 with the authorisation of the issuing Member State, only for the purpose of identification of and issuance of an identification or travel document to an illegally staying-third country national in view of return.***

Data processed in SIS and the related supplementary information pursuant to this Regulation may ***not*** be transferred or made available to a third-country ***or international organizations.***

Or. en

**Amendment 80**  
**Tonino Picula**

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

*Text proposed by the Commission*

Data processed in SIS and the related supplementary information pursuant to this Regulation may be transferred or made available to a third-country in accordance with Chapter V of Regulation (EU) 2016/679 with the authorisation of the issuing Member State, only for the purpose of identification of and issuance of an identification or travel document to an illegally staying-third country national in view of return.

*Amendment*

Data processed in SIS and the related supplementary information pursuant to this Regulation may be transferred or made available to a third-country in accordance with Chapter V of Regulation (EU) 2016/679 with the authorisation of the issuing Member State, only for the purpose of identification of and issuance of an identification or travel document to an illegally staying-third country national in view of return. ***However, this shall concern individual cases and only occur after a final decision on return has been taken.***

Or. en

**Amendment 81**  
**Jordi Solé**

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

*Text proposed by the Commission*

Data processed in SIS and the related supplementary information pursuant to this Regulation may be transferred or made available to a third-country in accordance with Chapter V of Regulation (EU) 2016/679 with the authorisation of the issuing Member State, only for the purpose of identification of and issuance of an identification or travel document to an illegally staying-third country national in view of return.

*Amendment*

Data processed in SIS and the related supplementary information pursuant to this Regulation may be transferred or made available to a third-country in accordance with Chapter V of Regulation (EU) 2016/679 with the authorisation of the issuing Member State, only for the purpose of identification of and issuance of an identification or travel document to an illegally staying-third country national in view of return ***and with full respect of the principle of non-refoulement.***



**Amendment 82**  
**Jordi Solé**

**Proposal for a regulation**  
**Article 10 – paragraph 1 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

*Prior to any transfer of information to a third country, the competent authorities must confirm that the life and freedom of a returnee will not be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.*

Or. en

**Amendment 83**  
**Jordi Solé**

**Proposal for a regulation**  
**Article 10 – paragraph 1 – point 1 (new)**

*Text proposed by the Commission*

*Amendment*

*(1) Data related to any previous asylum application or immigration status of the returnee in territory of the Member States shall not be transferred to a third country for the purpose of this Regulation.*

Or. en

**Amendment 84**  
**Jean-Luc Schaffhauser**

**Proposal for a regulation**  
**Article 11**

*Text proposed by the Commission*

*Amendment*

**Article 11**

*deleted*

**Statistics**

*Without prejudice to the provisions on statistics in Article 54 of Regulation (EU) 2018/xxx [Border checks], the Agency shall produce daily, monthly and annual statistics, both in total number and per each Member State on the number of alerts on return entered in SIS, including on the data referred to in Article 4(x) of this Regulation, on the notifications referred to in Article 7(1) of this Regulation and the number of alerts on return deleted due to compliance with an obligation to return. The Agency shall produce monthly and annual statistics about the data provided by the Member States in accordance with Article 6(3) and Article 8(5) of this Regulation. Those statistics shall not contain personal data.*

Or. fr

**Amendment 85**

**Jean-Luc Schaffhauser**

**Proposal for a regulation**

**Article 12**

*Text proposed by the Commission*

*Amendment*

**Article 12**

*deleted*

**Right to access data in SIS**

**1. Access to data entered in SIS and the right to search such data shall be reserved to the national authorities referred to in points (a), (b), (c) and (d) of Article 29(1) and in Article 29 (2) of Regulation (EU) 2018/ xxx [Border checks] for the purpose of identification and return of third-country nationals.**

**2. Europol shall have within their mandate the right to access and search data entered in SIS for the purpose of**

*supporting and strengthening action by the competent authorities of the Member States and their mutual cooperation in preventing and combating migrant smuggling and facilitation of irregular migration in accordance with the conditions laid down in Article 30 of Regulation (EU) 2018/ xxx [Border checks].*

*3. Members of the European Border and Coast Guard teams or teams of staff involved in return-related tasks as well as the members of the migration management support teams shall have within their mandate the right to access and search data entered in SIS for the purpose of carrying out border checks, border surveillance and return operations via the technical interface set up and maintained by the European Border and Coast Guard Agency as referred to and in accordance with the conditions laid down in Articles 31 and Article 32(2) of Regulation (EU) 2018/ xxx [Border checks].*

Or. fr

**Amendment 86**  
**Georgios Epitideios**

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

*Text proposed by the Commission*

2. Europol shall have within their mandate the right to access and search data entered in SIS for the purpose of supporting and strengthening action by the competent authorities of the Member States and their mutual cooperation in preventing and combating migrant smuggling and facilitation of irregular migration in accordance with the conditions laid down in Article 30 of Regulation (EU) 2018/ xxx [Border checks].

*Amendment*

2. Europol shall have within their mandate the right to access and search data entered in SIS for the purpose of supporting and strengthening action by the competent authorities of the Member States and their mutual cooperation in preventing and combating migrant **entry and** smuggling and facilitation of irregular migration in accordance with the conditions laid down in Article 30 of Regulation (EU) 2018/ xxx [Border

checks].

Or. el