



2017/0352(COD)

23.7.2018

AMENDMENTS

778 - 926

Draft report

Nuno Melo

(PE622.253v02-00)

Proposal for a Regulation of the European Parliament and of the Council on establishing a framework for interoperability between EU information systems (police and judicial cooperation, asylum and migration)

Proposal for a regulation

(COM(2018)480 – C8-0003/2018 – 2017/0352(COD))

Amendment 778

Cecilia Wikström, Gérard Deprez, Louis Michel, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 48 – paragraph 1

Text proposed by the Commission

Personal data stored in or accessed by the interoperability components shall not be transferred or made available to any third country, to any international organisation or to any private party.

Amendment

Personal data stored in or accessed by the interoperability components shall not be transferred or made available to any third country, to any international organisation or to any private party. ***Any breach to this shall be considered a serious security incident and shall be immediately reported and addressed in accordance with Article 44.***

Or. en

Amendment 779

Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation

Article 48 – paragraph 1

Text proposed by the Commission

Personal data stored in or accessed by the interoperability components shall not be transferred or made available to any third country, to any international organisation or to any private party.

Amendment

Personal data stored in, ***processed*** or accessed by the interoperability components shall not be transferred or made available to any third country, to any international organisation or to any private party.

Or. en

Amendment 780

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 48 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The prohibition referred to in paragraph 1a of this Article shall not apply to personal data originating from those EU information systems for which the respective legal instruments allow for such a transfer.

Or. en

Amendment 781
Sophia in 't Veld

Proposal for a regulation
Article 49 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Each Member State shall ensure that the supervisory authority or authorities designated pursuant to Article 51 of Regulation 2016/678 and Article 41 of Directive 2016/680 shall monitor the lawfulness of the processing of personal data.

Or. en

Amendment 782
Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation
Article 49 – paragraph 1

Text proposed by the Commission

Amendment

1. The supervisory authority or authorities designated pursuant to Article **49** of Regulation (EU) 2016/679 shall ensure that an audit of the data processing operations by the responsible national authorities is carried out in accordance

1. The supervisory authority or authorities designated pursuant to Article **51** of Regulation (EU) 2016/679 **and Article 41 of Directive (EU) 2016/680** shall ensure that an audit of the data processing operations by the responsible national

with relevant international auditing standards at least every four years.

authorities is carried out in accordance with relevant international auditing standards at least every four years.

Or. en

Amendment 783

Bodil Valero

Proposal for a regulation

Article 49 – paragraph 1

Text proposed by the Commission

1. The supervisory authority or authorities designated pursuant to Article 49 of Regulation (EU) 2016/679 shall ensure that an audit of the data processing operations by the responsible national authorities is carried out in accordance with relevant international auditing standards at least every **four** years.

Amendment

1. The supervisory authority or authorities designated pursuant to Article 49 of Regulation (EU) 2016/679 shall ensure that an audit of the data processing operations by the responsible national authorities is carried out in accordance with relevant international auditing standards at least every **two** years.

Or. en

Justification

Aligned with EDPS audit of the logs of queries in ESP and shared BMS. Four years would have been impossible with logs only retained for one year, as proposed by the Commission.

Amendment 784

Cornelia Ernst

Proposal for a regulation

Article 49 – paragraph 1

Text proposed by the Commission

1. The supervisory authority or authorities designated pursuant to Article 49 of Regulation (EU) 2016/679 shall ensure that an audit of the data processing operations by the responsible national authorities is carried out in accordance

Amendment

1. The supervisory authority or authorities designated pursuant to Article 49 of Regulation (EU) 2016/679 **or pursuant to Article 41 of Directive (EU) 2016/680** shall ensure that an audit of the data processing operations by the

with relevant international auditing standards at least every four years.

responsible national authorities is carried out in accordance with relevant international auditing standards at least every four years.

Or. en

Amendment 785

Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation

Article 49 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall ensure that their supervisory authorities designated pursuant to Article 51 of Regulation 2016/679 and Article 41 of Directive 2016/680 monitor the lawfulness of the processing of personal data under this Regulation carried out by Member States' relevant authorities.

Or. en

Justification

In accordance with the recommendations of the European Data Protection Supervisor (para 138).

Amendment 786

Cecilia Wikström, Gérard Deprez, Louis Michel, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 49 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Each Member State shall ensure that the supervisory authority or authorities designated pursuant to Article

51 of Regulation (EU)2016/679 and Article 41 of Directive (EU) 2016/680 shall monitor the lawfulness of the processing of personal data under this Regulation

Or. en

**Amendment 787
Cornelia Ernst**

**Proposal for a regulation
Article 49 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1 a. Each Member State shall ensure that the supervisory authority or authorities designated pursuant to Article 51 of Regulation (EU) 2016/679 and Article 41 of Directive (EU) 2016/680 shall monitor the lawfulness of the processing of personal data under this Regulation.

Or. en

**Amendment 788
Monika Hohlmeier, Heinz K. Becker**

**Proposal for a regulation
Article 49 – paragraph 2**

Text proposed by the Commission

Amendment

2. Member States shall ensure that their supervisory authority has sufficient resources to fulfil the tasks entrusted to it under this Regulation.

2. Member States shall ensure that their supervisory authority has sufficient resources to fulfil the tasks entrusted to it under this Regulation. ***Member States shall grant the supervisory authority access to their logs when facts justify the assumption of severe data protection breaches without prejudice to constraints imposed by national security interests.***

Amendment 789

Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation
Article 49 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that their supervisory authority has sufficient resources to fulfil the tasks entrusted to it under this Regulation.

Amendment

2. Member States shall ensure that their supervisory authority has sufficient **additional** resources, **including both human and financial resources**, to fulfil the tasks entrusted to it under this Regulation.

Or. en

Justification

It is clear that interoperability will place a significant additional burden on national supervisory authorities. The need for sufficient resources will inevitably require more resources than presently made available to national supervisory authorities, including both more staff and a larger budget.

Amendment 790

Bodil Valero

Proposal for a regulation
Article 50 – paragraph 1

Text proposed by the Commission

The European Data Protection Supervisor shall ensure that an audit of eu-LISA's personal data processing activities is carried out in accordance with relevant international auditing standards at least every **four** years. A report of that audit shall be sent to the European Parliament, the Council, eu-LISA, the Commission and the Member States. eu-LISA shall be given an opportunity to make comments before

Amendment

The European Data Protection Supervisor shall ensure that an audit of eu-LISA's personal data processing activities is carried out in accordance with relevant international auditing standards at least every **two** years. A report of that audit shall be sent to the European Parliament, the Council, eu-LISA, the Commission and the Member States. eu-LISA shall be given an opportunity to make comments before the

the reports are adopted.

reports are adopted.

Or. en

Justification

Aligned with EDPS audit of the logs of queries in ESP and shared BMS. Four years would have been impossible with logs only retained for one year, as proposed by the Commission.

Amendment 791

Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

**Proposal for a regulation
Article 50 – paragraph 1**

Text proposed by the Commission

The European Data Protection Supervisor shall ensure that an audit of eu-LISA's personal data processing activities is carried out in accordance with relevant international auditing standards at least every four years. A report of that audit shall be sent to the European Parliament, the Council, eu-LISA, the Commission and the Member States. eu-LISA shall be given an opportunity to make comments before the reports are adopted.

Amendment

The European Data Protection Supervisor shall ensure that an audit of eu-LISA's personal data processing activities is carried out in accordance with relevant international auditing standards at least every four years. A report of that audit shall be sent to the European Parliament, the Council, eu-LISA, the Commission and the Member States. eu-LISA shall be given an opportunity to make comments before the reports are adopted. ***The EU Budgetary Authority shall ensure that the European Data Protection Supervisor has sufficient additional resources, including both human and financial resources, to fulfil the tasks entrusted to it under this Regulation.***

Or. en

Justification

As for national supervisory authorities, so interoperability will place a significant additional burden on the European Data Protection Supervisor. The need for sufficient resources will inevitably require more resources that presently made available to the EDPS, including both more staff and a larger budget.

Amendment 792
Sophia in 't Veld

Proposal for a regulation
Article 50 – paragraph 1

Text proposed by the Commission

The European Data Protection Supervisor shall ensure that an audit of eu-LISA's personal data processing activities is carried out in accordance with relevant international auditing standards at least every four years. A report of that audit shall be sent to the European Parliament, the Council, eu-LISA, the Commission and the Member States. eu-LISA shall be given an opportunity to make comments before the reports are adopted.

Amendment

The European Data Protection Supervisor shall ensure that an audit of eu-LISA's personal data processing activities is carried out in accordance with relevant international auditing standards at least every four years. A report of that audit shall be sent to the European Parliament, the Council, eu-LISA, the Commission and the Member States. eu-LISA shall be given an opportunity to make comments before the reports are adopted. ***The EDPS shall be endowed with sufficient resources to fulfil the tasks entrusted to it under this Regulation.***

Or. en

Amendment 793

Cecilia Wikström, Gérard Deprez, Louis Michel, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Article 50 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The European Commission, the European Parliament and Member States shall ensure that the European Data Protection Supervisor has sufficient resources to fulfil the tasks entrusted to it under this Regulation.

Or. en

Amendment 794
Cornelia Ernst

Proposal for a regulation
Article 50 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The EDPS should be provided with sufficient resources to fulfil the tasks entrusted to it under this Regulation.

Or. en

Amendment 795
Cornelia Ernst

Proposal for a regulation
Article 51 – title

Text proposed by the Commission

Amendment

Cooperation ***between national supervisory authorities and the European Data Protection Supervisor***

Cooperation ***and supervision***

Or. en

Amendment 796
Cornelia Ernst

Proposal for a regulation
Article 51 – paragraph 1

Text proposed by the Commission

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***

1. The European Data Protection Supervisor shall act in close cooperation with national supervisory authorities ***in accordance with Article 61 of Regulation (EU) XXXX/2018 [revised Regulation 45/2001].***

interoperability components, or in the context of questions raised by one or more national supervisory authorities on the implementation and interpretation of this Regulation.

Or. en

Amendment 797

Bodil Valero

Proposal for a regulation

Article 51 – 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 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.

Amendment

1. The European Data Protection Supervisor shall act in close cooperation with national supervisory authorities **and the European Data Protection Board** 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.

Or. en

Amendment 798

Cornelia Ernst

Proposal for a regulation

Article 51 – paragraph 2

Text proposed by the Commission

2. ***In the cases referred to in***

Amendment

2. Coordinated supervision shall be

paragraph 1, coordinated supervision shall be ensured in accordance with Article 62 of Regulation (EU) XXXX/2018 [revised Regulation 45/2001].

ensured in accordance with Article 62 of Regulation (EU) XXXX/2018 [revised Regulation 45/2001].

Or. en

Amendment 799

Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation Article 52 – paragraph 1

Text proposed by the Commission

1. eu-LISA shall ensure that the central infrastructures of the interoperability components are operated in accordance with this Regulation.

Amendment

1. eu-LISA shall ensure that the central infrastructures of the interoperability components are operated in accordance with this Regulation. ***In that respect, eu-LISA shall follow the principles of data protection by design and by default.***

Or. en

Amendment 800

Bodil Valero

Proposal for a regulation Article 52 – paragraph 3 – subparagraph 1

Text proposed by the Commission

eu-LISA shall be responsible for the development of the ***interoperability*** components, for any adaptations required for establishing ***interoperability between*** the central systems of the EES, VIS, [ETIAS], SIS, and Eurodac, and [the ECRIS-TCN system], and the European search portal, the shared biometric matching service, ***the common identity repository and the multiple-identity detector.***

Amendment

eu-LISA shall be responsible for the development of the ***accessibility*** components, for any adaptations required for establishing ***accessibility of*** the central systems of the EES, VIS, [ETIAS], SIS, and Eurodac, and [the ECRIS-TCN system], and the European search portal ***and*** the shared biometric matching service.

Amendment 801

Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation**Article 52 – paragraph 3 – subparagraph 1***Text proposed by the Commission*

eu-LISA shall be responsible for the development of the interoperability components, for any adaptations required for establishing interoperability between the central systems of the EES, VIS, [ETIAS], SIS, and Eurodac, and [the ECRIS-TCN system], and the European search portal, the shared biometric matching service, *the common identity repository* and the multiple-identity detector.

Amendment

eu-LISA shall be responsible for the development of the interoperability components, for any adaptations required for establishing interoperability between the central systems of the EES, VIS, [ETIAS], SIS, and Eurodac, and [the ECRIS-TCN system], and the European search portal, the shared biometric matching service, and the multiple-identity detector.

Amendment 802

Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation**Article 52 – paragraph 3 – subparagraph 4***Text proposed by the Commission*

The development shall consist of the elaboration and implementation of the technical specifications, testing and overall project coordination.

Amendment

The development shall consist of the elaboration and implementation of the technical specifications, testing and overall project coordination. *In that regard, the tasks of eu-LISA shall also be:*
(a) perform a security risk assessment;
(b) follow the principles of privacy by design and by default during the entire lifecycle of the development of the interoperability components and;
(c) conduct a security risk assessment

regarding the interoperability of EU information systems, interoperability components, Europol data and Interpol databases

Or. en

Justification

Inline with the recommendations of the European Data Protection Supervisor (paras 108 and 109).

Amendment 803
Cornelia Ernst

Proposal for a regulation
Article 52 – paragraph 3 – subparagraph 4

Text proposed by the Commission

The development shall consist of the elaboration and implementation of the technical specifications, testing and overall project coordination.

Amendment

The development shall consist of the elaboration and implementation of the technical specifications, testing and overall project coordination, *including the provision of technical solutions that would exclude the creation of links on EU or dual citizens that are recorded in the SIS or for types of alerts that are not relating to terrorist offences or serious criminal offences as defined in the present Regulation.*

Or. en

Amendment 804
Cornelia Ernst

Proposal for a regulation
Article 52 – paragraph 3 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

eu-LISA shall ensure the application of the principle of privacy by design during

design and development stage.

Or. en

Amendment 805

Cornelia Ernst

Proposal for a regulation

Article 52 – paragraph 5 – subparagraph 1

Text proposed by the Commission

The Programme Management Board shall meet regularly and at least three times per quarter. It shall ensure the adequate management of the design and development phase of the interoperability components.

Amendment

The Programme Management Board shall meet regularly and at least three times per quarter. It shall ensure the adequate management of the design and development phase of the interoperability components. *Where relevant, experts to provide independent advice in matters relating to data protection shall be invited to the meetings.*

Or. en

Amendment 806

Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation

Article 53 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Eu.LISA shall perform regular information security risk assessments for the interoperability components, implement a comprehensive information security risk management process and follow the principles of privacy by design and by default during the entire lifecycle of those interoperability components.

Or. en

Justification

In line with recommendations of the European Data Protection Supervisor (paras 108 and 109).

Amendment 807

Bodil Valero

Proposal for a regulation

Article 53 – paragraph 2

Text proposed by the Commission

2. Without prejudice to Article 17 of the Staff Regulations of Officials of the European Union, eu-LISA shall apply appropriate rules of professional secrecy or other equivalent duties of confidentiality to its entire staff required to work with data ***stored in the interoperability*** components. This obligation shall also apply after such staff leave office or employment or after the termination of their activities.

Amendment

2. Without prejudice to Article 17 of the Staff Regulations of Officials of the European Union, eu-LISA shall apply appropriate rules of professional secrecy or other equivalent duties of confidentiality to its entire staff required to work with data ***accessed through the accessibility*** components. This obligation shall also apply after such staff leave office or employment or after the termination of their activities.

Or. en

Amendment 808

Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation

Article 53 – paragraph 3

Text proposed by the Commission

3. ***eu-LISA shall develop and maintain a mechanism and procedures for carrying out quality checks on the data stored in the shared biometric matching service and the common identity repository in accordance with Article 37.***

Amendment

deleted

Or. en

Justification

The Common Identity Repository is not necessary to achieve the objectives of interoperability. Likewise, it is not necessary to store biometric templates in the BMS in order to achieve the objectives of interoperability

Amendment 809

Bodil Valero

Proposal for a regulation

Article 53 – paragraph 3

Text proposed by the Commission

3. eu-LISA shall develop and maintain a mechanism and procedures for carrying out quality checks on the data ***stored in*** the shared biometric matching service ***and the common identity repository*** in accordance with Article 37.

Amendment

3. eu-LISA shall develop and maintain a mechanism and procedures for carrying out quality checks on the data ***accessed through*** the shared biometric matching service in accordance with Article 37.

Or. en

Amendment 810

Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation

Article 54 – paragraph 1 – point a

Text proposed by the Commission

(a) the connection to the communication infrastructure of the European search portal (ESP) ***and the common identity repository (CIR)***;

Amendment

(a) the connection to the communication infrastructure of the European search portal (ESP);

Or. en

Amendment 811

Bodil Valero

Proposal for a regulation

Article 54 – paragraph 1 – point a

Text proposed by the Commission

(a) the connection to the communication infrastructure of the European search portal (ESP) **and the common identity repository (CIR)**;

Amendment

(a) the connection to the communication infrastructure of the European search portal (ESP);

Or. en

Amendment 812

Bodil Valero

Proposal for a regulation

Article 54 – paragraph 1 – point b

Text proposed by the Commission

(b) the integration of the existing national systems and infrastructures with the ESP, shared biometric matching service, **the CIR and the multiple-identity detector**;

Amendment

(b) the integration of the existing national systems and infrastructures with the ESP **and the** shared biometric matching service;

Or. en

Amendment 813

Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation

Article 54 – paragraph 1 – point b

Text proposed by the Commission

(b) the integration of the existing national systems and infrastructures with the ESP, shared biometric matching service, **the CIR** and the multiple-identity detector;

Amendment

(b) the integration of the existing national systems and infrastructures with the ESP, shared biometric matching service, and the multiple-identity detector;

Or. en

Amendment 814

Bodil Valero

Proposal for a regulation

Article 54 – paragraph 1 – point d

Text proposed by the Commission

(d) the management of, and arrangements for, access by the duly authorised staff, and by the duly empowered staff, of the competent national authorities to the ESP, *the CIR* and the *multiple-identity detector* in accordance with this Regulation and the creation and regular update of a list of those staff and their profiles;

Amendment

(d) the management of, and arrangements for, access by the duly authorised staff, and by the duly empowered staff, of the competent national authorities to the ESP and the *shared BMS* in accordance with this Regulation and the creation and regular update of a list of those staff and their profiles;

Or. en

Amendment 815

Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation

Article 54 – paragraph 1 – point d

Text proposed by the Commission

(d) the management of, and arrangements for, access by the duly authorised staff, and by the duly empowered staff, of the competent national authorities to the ESP, *the CIR* and the multiple-identity detector in accordance with this Regulation and the creation and regular update of a list of those staff and their profiles;

Amendment

(d) the management of, and arrangements for, access by the duly authorised staff, and by the duly empowered staff, of the competent national authorities to the ESP, and the multiple-identity detector in accordance with this Regulation and the creation and regular update of a list of those staff and their profiles;

Or. en

Amendment 816

Bodil Valero

Proposal for a regulation

Article 54 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) the adoption of the legislative measures referred to in Article 20(3) in order to access the CIR for identification purposes;

deleted

Or. en

Amendment 817

Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation

Article 54 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) the adoption of the legislative measures referred to in Article 20(3) in order to access *the CIR* for identification purposes;

(e) the adoption of the legislative measures referred to in Article 20(3) in order to access *EU information systems* for identification purposes;

Or. en

Amendment 818

Bodil Valero

Proposal for a regulation

Article 54 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) the manual verification of different identities referred to in Article 29;

deleted

Or. en

Amendment 819

Cecilia Wikström, Gérard Deprez, Louis Michel, Maite Pagazaurtundúa Ruiz, Nathalie

Griesbeck, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 54 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(g a) fully complying with the rules of each IT-system to ensure the security and integrity of personal data;

Or. en

Amendment 820

Cecilia Wikström, Gérard Deprez, Louis Michel, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 54 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(h a) reporting any security incidents involving personal data to the Commission, eu-LISA, the national supervisory authorities and the European Data Protection Supervisor

Or. en

Amendment 821

Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation

Article 54 – paragraph 2

Text proposed by the Commission

Amendment

2. Each Member State shall connect their designated authorities referred to in Article 4(24) to the CIR.

deleted

Or. en

Amendment 822

Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation

Article 54a – paragraph 2

Text proposed by the Commission

2. Europol shall be responsible for the management of, and arrangements for, its duly authorised staff to use and access respectively the ESP *and the CIR* in accordance with this Regulation and the creation and regular update of a list of those staff and their profiles.

Amendment

2. Europol shall be responsible for the management of, and arrangements for, its duly authorised staff to use and access respectively the ESP in accordance with this Regulation and the creation and regular update of a list of those staff and their profiles.

Or. en

Amendment 823

Bodil Valero

Proposal for a regulation

Article 55

Text proposed by the Commission

Article 55

Responsibilities of the ETIAS Central Unit

The ETIAS Central Unit shall be responsible for:

(a) the manual verification of different identities referred to in Article 29;

(b) carrying out a multiple-identity detection between the data stored in the VIS, Eurodac and the SIS referred to in Article 59.

Amendment

deleted

Or. en

Amendment 824

Gérard Deprez, Louis Michel, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck, Morten Helveg Petersen, Angelika Mlinar

Proposal for a regulation

Article 55 a (new)

Text proposed by the Commission

Amendment

Article 55 a

Penalties

Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

Or. en

Amendment 825

Cornelia Ernst

Proposal for a regulation

Article 55a

Text proposed by the Commission

Amendment

[Article 55a

deleted

*Amendments to Regulation (EU) 2018/XX
[the Eurodac Regulation]]*

Or. en

Amendment 826

Cornelia Ernst

Proposal for a regulation

Article 55b

Text proposed by the Commission

Amendment

Article 55b

deleted

Amendments to Regulation (EU) 2018/XX
[the SIS Regulation in the field of law
enforcement]

[...]

Or. en

Amendment 827

Miriam Dalli

on behalf of the S&D Group

Proposal for a regulation

Article 55b – paragraph 1

Regulation (EU) 2018/XX [the SIS Regulation in the field of law enforcement]

Article 3 – paragraph 1 – point s

Text proposed by the Commission

Amendment

(s) **'CIR' means the common identity** **deleted**
repository as referred to in [Article 17 of
Regulation 2018/XX on interoperability];

Or. en

Justification

As the CIR is unnecessary to achieve the aims of interoperability, it should be deleted. This amendment is tabled for consistency purposes.

Amendment 828

Bodil Valero

Proposal for a regulation

Article 55b – paragraph 1

Regulation (EU) 2018/XX [the SIS Regulation in the field of law enforcement]

Article 3 – paragraph 1 – point s

Text proposed by the Commission

Amendment

(s) *'CIR' means the common identity repository as referred to in [Article 17 of Regulation 2018/XX on interoperability];* *deleted*

Or. en

Justification

Aligned with the deletion of CIR in the interoperability proposals.

Amendment 829

Bodil Valero

Proposal for a regulation

Article 55b – paragraph 1

Regulation (EU) 2018/XX [the SIS Regulation in the field of law enforcement]

Article 3 – paragraph 1 – point t

Text proposed by the Commission

Amendment

(t) *'MID' means the multiple-identity detector as defined in [Article 25 of Regulation 2018/XX on interoperability].* *deleted*

Or. en

Justification

Aligned with the deletion of MID in the interoperability proposals.

Amendment 830

Bodil Valero

Proposal for a regulation

Article 55b – paragraph 2 – point a

Regulation (EU) 2018/XX [the SIS Regulation in the field of law enforcement]

Article 4 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) a secure communication infrastructure between CS-SIS and the central infrastructures of the European Search Portal (ESP) established in accordance with [Article 6 of Regulation 2018/XX on interoperability], the shared biometric matching service (BMS) established in accordance with [Article 12 of Regulation 2018/XX on interoperability] **and the multiple identity detector (MID) established in accordance with [Article 25 of Regulation 2018/XX on interoperability].**

(d) a secure communication infrastructure between CS-SIS and the central infrastructures of the European Search Portal (ESP) established in accordance with [Article 6 of Regulation 2018/XX on interoperability], **and** the shared biometric matching service (BMS) established in accordance with [Article 12 of Regulation 2018/XX on interoperability].

Or. en

Justification

Aligned with the deletion of MID in the interoperability proposals.

Amendment 831
Bodil Valero

Proposal for a regulation
Article 55b – paragraph 3

Regulation (EU) 2018/XX [the SIS Regulation in the field of law enforcement]
Article 7 – paragraph 2a

Text proposed by the Commission

Amendment

In Article 7 the following paragraph 2a is added:

deleted

"2a. The SIRENE Bureaux shall also ensure the verification of different identities in accordance with [Article 29 Regulation 2018/XX on interoperability]. To the extent necessary to carry out this task, the SIRENE Bureaux shall have access to consulting the data stored in the CIR for the purposes laid down in [Article 21 of Regulation 2018/XX on interoperability]."

Justification

Aligned with the deletion of CIR in the interoperability proposals.

Amendment 832

Miriam Dalli

on behalf of the S&D Group

Proposal for a regulation

Article 55b – paragraph 3

Regulation (EU) 2018/XX [the SIS Regulation in the field of law enforcement]

Article 7 – paragraph 2a

Text proposed by the Commission

The SIRENE Bureaux shall also ensure the verification of different identities in accordance with [Article 29 Regulation 2018/XX on interoperability]. ***To the extent necessary to carry out this task, the SIRENE Bureaux shall have access to consulting the data stored in the CIR for the purposes laid down in [Article 21 of Regulation 2018/XX on interoperability].***

Amendment

The SIRENE Bureaux shall also ensure the verification of different identities in accordance with [Article 29 Regulation 2018/XX on interoperability].

Justification

As the CIR is unnecessary to achieve the aims of interoperability, it should be deleted. This amendment is tabled for consistency purposes.

Amendment 833

Nuno Melo

Proposal for a regulation

Article 55b – paragraph 4

Regulation (EU) 2018/XX [the SIS Regulation in the field of law enforcement]

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

In Article 8, paragraph 4 is deleted.

deleted

Or. en

Justification

The deletion of the Article 8 (4) and the SIRENE manual was a mistake from the European Commission.

Amendment 834

Bodil Valero

Proposal for a regulation

Article 55b – paragraph 6

Regulation (EU) 2018/XX [the SIS Regulation in the field of law enforcement]

Article 43 – paragraph 1 – point g

Text proposed by the Commission

Amendment

In Article 43(1), the following point (g) is added:

deleted

“(g) verifying different identities and combating identity fraud in accordance with [Chapter V of Regulation 2018/XX on interoperability].”

Or. en

Justification

Aligned with the deletion of MID in the interoperability proposals.

Amendment 835

Bodil Valero

Proposal for a regulation

Article 55b – paragraph 7

Regulation (EU) 2018/XX [the SIS Regulation in the field of law enforcement]

Article 71 – paragraph 6

Text proposed by the Commission

Amendment

In Article 71, paragraph 6, is replaced by the following: ***deleted***

"6. For the purpose of paragraphs 3, 4 and 5 of this Article and of Article 15(5), the Agency shall store data referred to in paragraph 3 of this Article and in Article 15(5) which shall not allow for the identification of individuals in the central repository for reporting and statistics referred to in [Article 39 of the Regulation 2018/XX on interoperability].

The Agency shall allow the Commission and the agencies referred to in paragraph 5 to obtain bespoke reports and statistics. Upon request, the Agency shall give access to Member States, the Commission, Europol, and the European Border and Coast Guard Agency to the central repository in accordance with [Article 39 of the Regulation 2018/XX on interoperability]."

Or. en

Justification

Aligned with the deletion of the CRRS in the interoperability proposals.

Amendment 836
Cornelia Ernst

Proposal for a regulation
Article 55c

Text proposed by the Commission

Amendment

Article 55c ***deleted***

Amendments to Regulation (EU) 2018/XX
[the ECRIS-TCN Regulation]

[...]

Or. en

Amendment 837

Bodil Valero

Proposal for a regulation

Article 55c

Text proposed by the Commission

Amendment

Article 55c

deleted

*Amendments to Regulation (EU) 2018/XX
[the ECRIS-TCN Regulation]*

[...]

Or. en

Justification

Changing the scope of the ECRIS-TCN system from identifying the Member State holding criminal record information on TCNs to fighting identity fraud is unnecessary, disproportionate and contrary to the current trilogue negotiations between Council and EP on the ECRIS-TCN Regulation.

Amendment 838

Miriam Dalli

on behalf of the S&D Group

Proposal for a regulation

Article 55c – paragraph 1

Regulation (EU) 2018/XX [the ECRIS-TCN Regulation]

Article 1 – point c

Text proposed by the Commission

Amendment

(c) the conditions under which the ECRIS-TCN system contributes to facilitating and assisting in the correct identification of persons registered in the

(c) the conditions under which the ECRIS-TCN system contributes to facilitating and assisting in the correct identification of persons registered in the

ECRIS-TCN system under the conditions and for the ultimate objectives referred to in [Article 20 of Regulation 2018/XX on interoperability], by storing identity, travel document *and biometric data in the common identity repository (CIR) established by [Article 17 of Regulation 2018/XX on interoperability].*”

ECRIS-TCN system under the conditions and for the ultimate objectives referred to in [Article 20 of Regulation 2018/XX on interoperability], by storing identity, travel document.

Or. en

Justification

As the CIR is unnecessary to achieve the aims of interoperability, it should be deleted. This amendment is tabled for consistency purposes.

Amendment 839

Miriam Dalli

on behalf of the S&D Group

Proposal for a regulation

Article 55c – paragraph 4

Regulation (EU) 2018/XX [the ECRIS-TCN Regulation]

Article 3

Text proposed by the Commission

Amendment

(a) The following points are added to Article 3:

deleted

“(q) ‘CIR’ means the common identity repository as defined in [Article 4(35) of Regulation 2018/XX on interoperability];

(r) ‘ECRIS-TCN data’ means all data stored in the ECRIS-TCN Central System and in the CIR in accordance with Article 5.”

(b) in point (n) the words ‘Central System’ are replaced by the words ‘the ECRIS-TCN Central System and the CIR’.

Or. en

Justification

As the CIR is unnecessary to achieve the aims of interoperability, it should be deleted. This amendment is tabled for consistency purposes.

Amendment 840

Miriam Dalli

on behalf of the S&D Group

Proposal for a regulation

Article 55c – paragraph 5

Regulation (EU) 2018/XX [the ECRIS-TCN Regulation]

Article 4 – paragraph 1

Text proposed by the Commission

Amendment

Article 4(1) is amended as follows: deleted

(a) point (a) is replaced by the following:

"(a) the common identity repository (CIR) as referred to in [Article 17(2)(a) of Regulation 2018/XX on interoperability];"

(b) the following point (ab) is inserted:

(ab) a Central System (ECRIS-TCN Central System);"

(c) the following point (e) is added:

"(e) a secure communication infrastructure between the ECRIS-TCN Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2018/XX on interoperability], the shared biometric matching service established by [Article 12 of Regulation 2018/XX on interoperability], the CIR established by [Article 17 of Regulation 2018/XX on interoperability] and the multiple-identity detector established by [Article 25 of Regulation 2018/XX on interoperability]."

Or. en

Justification

As the CIR is unnecessary to achieve the aims of interoperability, it should be deleted. This amendment is tabled for consistency purposes.

Amendment 841

Bodil Valero

Proposal for a regulation

Article 55c – paragraph 5

Regulation (EU) 2018/XX [the ECRIS-TCN Regulation]

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) point (a) is replaced by the following: *deleted*

"(a) the common identity repository (CIR) as referred to in [Article 17(2)(a) of Regulation 2018/XX on interoperability];"

Or. en

Justification

In line with the deletion of CIR in the interoperability proposals.

Amendment 842

Bodil Valero

Proposal for a regulation

Article 55c – paragraph 5 – point c

Regulation (EU) 2018/XX [the ECRIS-TCN Regulation]

Article 4 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) a secure communication infrastructure between the ECRIS-TCN Central System and the central infrastructures of the European search

(e) a secure communication infrastructure between the ECRIS-TCN Central System and the central infrastructures of the European search

portal established by [Article 6 of Regulation 2018/XX on interoperability], the shared biometric matching service established by [Article 12 of Regulation 2018/XX on interoperability], **the CIR established by [Article 17 of Regulation 2018/XX on interoperability] and the multiple-identity detector established by [Article 25 of Regulation 2018/XX on interoperability].**

portal established by [Article 6 of Regulation 2018/XX on interoperability], **and** the shared biometric matching service established by [Article 12 of Regulation 2018/XX on interoperability].

Or. en

Justification

In line with the deletion of CIR and MID in the interoperability proposals.

Amendment 843

Miriam Dalli

on behalf of the S&D Group

Proposal for a regulation

Article 55c – paragraph 6

Regulation (EU) 2018/XX [the ECRIS-TCN Regulation]

Article 5 – paragraph 1a

Text proposed by the Commission

Amendment

In Article 5 the following paragraph 1a is inserted: ***deleted***

"1a. The CIR shall contain the data referred to in Article 5(1)(b) and 5(2) and the following data of Article 5(1)(a): surname (family name); first name(s) (given name(s)); date of birth; place of birth (town and country); nationality or nationalities; gender; the type and number of the person's travel document(s), as well as the name of the issuing authority thereof; and where applicable previous names, pseudonyms(s) and/or alias name(s). The remaining ECRIS-TCN data shall be stored in the ECRIS-TCN Central

System.”

Or. en

Justification

As the CIR is unnecessary to achieve the aims of interoperability, it should be deleted. This amendment is tabled for consistency purposes.

Amendment 844

Miriam Dalli

on behalf of the S&D Group

Proposal for a regulation

Article 55c – paragraph 7

Regulation (EU) 2018/XX [the ECRIS-TCN Regulation]

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

In Article 8, paragraph 2 is replaced by the following:

deleted

"2. Upon expiry of the retention period referred to in paragraph 1, the central authority of the convicting Member State shall erase the data record, including any fingerprints and facial images, without undue delay from the ECRIS-TCN Central System and the CIR"

Or. en

Justification

As the CIR is unnecessary to achieve the aims of interoperability, it should be deleted. This amendment is tabled for consistency purposes.

Amendment 845

Miriam Dalli

on behalf of the S&D Group

Proposal for a regulation

Article 55c – paragraph 8

Regulation (EU) 2018/XX [the ECRIS-TCN Regulation]

Article 9

Text proposed by the Commission

Amendment

In Article 9, in paragraphs 1, 2, 3 and 4, the words ‘Central System’ are replaced by the words ‘the ECRIS-TCN Central System and the CIR’. ***deleted***

Or. en

Justification

As the CIR is unnecessary to achieve the aims of interoperability, it should be deleted. This amendment is tabled for consistency purposes.

Amendment 846

Miriam Dalli

on behalf of the S&D Group

Proposal for a regulation

Article 55c – paragraph 9

Regulation (EU) 2018/XX [the ECRIS-TCN Regulation]

Article 12 – paragraph 2

Text proposed by the Commission

Amendment

In Article 12(2) the words ‘Central System’ are replaced by the words ‘the ECRIS-TCN Central System and the CIR’. ***deleted***

Or. en

Justification

As the CIR is unnecessary to achieve the aims of interoperability, it should be deleted. This amendment is tabled for consistency purposes.

Amendment 847

Miriam Dalli

on behalf of the S&D Group

Proposal for a regulation

Article 55c – paragraph 10

Regulation (EU) 2018/XX [the ECRIS-TCN Regulation]

Article 13

Text proposed by the Commission

Amendment

In Article 13, in paragraphs 2 and 3, the words ‘Central System’ are replaced by the words ‘the ECRIS-TCN Central System and the CIR’. *deleted*

Or. en

Justification

As the CIR is unnecessary to achieve the aims of interoperability, it should be deleted. This amendment is tabled for consistency purposes.

Amendment 848

Miriam Dalli

on behalf of the S&D Group

Proposal for a regulation

Article 55c – paragraph 11

Regulation (EU) 2018/XX [the ECRIS-TCN Regulation]

Article 21 – paragraph 2

Text proposed by the Commission

Amendment

In Article 21(2) the words ‘Central System’ are replaced by the words ‘the ECRIS-TCN Central System and the CIR’. *deleted*

Or. en

Justification

As the CIR is unnecessary to achieve the aims of interoperability, it should be deleted. This

amendment is tabled for consistency purposes.

Amendment 849

Miriam Dalli

on behalf of the S&D Group

Proposal for a regulation

Article 55c – paragraph 12 – point a

Regulation (EU) 2018/XX [the ECRIS-TCN Regulation]

Article 22 – paragraph 1

Text proposed by the Commission

Amendment

(a) Paragraph 1 is replaced by the following: *deleted*

“1. The data included in the Central System and the CIR shall only be processed for the purposes of the identification of the Member State(s) holding the criminal records information of third country nationals, as well as for facilitating and assisting in the correct identification of persons registered in the ECRIS-TCN.”

Or. en

Justification

As the CIR is unnecessary to achieve the aims of interoperability, it should be deleted. This amendment is tabled for consistency purposes.

Amendment 850

Miriam Dalli

on behalf of the S&D Group

Proposal for a regulation

Article 55c – paragraph 12 – point b

Regulation (EU) 2018/XX [the ECRIS-TCN Regulation]

Article 22 – paragraph 3

Text proposed by the Commission

Access to consulting the ECRIS-TCN data stored *in the CIR* shall be reserved exclusively for the duly authorised staff of the national authorities of each Member State and for the duly authorised staff of the Union bodies that are competent for the purposes laid down in [Article 20 and Article 21 of Regulation 2018/XX on interoperability]. That access shall be limited to the extent necessary for the performance of the tasks of those national authorities and Union bodies in accordance with those purposes and shall be proportionate to the objectives pursued.

Amendment

Access to consulting the ECRIS-TCN data stored shall be reserved exclusively for the duly authorised staff of the national authorities of each Member State and for the duly authorised staff of the Union bodies that are competent for the purposes laid down in [Article 20 and Article 21 of Regulation 2018/XX on interoperability]. That access shall be limited to the extent necessary for the performance of the tasks of those national authorities and Union bodies in accordance with those purposes and shall be proportionate to the objectives pursued.

Or. en

Justification

As the CIR is unnecessary to achieve the aims of interoperability, it should be deleted. This amendment is tabled for consistency purposes.

Amendment 851

Miriam Dalli

on behalf of the S&D Group

Proposal for a regulation

Article 55c – paragraph 14

Regulation (EU) 2018/XX [the ECRIS-TCN Regulation]

Article 31 – paragraph 1

Text proposed by the Commission

In Article 31(1) the words ‘Central System’ are replaced by the words ‘the ECRIS-TCN Central System and the CIR’.

Amendment

deleted

Or. en

Justification

As the CIR is unnecessary to achieve the aims of interoperability, it should be deleted. This amendment is tabled for consistency purposes.

Amendment 852

Miriam Dalli

on behalf of the S&D Group

Proposal for a regulation

Article 55c – paragraph 15

Regulation (EU) 2018/XX [the ECRIS-TCN Regulation]

Article 38 – paragraph 2

Text proposed by the Commission

Amendment

In Article 38(2) the words ‘Central System’ are replaced by the words ‘the ECRIS-TCN Central System and the CIR’. **deleted**

Or. en

Justification

As the CIR is unnecessary to achieve the aims of interoperability, it should be deleted. This amendment is tabled for consistency purposes.

Amendment 853

Cornelia Ernst

Proposal for a regulation

Article 55d

Text proposed by the Commission

Amendment

Article 55d **deleted**

Amendments to Regulation (EU) 2018/XX
[Regulation on eu-LISA]

[...]

Amendment 854

Bodil Valero

Proposal for a regulation

Article 55d – paragraph 1

Regulation (EU) 2018/XX [Regulation on eu-LISA]

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. *eu-LISA shall establish a central repository for reporting and statistics in accordance with [Article 39 of Regulation 2018/XX on interoperability].* **deleted**

Or. en

Justification

In line with the deletion of CRRS in the interoperability proposals.

Amendment 855

Bodil Valero

Proposal for a regulation

Article 55d – paragraph 2

Regulation (EU) 2018/XX [Regulation on eu-LISA]

Article 9

Text proposed by the Commission

Amendment

" Article 9 **deleted**

Interoperability

Where the interoperability of large-scale IT systems has been stipulated in a relevant legislative instrument the Agency shall develop the necessary actions conferred on it by those legislative instruments to enable that

interoperability."

Or. en

Justification

Not necessary – this is already the text agreed in the eu-LISA Regulation adopted by EP in the July plenary.

Amendment 856
Sophia in 't Veld

Proposal for a regulation
Article -56 (new)

Text proposed by the Commission

Amendment

Article -56

Access by third country jurisdictions

With reference to Article 48 of Regulation (EU) 2016/679, Directive (EU) 2016/680, and Articles XIV and XIV bis of the General Agreement on Trade in Services, companies present in a third country jurisdiction where they may be subject to (court) orders or subpoenas by third country authorities requiring them to retrieve data from the interoperability components or different information systems made interoperable, shall be excluded from preparing, designing, developing, hosting or managing any part of an interoperability component, or processing personal data of these systems.

Or. en

Amendment 857
Miriam Dalli, Péter Niedermüller, Tanja Fajon, Cécile Kashetu Kyenge, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 56 – paragraph 1 – introductory part

Text proposed by the Commission

1. The duly authorised staff of the competent authorities of Member States, **the Commission** and eu-LISA shall have access to consult the following data related to the European search portal (ESP), solely for the purposes of reporting and statistics without enabling individual identification:

Amendment

1. The duly authorised staff of the competent authorities of Member States and eu-LISA shall have access to consult the following data related to the European search portal (ESP), solely for the purposes of reporting and statistics without enabling individual identification:

Or. en

Amendment 858
Cornelia Ernst

Proposal for a regulation
Article 56 – paragraph 1 – introductory part

Text proposed by the Commission

1. The duly authorised staff of the competent authorities of Member States, the Commission and eu-LISA shall have access to consult the following data related to the European search portal (ESP), solely for the purposes of reporting and statistics without enabling individual identification:

Amendment

1. The duly authorised staff of the competent authorities of Member States, the Commission and eu-LISA shall have access to consult the following data related to the European search portal (ESP), solely for the purposes of reporting and statistics without enabling individual identification **and in accordance with the safeguards related to non-discrimination referred to in Article 5:**

Or. en

Amendment 859
Bodil Valero

Proposal for a regulation
Article 56 – paragraph 1 – point b

Text proposed by the Commission

(b) – *(not applicable)*.

Amendment

(b) **number of queries to each of the Interpol databases.**

Amendment 860

Miriam Dalli, Péter Niedermüller, Tanja Fajon, Cécile Kashetu Kyenge, Josef Weidenholzer, Ana Gomes

**Proposal for a regulation
Article 56 – paragraph 2**

Text proposed by the Commission

Amendment

2. The duly authorised staff of the competent authorities of Member States, the Commission and eu-LISA shall have access to consult the following data related to the common identity repository, solely for the purposes of reporting and statistics without enabling individual identification:

(a) number of queries for the purposes of Articles 20, 21 and 22;

(b) nationality, sex and year of birth of the person;

(c) the type of the travel document and the three-letter code of the issuing country;

(d) the number of searches conducted with and without biometric data.

deleted

Or. en

Justification

The Common Identity Repository is not necessary to achieve the objectives of interoperability and therefore should be deleted.

Amendment 861

Bodil Valero

**Proposal for a regulation
Article 56 – paragraph 2**

Text proposed by the Commission

Amendment

2. *The duly authorised staff of the competent authorities of Member States, the Commission and eu-LISA shall have access to consult the following data related to the common identity repository, solely for the purposes of reporting and statistics without enabling individual identification:* *deleted*

(a) number of queries for the purposes of Articles 20, 21 and 22;

(b) nationality, sex and year of birth of the person;

(c) the type of the travel document and the three-letter code of the issuing country;

(d) the number of searches conducted with and without biometric data.

Or. en

Amendment 862
Cornelia Ernst

Proposal for a regulation
Article 56 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) nationality, sex and year of birth of the person; *deleted*

Or. en

Justification

This will inevitably lead to identification of a person.

Amendment 863
Sophia in 't Veld

Proposal for a regulation
Article 56 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) nationality, sex and year of birth of the person;

(b) nationality, sex and year of birth of the person, ***which shall not lead to identification of the person concerned;***

Or. en

Amendment 864

Bodil Valero

Proposal for a regulation

Article 56 – paragraph 3

Text proposed by the Commission

Amendment

3. The duly authorised staff of the competent authorities of Member States, the Commission and eu-LISA shall have access to consult the following data related to the multiple-identity detector, solely for the purposes of reporting and statistics without enabling individual identification:

deleted

(a) nationality, sex and year of birth of the person;

(b) the type of the travel document and the three-letter code of the issuing country;

(c) the number of searches conducted with and without biometric data;

(d) the number of each type of link.

Or. en

Amendment 865

Miriam Dalli, Péter Niedermüller, Tanja Fajon, Cécile Kashetu Kyenge, Josef Weidenholzer

Proposal for a regulation

Article 56 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. The duly authorised staff of the competent authorities of Member States, ***the Commission*** and eu-LISA shall have access to consult the following data related to the multiple-identity detector, solely for the purposes of reporting and statistics without enabling individual identification:

3. The duly authorised staff of the competent authorities of Member States and eu-LISA shall have access to consult the following data related to the multiple-identity detector, solely for the purposes of reporting and statistics without enabling individual identification:

Or. en

Amendment 866
Cornelia Ernst

Proposal for a regulation
Article 56 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) ***nationality, sex and year of birth of the person;***

deleted

Or. en

Amendment 867
Sophia in 't Veld

Proposal for a regulation
Article 56 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) nationality, sex and year of birth of the person;

(a) nationality, sex and year of birth of the person, ***which shall not lead to identification of the person concerned;***

Or. en

Amendment 868
Bodil Valero

Proposal for a regulation
Article 56 – paragraph 5

5. For the purpose of paragraph 1 of this Article, eu-LISA shall store the data referred to in paragraph 1 of this Article in the central repository for reporting and statistics referred to in Chapter VII of this Regulation. The data included in the repository shall not enable the identification of individuals, but it shall allow the authorities listed in paragraph 1 of this Article to obtain customisable reports and statistics to enhance the efficiency of border checks, to help authorities processing visa applications and to support evidence-based policymaking on migration and security in the Union.

deleted

Or. en

Amendment 869
Cornelia Ernst

Proposal for a regulation
Article 56 – paragraph 5

5. For the purpose of paragraph 1 of this Article, eu-LISA shall store the data referred to in paragraph 1 of this Article in the central repository for reporting and statistics referred to in Chapter VII of this Regulation. The data included in the repository shall not enable the identification of individuals, but it shall allow the authorities listed in paragraph 1 of this Article to obtain customisable reports and statistics to enhance the efficiency of border checks, to help authorities processing visa applications and to support evidence-based policymaking on migration and security in the Union.

5. The data shall not enable the identification of individuals, but it shall allow the authorities listed in paragraph 1 of this Article to obtain customisable reports and statistics to enhance the efficiency of border checks **and** processing of visa applications. **The data shall also be made available to supervisory authorities to facilitate fulfilment of their tasks. When storing the data, eu-LISA shall take into account the principle of privacy by design and take proactive measures to ensure that the data will not lead to the identification of individuals.**

Or. en

Amendment 870

Miriam Dalli, Tanja Fajon, Péter Niedermüller, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation

Article 56 – paragraph 5

Text proposed by the Commission

5. For the purpose of paragraph 1 of this Article, eu-LISA shall store the data referred to in paragraph 1 of this Article in the central repository for reporting and statistics referred to in Chapter VII of this Regulation. The data included in the repository shall **not enable** the identification of individuals, but it shall allow the authorities listed in paragraph 1 of this Article to obtain customisable reports and statistics to enhance the efficiency of border checks, to help authorities processing visa applications and to support evidence-based policymaking on migration and security in the Union.

Amendment

5. For the purpose of paragraph 1 of this Article, eu-LISA shall store the data referred to in paragraph 1 of this Article in the central repository for reporting and statistics referred to in Chapter VII of this Regulation. The data included in the repository shall **be anonymised and shall not be such as to allow for** the identification of individuals, but it shall allow the authorities listed in paragraph 1 of this Article to obtain customisable reports and statistics to enhance the efficiency of border checks, to help authorities processing visa applications and to support evidence-based policymaking on migration and security in the Union.

Or. en

Amendment 871

Cornelia Ernst

Proposal for a regulation

Article 56 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. Meaningful summaries shall be made available to the Agency for Fundamental Rights in order to evaluate the impact on fundamental rights of this Regulation.

Or. en

Amendment 872
Daniel Dalton

Proposal for a regulation
Article 57 – paragraph 1

Text proposed by the Commission

For a period of *two* years from the date the ESP commences operations, the obligations referred to in Article 7(2) and (4) shall not apply and the utilisation of the ESP shall be optional.

Amendment

For a period of *four* years from the date the ESP commences operations, the obligations referred to in Article 7(2) and (4) shall not apply and the utilisation of the ESP shall be optional.

Or. en

Justification

A longer period for implementation in which the European search portal would be used by authorities on an optional basis would provide greater scope for authorities to fully prepare and to begin using it when completely ready to do so. It would also ensure there is sufficient time for eu-LISA to work through technical issues which arise as users begin to use the system, and for legacy yellow links to be resolved.

Amendment 873
Bodil Valero

Proposal for a regulation
Article 58

Text proposed by the Commission

Article 58

Transitional period applicable to the provisions on access to the common identity repository for law enforcement purposes

Article 22 shall apply from the date of the start of operations referred to in Article 62(1).

Amendment

deleted

Or. en

Amendment 874

Cornelia Ernst

Proposal for a regulation
Article 58

Text proposed by the Commission

Amendment

Article 58

deleted

Transitional period applicable to the provisions on access to the common identity repository for law enforcement purposes

Article 22 shall apply from the date of the start of operations referred to in Article 62(1).

Or. en

Amendment 875

Miriam Dalli, Tanja Fajon, Péter Niedermüller, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation
Article 58 – title

Text proposed by the Commission

Amendment

58 Transitional period applicable to the provisions on access to the **common identity repository** for law enforcement purposes

58 Transitional period applicable to the provisions on access to the **ESP or shared BMS** for law enforcement purposes

Or. en

Amendment 876

Bodil Valero

Proposal for a regulation
Article 59

Text proposed by the Commission

Amendment

Article 59

deleted

Transitional period for the multiple-identity detection

1. For a period of one year following the notification by eu-LISA of the completion of the test referred to in Article 62(1)(b) regarding the multiple-identity detector (MID) and before the start of operations of the MID, the ETIAS Central Unit as referred to in [Article 33(a) of Regulation (EU) 2016/1624] shall be responsible for carrying out a multiple-identity detection between the data stored in the VIS, Eurodac and the SIS. The multiple-identity detections shall be carried out using only biometric data in accordance with Article 27(2) of this Regulation.

2.

Where the query reports one or several hit(s) and the identity data of the linked files is identical or similar, a white link shall be created in accordance with Article 33.

Where the query reports one or several hit(s) and the identity data of the linked files cannot be considered as similar, a yellow link shall be created in accordance with Article 30 and the procedure referred to in Article 29 shall apply.

Where several hits are reported, a link shall be created to each piece of data triggering the hit.

3. Where a yellow link is created in accordance with paragraph 3, the MID shall grant access to the identity data present in the different information systems to the ETIAS Central Unit.

4. Where a link is created to an alert in the SIS, other than a refusal of entry alert or an alert on a travel document reported lost, stolen or invalidated in accordance with Article 24 of the Regulation on SIS in the field of border checks and Article 38 of the Regulation on SIS in the field of law enforcement respectively, the MID shall grant access to the identity data present in the different information

systems to the SIRENE Bureau of the Member State that created the alert.

5. The ETIAS Central Unit or the SIRENE Bureau of the Member State that created the alert shall have access to the data contained in the identity confirmation file and shall assess the different identities and shall update the link in accordance with Articles 31, 32 and 33 and add it to the identity confirmation file.

6. eu-LISA shall assist where necessary the ETIAS Central Unit in carrying out the multiple-identity detection referred to in this Article.

Or. en

Amendment 877
Cornelia Ernst

Proposal for a regulation
Article 59

Text proposed by the Commission

Amendment

Article 59

deleted

Transitional period for the multiple-identity detection

1. For a period of one year following the notification by eu-LISA of the completion of the test referred to in Article 62(1)(b) regarding the multiple-identity detector (MID) and before the start of operations of the MID, the ETIAS Central Unit as referred to in [Article 33(a) of Regulation (EU) 2016/1624] shall be responsible for carrying out a multiple-identity detection between the data stored in the VIS, Eurodac and the SIS. The multiple-identity detections shall be carried out using only biometric data in accordance with Article 27(2) of this Regulation.

2.

Where the query reports one or several hit(s) and the identity data of the linked files is identical or similar, a white link shall be created in accordance with Article 33.

Where the query reports one or several hit(s) and the identity data of the linked files cannot be considered as similar, a yellow link shall be created in accordance with Article 30 and the procedure referred to in Article 29 shall apply.

Where several hits are reported, a link shall be created to each piece of data triggering the hit.

3. Where a yellow link is created in accordance with paragraph 3, the MID shall grant access to the identity data present in the different information systems to the ETIAS Central Unit.

4. Where a link is created to an alert in the SIS, other than a refusal of entry alert or an alert on a travel document reported lost, stolen or invalidated in accordance with Article 24 of the Regulation on SIS in the field of border checks and Article 38 of the Regulation on SIS in the field of law enforcement respectively, the MID shall grant access to the identity data present in the different information systems to the SIRENE Bureau of the Member State that created the alert.

5. The ETIAS Central Unit or the SIRENE Bureau of the Member State that created the alert shall have access to the data contained in the identity confirmation file and shall assess the different identities and shall update the link in accordance with Articles 31, 32 and 33 and add it to the identity confirmation file.

6. eu-LISA shall assist where necessary the ETIAS Central Unit in carrying out the multiple-identity detection referred to in this Article.

Or. en

Amendment 878
Heinz K. Becker, Monika Hohlmeier

Proposal for a regulation
Article 59 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Following the period referred to in paragraph 1, the Commission, in close cooperation with the ETIAS Central Unit shall create a network of liaison officers to be based in the ETIAS Central Unit and/or single points of contact of the competent Member States' authorities for the performance of the task laid down in this Article.

Or. en

Amendment 879
Heinz K. Becker, Monika Hohlmeier

Proposal for a regulation
Article 59 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. Member States and the ETIAS Central Unit, shall assess the need to extend the transitional period in which the ETIAS Central Unit performs the tasks referred to in this Article and/or whether the task implemented by the ECU should continue once the MID starts operations.

Or. en

Amendment 880
Heinz K. Becker, Monika Hohlmeier

Proposal for a regulation

Article 59 – paragraph 6

Text proposed by the Commission

6. **eu-LISA** shall assist where necessary the ETIAS Central Unit in carrying out the multiple-identity detection referred to in this Article.

Amendment

6. **Member States** shall assist where necessary the ETIAS Central Unit in carrying out the multiple-identity detection referred to in this Article.

Or. en

Amendment 881

Cornelia Ernst

Proposal for a regulation

Article 60 – paragraph 1

Text proposed by the Commission

1. The costs incurred in connection with the establishment and operation of the ESP, **the shared biometric matching service, the common identity repository (CIR) and the MID** shall be borne by the general budget of the Union.

Amendment

1. The costs incurred in connection with the establishment and operation of the ESP shall be borne by the general budget of the Union.

Or. en

Amendment 882

Bodil Valero

Proposal for a regulation

Article 60 – paragraph 1

Text proposed by the Commission

1. The costs incurred in connection with the establishment and operation of the ESP, the shared biometric matching service, **the common identity repository (CIR) and the MID** shall be borne by the general budget of the Union.

Amendment

1. The costs incurred in connection with the establishment and operation of the ESP **and** the shared biometric matching service shall be borne by the general budget of the Union.

Or. en

Amendment 883

Miriam Dalli, Péter Niedermüller, Tanja Fajon, Cécile Kashetu Kyenge, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 60 – paragraph 1

Text proposed by the Commission

1. The costs incurred in connection with the establishment and operation of the ESP, the shared biometric matching service, *the common identity repository (CIR)* and the MID shall be borne by the general budget of the Union.

Amendment

1. The costs incurred in connection with the establishment and operation of the ESP, the shared biometric matching service, and the MID shall be borne by the general budget of the Union.

Or. en

Amendment 884

Bodil Valero

Proposal for a regulation

Article 60 – paragraph 3

Text proposed by the Commission

3. The costs incurred by the designated authorities referred to in Article 4(24) shall be borne, respectively, by each Member State and Europol. *The costs for the connection of the designated authorities to the CIR shall be borne by each Member State and Europol, respectively.*

Amendment

3. The costs incurred by the designated authorities referred to in Article 4(24) shall be borne, respectively, by each Member State and Europol.

Or. en

Amendment 885

Miriam Dalli, Tanja Fajon, Péter Niedermüller, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation

Article 60 – paragraph 3

Text proposed by the Commission

3. The costs incurred by the designated authorities referred to in Article 4(24) shall be borne, respectively, by each Member State and Europol. ***The costs for the connection of the designated authorities to the CIR shall be borne by each Member State and Europol, respectively.***

Amendment

3. The costs incurred by the designated authorities referred to in Article 4(24) shall be borne, respectively, by each Member State and Europol.

Or. en

Amendment 886
Bodil Valero

Proposal for a regulation
Article 61 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Member States shall notify eu-LISA of the authorities referred to in Articles 7, 20, 21 and 26 that may use or have access to the ESP, ***the CIR and the MID*** respectively.

Amendment

The Member States shall notify eu-LISA of the authorities referred to in Articles 7, 20, 21 and 26 that may use or have access to the ESP ***or the shared BMS*** respectively.

Or. en

Amendment 887
Cornelia Ernst

Proposal for a regulation
Article 61 – paragraph 1 – subparagraph 2

Text proposed by the Commission

A consolidated list of those authorities shall be published in the Official Journal of the European Union within a period of three months from the date on which each interoperability component commenced operations in accordance with Article 62. Where there are amendments to the list, eu-

Amendment

A consolidated list of those authorities shall be published in the Official Journal of the European Union within a period of three months from the date on which each interoperability component commenced operations in accordance with Article 62. Where there are amendments to the list, eu-

LISA shall publish an updated consolidated list once a year.

LISA shall publish an updated consolidated list once a year. ***The list shall include the date of notification for each authority listed.***

Or. en

Amendment 888
Bodil Valero

Proposal for a regulation
Article 61 – paragraph 3

Text proposed by the Commission

Amendment

3. The ETIAS Central Unit shall notify the Commission of the successful completion of the transitional measure laid down in Article 59.

deleted

Or. en

Amendment 889
Cornelia Ernst

Proposal for a regulation
Article 62 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) following the successful completion of a pilot project

Or. en

Amendment 890
Miriam Dalli, Tanja Fajon, Péter Niedermüller, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation
Article 62 – paragraph 1 – point c

Text proposed by the Commission

(c) eu-LISA has validated the technical and legal arrangements to collect and transmit the data referred to in Articles 8(1), **13**, 19, 34 and 39 and have notified them to the Commission;

Amendment

(c) eu-LISA has validated the technical and legal arrangements to collect and transmit the data referred to in Articles 8(1), 19, 34 and 39 and have notified them to the Commission;

Or. en

Amendment 891

Bodil Valero

Proposal for a regulation

Article 62 – paragraph 1 – point c

Text proposed by the Commission

(c) eu-LISA has validated the technical and legal arrangements to collect and transmit the data referred to in Articles 8(1), 13, **19, 34** and 39 and have notified them to the Commission;

Amendment

(c) eu-LISA has validated the technical and legal arrangements to collect and transmit the data referred to in Articles 8(1), 13 and 39 and have notified them to the Commission;

Or. en

Amendment 892

Bodil Valero

Proposal for a regulation

Article 62 – paragraph 1 – point e

Text proposed by the Commission

(e) *for the multiple-identity detector, the ETIAS Central Unit has notified the Commission as referred to in Article 61(3).*

Amendment

deleted

Or. en

Amendment 893

Miriam Dalli

Proposal for a regulation
Article 62 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. *By way of derogation from paragraph 1, the measures referred to in Article 37 shall apply as of one year after the entry into force of this Regulation.*

Or. en

Justification

In line with the recommendations of the European Data Protection Supervisor (para 111).

Amendment 894

Miriam Dalli, Tanja Fajon, Péter Niedermüller, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation
Article 63 – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Articles 8(2) **and 9(7)** shall be conferred on the Commission for an indeterminate period of time from [the date of entry into force of this Regulation].

2. The power to adopt delegated acts referred to in Articles 8(2), **9(7), 28(5) and 39(5)** shall be conferred on the Commission for an indeterminate period of time from [the date of entry into force of this Regulation].

Or. en

Amendment 895
Cornelia Ernst

Proposal for a regulation
Article 63 – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Articles 8(2) **and 9(7)** shall

2. The power to adopt delegated acts referred to in Articles 8(2), **9(7) and 28(5)**

be conferred on the Commission for an indeterminate period of time from [the date of entry into force of this Regulation].

shall be conferred on the Commission for an indeterminate period of time from [the date of entry into force of this Regulation].

Or. en

Amendment 896

Auke Zijlstra, Harald Vilimsky, Giancarlo Scottà

Proposal for a regulation

Article 63 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 8(2) and 9(7) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [the date of entry into force of this Regulation].

Amendment

2. The power to adopt delegated acts referred to in Articles 8(2) and 9(7) shall be conferred on the Commission for ***a*** period of ***3 years*** from [the date of entry into force of this Regulation].

Or. en

Amendment 897

Miriam Dalli, Tanja Fajon, Péter Niedermüller, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation

Article 63 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Articles 8(2) ***and 9(7)*** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Articles 8(2), ***9(7), 28(5) and 39(5)*** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Amendment 898

Miriam Dalli, Tanja Fajon, Péter Niedermüller, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation

Article 63 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 8(2) **and 9(7)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Articles 8(2), **9(7), 28(5) and 39(5)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.

Or. en

Amendment 899

Cornelia Ernst

Proposal for a regulation

Article 63 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 8(2) **and 9(7)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [**two** months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended

Amendment

6. A delegated act adopted pursuant to Articles 8(2), **9(7) and 28(5)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [**three** months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That

by [two months] at the initiative of the European Parliament or of the Council.

period shall be extended by [two months] at the initiative of the European Parliament or of the Council.

Or. en

Amendment 900

Cornelia Ernst

Proposal for a regulation

Article 65 – paragraph 1

Text proposed by the Commission

An Advisory Group shall be established by eu-LISA in order to provide it with the expertise related to interoperability, in particular in the context of the preparation of its annual work programme and its annual activity report. During the design and development phase of the interoperability instruments, Article 52(4) to (6) shall apply.

Amendment

An Advisory Group shall be established by eu-LISA in order to provide it with the expertise related to interoperability, ***including its fundamental rights dimension***, in particular in the context of the preparation of its annual work programme and its annual activity report. During the design and development phase of the interoperability instruments, Article 52(4) to (6) shall apply.

Or. en

Amendment 901

Gérard Deprez, Louis Michel, Nathalie Griesbeck, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Morten Helveg Petersen, Angelika Mlinar

Proposal for a regulation

Article 66 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States and EU bodies shall organise for their staff authorised to process data from the interoperability components, appropriate training programme about data security, data quality, data protection rules and the procedures of the data processing.

Or. en

Amendment 902

Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Morten Helveg Petersen, Angelika Mlinar

Proposal for a regulation

Article 66 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Common training courses about data security, data quality, data protection rules and the procedures of the data processing shall be organised at EU level at least once a year to enhance cooperation and exchange of best practices between staff of Member States and EU bodies authorised to process data from the interoperability components.

Or. en

Amendment 903

Cornelia Ernst

Proposal for a regulation

Article 67 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

The practical handbook should provide guidance to Member States on how to deal with yellow links that are the results of inconsistencies with the identity data contained in ETIAS. Such modalities should not create disproportionate burdens on persons who, without any intention to deceive the authorities, have entered inaccurate or ambiguous data in ETIAS.

Or. en

Amendment 904

Gérard Deprez, Louis Michel, Nathalie Griesbeck, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Morten Helveg Petersen, Angelika Mlinar

**Proposal for a regulation
Article 68 – paragraph 1**

Text proposed by the Commission

1. eu-LISA shall ensure that procedures are in place to monitor the development of the interoperability components in light of objectives relating to planning and costs and to monitor the functioning of the interoperability components in light of objectives relating to the technical output, cost-effectiveness, security and quality of service.

Amendment

1. eu-LISA shall ensure that procedures are in place to monitor the development of the interoperability components ***and the integration of the existing national infrastructures and the connection to the national uniform interface*** in light of objectives relating to planning and costs and to monitor the functioning of the interoperability components in light of objectives relating to the technical output, cost-effectiveness, security and quality of service.

Or. en

Amendment 905

Miriam Dalli, Péter Niedermüller, Tanja Fajon, Cécile Kashetu Kyenge, Josef Weidenholzer, Ana Gomes

**Proposal for a regulation
Article 68 – paragraph 2**

Text proposed by the Commission

2. By [Six months after the entry into force of this Regulation — OPOCE, please replace with the actual date] and every six months thereafter during the development phase of the interoperability components, eu-LISA shall submit a report to the European Parliament ***and*** the Council on the state of play of the development of the interoperability components. Once the development is finalised, a report shall be submitted to the European Parliament ***and*** the Council explaining in detail how the objectives, in particular relating to planning and costs, were achieved as well as justifying any divergences.

Amendment

2. By [Six months after the entry into force of this Regulation — OPOCE, please replace with the actual date] and every six months thereafter during the development phase of the interoperability components, eu-LISA shall submit a report to the European Parliament, the Council, ***and the European Data Protection Supervisor***, on the state of play of the development of the interoperability components. Once the development is finalised, a report shall be submitted to the European Parliament the Council explaining in detail how the objectives, in particular relating to planning and costs, were achieved as well

as justifying any divergences.

Or. en

Amendment 906

Cornelia Ernst

Proposal for a regulation

Article 68 – paragraph 2

Text proposed by the Commission

2. By [Six months after the entry into force of this Regulation — OPOCE, please replace with the actual date] and every six months thereafter during the development phase of the interoperability components, eu-LISA shall submit a report to the European Parliament and the Council on the state of play of the development of the interoperability components. Once the development is finalised, a report shall be submitted to the European Parliament and the Council explaining in detail how the objectives, in particular relating to planning and costs, were achieved as well as justifying any divergences.

Amendment

2. By [Six months after the entry into force of this Regulation — OPOCE, please replace with the actual date] and every six months thereafter during the development phase of the interoperability components, eu-LISA shall submit a report to the **EDPS**, European Parliament and the Council on the state of play of the development of the interoperability components. Once the development is finalised, a report shall be submitted to the European Parliament and the Council explaining in detail how the objectives, in particular relating to planning and costs, were achieved as well as justifying any divergences.

Or. en

Amendment 907

Gérard Deprez, Louis Michel, Nathalie Griesbeck, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Morten Helveg Petersen, Angelika Mlinar

Proposal for a regulation

Article 68 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Six months after the start of the operations of each interoperability component, eu-LISA shall submit a report to the European Parliament and the Council on the state of play of the

connection of Member States to the communication infrastructure of the ESP and the CIR and the integration of the existing national systems and infrastructures with the ESP, shared BMS, MID and the CIR.

Or. en

Amendment 908

Gérard Deprez, Louis Michel, Nathalie Griesbeck, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Morten Helveg Petersen, Angelika Mlinar

Proposal for a regulation

Article 68 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. During the development phase of the interoperability components, the Commission shall evaluate the necessity of further harmonisation of national systems and infrastructures of Member States at external borders. The Commission shall transmit the evaluation report to the European Parliament and the Council. These evaluation reports shall include recommendations, an impact assessment and an assessment on their cost for the EU budget.

Or. en

Amendment 909

Cornelia Ernst

Proposal for a regulation

Article 68 – paragraph 3

Text proposed by the Commission

Amendment

3. For the purposes of technical maintenance, eu-LISA shall have access to the necessary information relating to the data processing operations performed in

3. For the purposes of technical maintenance, eu-LISA shall have access to the necessary information relating to the data processing operations performed in

the interoperability components.

the interoperability components. ***Access to personal data shall be subject to strict safeguards. Any access to personal data under this provision shall be logged.***

Or. en

Amendment 910

Miriam Dalli, Tanja Fajon, Péter Niedermüller, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation

Article 68 – paragraph 3

Text proposed by the Commission

3. For the purposes of technical maintenance, eu-LISA shall have access to the necessary information relating to the data processing operations performed in the interoperability components.

Amendment

3. For the purposes of technical maintenance, eu-LISA shall have access to the necessary information relating to the data processing operations performed in the interoperability components ***without having access to any personal data processed by those components.***

Or. en

Amendment 911

Sophia in 't Veld

Proposal for a regulation

Article 68 – paragraph 3

Text proposed by the Commission

3. For the purposes of technical maintenance, eu-LISA shall have access to the necessary information relating to the data processing operations performed in the interoperability components.

Amendment

3. For the purposes of technical maintenance, eu-LISA shall have access to the necessary information relating to the data processing operations performed in the interoperability components. ***Any access by eu-LISA shall be logged.***

Or. en

Amendment 912

Gérard Deprez, Louis Michel, Nathalie Griesbeck, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Morten Helveg Petersen, Angelika Mlinar

Proposal for a regulation Article 68 – paragraph 4

Text proposed by the Commission

4. **Four** years after the start of operations of each interoperability component and every four years thereafter, eu-LISA shall submit to the European Parliament, the Council and the Commission a report on the technical functioning of the interoperability components, including the security thereof.

Amendment

4. **Two** years after the start of operations of each interoperability component and every four years thereafter, eu-LISA shall submit to the European Parliament, the Council and the Commission a report on the **connection of Member States to the communication infrastructure of the ESP and the CIR and the integration of the existing national systems and infrastructures with the ESP, shared BMS, MID and the CIR, as well as on the** technical functioning of the interoperability components, including the security thereof.

Or. en

Amendment 913 Cornelia Ernst

Proposal for a regulation Article 68 – paragraph 4

Text proposed by the Commission

4. Four years after the start of operations of each interoperability component and every four years thereafter, eu-LISA shall submit to the European Parliament, the Council and the Commission a report on the technical functioning of the interoperability components, including the security thereof.

Amendment

4. Four years after the start of operations of each interoperability component and every four years thereafter, eu-LISA shall submit to the **EDPS**, European Parliament, the Council and the Commission a report on the technical functioning of the interoperability components, including the security thereof.

Or. en

Amendment 914

Gérard Deprez, Louis Michel, Nathalie Griesbeck, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Morten Helveg Petersen, Angelika Mlinar

Proposal for a regulation

Article 68 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

In addition, ***one year after each report from eu-LISA***, the Commission shall produce an overall evaluation of the components, including:

In addition, ***each year***, the Commission shall produce an overall evaluation of the components, including:

Or. en

Amendment 915

Cornelia Ernst

Proposal for a regulation

Article 68 – paragraph 5 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) an examination of the results achieved against objectives and the impact on fundamental rights;

(b) an examination of the results achieved against objectives and the impact on fundamental rights, ***in particular the right to protection of personal data, the right to non-discrimination, the rights of the child and the right to an effective remedy***;

Or. en

Amendment 916

Gérard Deprez, Louis Michel, Nathalie Griesbeck, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Morten Helveg Petersen, Angelika Mlinar

Proposal for a regulation

Article 68 – paragraph 5 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) an examination of the results achieved against objectives and the impact

(b) an examination of the results achieved against objectives and the impact

on fundamental rights;

on fundamental rights, *particularly the use of CIR with biometric data taken during an identity check*;

Or. en

Amendment 917

Bodil Valero

Proposal for a regulation

Article 68 – paragraph 5 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) an examination of the results achieved against objectives and the impact on fundamental rights;

(b) an examination of the results achieved against objectives and the impact on fundamental rights, *in particular on the right to non-discrimination*;

Or. en

Amendment 918

Gérard Deprez, Louis Michel, Nathalie Griesbeck, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Morten Helveg Petersen, Angelika Mlinar

Proposal for a regulation

Article 68 – paragraph 5 – subparagraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) an assessment of the security of the connection of Member States to the communication infrastructure of the ESP and the CIR and the security of the integration of the existing national systems and infrastructures with the ESP, shared BMS, MID and the CIR.

Or. en

Amendment 919

Daniel Dalton

Proposal for a regulation

Article 68 – paragraph 8 – subparagraph 1 – introductory part

Text proposed by the Commission

While respecting the provisions of national law on the publication of sensitive information, each Member State and Europol shall prepare **annual** reports on the effectiveness of access to data stored in the common identity repository for law enforcement purposes, containing information and statistics on:

Amendment

While respecting the provisions of national law on the publication of sensitive information, each Member State and Europol shall prepare reports **every four years** on the effectiveness of access to data stored in the common identity repository for law enforcement purposes, containing information and statistics on:

Or. en

Justification

This will synchronise the cycle of reporting to that of the overall report required to be produced by the European Commission in Article 68(5) and would represent a proportionate requirement on law enforcement authorities.

Amendment 920

Bodil Valero

Proposal for a regulation

Article 68 – paragraph 8 – subparagraph 1 – introductory part

Text proposed by the Commission

While respecting the provisions of national law on the publication of sensitive information, each Member State and Europol shall prepare annual reports on the effectiveness of access to data **stored in the common identity repository** for law enforcement purposes, containing information and statistics on:

Amendment

While respecting the provisions of national law on the publication of sensitive information, each Member State and Europol shall prepare annual reports on the effectiveness of access to data **through the ESP and the shared BMS** for law enforcement purposes, containing information and statistics on:

Or. en

Amendment 921

Miriam Dalli, Tanja Fajon, Péter Niedermüller, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation

Article 68 – paragraph 8 – subparagraph 1 – introductory part

Text proposed by the Commission

While respecting the provisions of national law on the publication of sensitive information, each Member State and Europol shall prepare annual reports on the effectiveness of access to data stored in the *common identity repository* for law enforcement purposes, containing information and statistics on:

Amendment

While respecting the provisions of national law on the publication of sensitive information, each Member State and Europol shall prepare annual reports on the effectiveness of access to data stored in the *EU information systems and the SIS* for law enforcement purposes, containing information and statistics on:

Or. en

Amendment 922

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 68 – paragraph 8 – subparagraph 1 – introductory part

Text proposed by the Commission

While respecting the provisions of national law on the publication of sensitive information, each Member State and Europol shall prepare annual reports on the effectiveness of access to data stored in the common identity repository for law enforcement purposes, containing information and statistics on:

Amendment

While respecting the provisions of national law on the publication of sensitive information *and the necessary limitations deriving from matters of national security*, each Member State and Europol shall prepare annual reports on the effectiveness of access to data stored in the common identity repository for law enforcement purposes, containing information and statistics on:

Or. en

Amendment 923

Cornelia Ernst

Proposal for a regulation

Article 68 – paragraph 8 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

While respecting the provisions of national law on the publication of sensitive information, each Member State and Europol shall prepare annual reports on the effectiveness of access to data stored in the common identity repository for law enforcement purposes, containing information and statistics on:

While respecting the provisions of national law on the publication of sensitive information, ***as well as the EU's obligation to act with utmost transparency***, each Member State and Europol shall prepare annual reports on the effectiveness of access to data stored in the common identity repository for law enforcement purposes, containing information and statistics on:

Or. en

Amendment 924
Bodil Valero

Proposal for a regulation
Article 68 – paragraph 8 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) ***the number of requests for access to the common identity repository for law enforcement purposes;***

deleted

Or. en

Amendment 925
Daniel Dalton

Proposal for a regulation
Article 68 – paragraph 8 – subparagraph 2

Text proposed by the Commission

Amendment

Member State and Europol ***annual*** reports shall be transmitted to the Commission by 30 June of the subsequent year.

Member State and Europol reports shall be transmitted to the Commission by 30 June of the subsequent year.

Or. en

Amendment 926

Gérard Deprez, Louis Michel, Nathalie Griesbeck, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Morten Helveg Petersen, Angelika Mlinar

Proposal for a regulation

Article 68 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8 a. While respecting the provisions of national law on the publication of sensitive information, each Member State shall prepare annual reports containing information and statistics on the access to data stored in the common identity repository for identification pursuant to Article 20.

Or. en