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15.6.2017

AMENDMENTS

5 - 86

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

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

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

Amendment 5
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) The return of third-country nationals who do not fulfil or no longer fulfil the conditions for entry, stay or residence in the Member States, ***in full respect of fundamental rights and in particular the principle of non-refoulement, and in accordance with Directive 2008/115/EC of the European Parliament and of the Council, is an essential part of the comprehensive efforts to tackle irregular migration and increase the rate of return of irregular migrants.***

Amendment

(1) The return of third-country nationals who do not fulfil or no longer fulfil the conditions for entry, stay or residence in the Member States ***shall entitle Member States to accompany them back to the border in accordance with established procedures and their own national legislation.***

Or. fr

Amendment 6
Tonino Picula

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) The return of third-country nationals who do not fulfil or no longer fulfil the conditions for entry, stay or residence in the Member States, in full respect of fundamental rights and ***in particular the principle of non-refoulement, and in accordance with Directive 2008/115/EC of the European Parliament and of the Council, is an essential part of the comprehensive efforts to tackle irregular migration and increase the rate of return of irregular migrants.***

Amendment

(1) The return of third-country nationals who do not fulfil or no longer fulfil the conditions for entry, stay or residence in the Member States, in full respect of fundamental rights and ***the principle of non-refoulement, codified by the Charter of Fundamental Rights of the European Union (Charter) and the 1951 Geneva Convention, and in accordance with Directive 2008/115/EC of the European Parliament and of the Council, is an essential part of the comprehensive efforts to tackle irregular migration and manage migration in close cooperation***

with third countries of origin or transit.

Or. en

Amendment 7

Jordi Solé

Proposal for a regulation

Recital 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 8

Jean-Luc Schaffhauser

Proposal for a regulation

Recital 2

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 9
Tonino Picula

Proposal for a regulation
Recital 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 10
Jordi Solé

Proposal for a regulation
Recital 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 11
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 3

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 12
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 4

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 13
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 5

Text proposed by the Commission

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

Amendment

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

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

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

Or. fr

Amendment 14
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

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

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Or. fr

Amendment 15
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

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

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Or. fr

Amendment 16
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

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

deleted

Or. fr

**Amendment 17
Jean-Luc Schaffhauser**

**Proposal for a regulation
Recital 9**

Text proposed by the Commission

Amendment

(9) It is necessary to specify the categories of data that can be entered in SIS in respect of third-country nationals who are the subject of a return decision issued in accordance with provisions respecting Directive 2008/115/EC. Alerts on return should contain only those data that are required in order to identify the data subjects, to allow the competent authorities to take informed decisions without losing time and to ensure, where necessary, their protection in relation to persons who are armed, violent, have escaped or are involved in an activity as referred to in Articles 1, 2, 3 and 4 of Council Framework Decision 2002/475/JHA on combating terrorism²⁶. Furthermore, in order to facilitate identification and detect multiple identities, the alert should include also a reference to the personal identification

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document and a copy of such document, if available.

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

Or. fr

Amendment 18
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

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

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Or. fr

Amendment 19
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 11

Text proposed by the Commission

Amendment

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

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

Or. fr

Amendment 20
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 12

Text proposed by the Commission

Amendment

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

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Or. fr

Amendment 21
Georgios Epiteideios

Proposal for a regulation
Recital 12

Text proposed by the Commission

Amendment

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

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

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

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

Or. el

Amendment 22 **Dubravka Šuica**

Proposal for a regulation **Recital 12**

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 23 **Tonino Picula**

Proposal for a regulation **Recital 12**

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 24 **Jean-Luc Schaffhauser**

Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

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

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Or. fr

Amendment 25
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

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

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Or. fr

Amendment 26
Tonino Picula

Proposal for a regulation
Recital 14

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 27
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 15

Text proposed by the Commission

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

Amendment

deleted

Or. fr

Amendment 28
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 16

Text proposed by the Commission

Amendment

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

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Or. fr

Amendment 29
Georgios Epitideios

Proposal for a regulation
Recital 16

Text proposed by the Commission

Amendment

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

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

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

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

Or. el

Amendment 30
Tonino Picula

Proposal for a regulation
Recital 16

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 31
Dubravka Šuica

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 32
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 17

Text proposed by the Commission

Amendment

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

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

Or. fr

Amendment 33
Dubravka Šuica

Proposal for a regulation
Recital 17

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 34
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 18

Text proposed by the Commission

Amendment

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

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Or. fr

**Amendment 35
Jean-Luc Schaffhauser**

**Proposal for a regulation
Recital 19**

Text proposed by the Commission

Amendment

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

deleted

Or. fr

**Amendment 36
Georgios Eptideios**

**Proposal for a regulation
Recital 19**

Text proposed by the Commission

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

Amendment

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

Or. el

Amendment 37
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 20

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 38
Georgios Epitideios

Proposal for a regulation
Recital 20

Text proposed by the Commission

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

Amendment

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

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

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

Or. el

Amendment 39
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 21

Text proposed by the Commission

Amendment

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

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Or. fr

Amendment 40
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 22

Text proposed by the Commission

Amendment

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

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European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds, to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399 of the European Parliament and of the Council²⁷, upon the Schengen acquis, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.

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

Or. fr

Amendment 41
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 23

Text proposed by the Commission

Amendment

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

deleted

2000/365/EC²²⁸; the United Kingdom is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Moreover, in accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, the United Kingdom is not taking part in the adoption of this Regulation and is not bound by or subject to its application.

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

Or. fr

Amendment 42
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 24

Text proposed by the Commission

Amendment

(24) To the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399, this Regulation constitutes a development of the provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC²⁹; Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it

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

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

Or. fr

Amendment 43
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 25

Text proposed by the Commission

Amendment

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

deleted

1999/437/EC³¹.

³⁰ OJ L 176, 10.7.1999, p. 36.

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

Or. fr

Amendment 44
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 26

Text proposed by the Commission

Amendment

(26) As regards Switzerland, this Regulation constitutes, to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399, a development of the provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, which fall within the area referred to in Article 1, point C of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC³³.

deleted

³² OJ L 53, 27.2.2008, p. 52.

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

Or. fr

Amendment 45
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 27

Text proposed by the Commission

Amendment

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

deleted

2011/350/EU³⁵.

³⁴ OJ L 160, 18.6.2011, p. 21.

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

Or. fr

Amendment 46
Jean-Luc Schaffhauser

Proposal for a regulation
Recital 28

Text proposed by the Commission

Amendment

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

deleted

Or. fr

Amendment 47
Dubravka Šuica

Proposal for a regulation
Recital 28 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 48
Dubravka Šuica

Proposal for a regulation
Recital 28 b (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 49
Jean-Luc Schaffhauser

Proposal for a regulation
Article 1 – title

Text proposed by the Commission

Amendment

Subject matter and scope

Border Control

Or. fr

Amendment 50
Jean-Luc Schaffhauser

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

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

Amendment

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

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

Or. fr

Amendment 51
Jean-Luc Schaffhauser

Proposal for a regulation
Article 2 – title

Text proposed by the Commission

Definitions

Amendment

Sharing of information

Or. fr

Amendment 52
Jean-Luc Schaffhauser

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

Text proposed by the Commission

For the purposes of this Regulation the

Amendment

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

following definitions shall apply:

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

Or. fr

Amendment 53
Jean-Luc Schaffhauser

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

Text proposed by the Commission

Amendment

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

Or. fr

Amendment 54
Jean-Luc Schaffhauser

Proposal for a regulation
Article 2 – paragraph 1 – point b

Text proposed by the Commission

Amendment

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

Or. fr

Amendment 55
Jean-Luc Schaffhauser

Proposal for a regulation
Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

Directive 2008/115/EC;

Or. fr

Amendment 56
Jean-Luc Schaffhauser

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

Text proposed by the Commission

Amendment

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

Or. fr

Amendment 57
Jean-Luc Schaffhauser

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

Text proposed by the Commission

Amendment

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

Or. fr

Amendment 58
Jean-Luc Schaffhauser

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

Text proposed by the Commission

Amendment

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

deleted

Or. fr

Amendment 59
Jean-Luc Schaffhauser

Proposal for a regulation
Article 3

Text proposed by the Commission

Amendment

Article 3

deleted

Entry of data in SIS

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

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

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

immediately recorded in the alert.

Or. fr

Amendment 60
Dubravka Šuica

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 61
Jean-Luc Schaffhauser

Proposal for a regulation
Article 4

Text proposed by the Commission

Article 4

Data categories

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

(a) surname(s);

Amendment

deleted

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

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

Or. fr

Amendment 62
Jordi Solé

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 63
Jordi Solé

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

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 64
Dubravka Šuica

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 65
Dubravka Šuica

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 66
Jordi Solé

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 67
Jean-Luc Schaffhauser

Proposal for a regulation
Article 5

Text proposed by the Commission

Amendment

Article 5

deleted

Authority responsible for the exchange of supplementary information

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

Or. fr

Amendment 68

Jean-Luc Schaffhauser

Proposal for a regulation

Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Confirmation of return

1.

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

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

(b) the location and time of the check;

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

(d) whether the return was a voluntary

compliance with an obligation to return or was enforced;

(e) the third-country of destination.

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

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

3. The Member States shall provide on a monthly basis statistics to the European Agency for the operational management of large-scale information systems in the area of freedom, security and justice established by Regulation (EU) No 1077/2011 of the European Parliament and of the Council³⁶ ('the Agency') on the number of confirmed returns, on whether the return was carried out in voluntary compliance with an obligation to return or was enforced, and on the third countries of destination. Those statistics shall not contain personal data.

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

Or. fr

Amendment 69
Jordi Solé

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 70

Miguel Urbán Crespo, Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. The Member States shall provide on a monthly basis statistics to the European Agency for the operational management of large-scale information systems in the area of freedom, security and justice established by Regulation (EU) No 1077/2011 of the European Parliament and of the Council³⁶ ('the Agency') on the number of confirmed returns, ***on whether the return was carried out in voluntary compliance with an obligation to return or was enforced***, and on the third countries of destination. Those statistics shall not contain personal data.

3. The Member States shall provide on a monthly basis statistics to the European Agency for the operational management of large-scale information systems in the area of freedom, security and justice established by Regulation (EU) No 1077/2011 of the European Parliament and of the Council³⁶ ('the Agency') on the number of confirmed returns, ***only in the case of non-voluntary*** return, and on the third countries of destination. Those statistics shall not contain personal data.

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

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

Or. en

Amendment 71

Jean-Luc Schaffhauser

Proposal for a regulation
Article 7

Text proposed by the Commission

Amendment

Article 7

deleted

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

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

Or. fr

Amendment 72
Jean-Luc Schaffhauser

Proposal for a regulation
Article 8

Text proposed by the Commission

Amendment

Article 8

deleted

Consultation procedure

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

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

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

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

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

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

Amendment 73
Jean-Luc Schaffhauser

Proposal for a regulation
Article 9

Text proposed by the Commission

Amendment

Article 9

deleted

Deletion of alerts

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

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

Amendment 74
Georgios Epitideios

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 75

Jordi Solé

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 76

Miguel Urbán Crespo, Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 77

Georgios Epitideios

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

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

Amendment

deleted

Or. el

Amendment 78

Jean-Luc Schaffhauser

Proposal for a regulation

Article 10

Text proposed by the Commission

Amendment

Article 10

deleted

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

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

Or. fr

Amendment 79

Miguel Urbán Crespo, Sabine Lösing, Takis Hadjigeorgiou

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 80
Tonino Picula

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 81
Jordi Solé

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 82
Jordi Solé

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 83
Jordi Solé

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 84
Jean-Luc Schaffhauser

Proposal for a regulation
Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Statistics

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

Or. fr

Amendment 85

Jean-Luc Schaffhauser

Proposal for a regulation

Article 12

Text proposed by the Commission

Amendment

Article 12

deleted

Right to access data in SIS

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

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

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

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

Or. fr

Amendment 86
Georgios Epitideios

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

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

Amendment

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

checks].

Or. el