



2017/0351(COD)

23.7.2018

AMENDMENTS

781 - 1012

Draft report

Jeroen Lenaers

(PE622.236v02-00)

Proposal for a Regulation of the European Parliament and of the Council on establishing a framework for interoperability between EU information systems (borders and visa) and amending Council Decision 2004/512/EC, Regulation (EC) No 767/2008, Council Decision 2008/633/JHA, Regulation (EU) 2016/399 and Regulation (EU) 2017/2226

Proposal for a regulation

(COM(2018)478 – C8-0002/2018 – 2017/0351(COD))

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Amendment 781
Bodil Valero

Proposal for a regulation
Article 47 – paragraph 5

Text proposed by the Commission

5. Where data in the MID is amended by the responsible Member State during its validity period, the responsible Member State shall carry out the processing laid down in Article 27 and, where relevant, Article 29 to determine whether the amended data shall be linked. Where the processing does not report any hit, the responsible Member State or, where applicable, the Member State to which the request has been made shall delete the data from the identity confirmation file. Where the automated processing reports one or several hit(s), the responsible Member State shall create or update the relevant link in accordance with the relevant provisions of this Regulation.

Amendment

deleted

Or. en

Amendment 782
Péter Niedermüller

Proposal for a regulation
Article 47 – paragraph 5

Text proposed by the Commission

5. Where data in the MID is amended by the responsible Member State during its validity period, the responsible Member State shall carry out the processing laid down in Article 27 and, where relevant, Article 29 to determine whether the amended data shall be linked. Where the processing does not report any hit, the responsible Member State or, where

Amendment

5. Where data in the MID is amended by the responsible Member State during its validity period, the responsible Member State shall carry out the processing laid down in Article 27 and, where relevant, Article 29 to determine whether the amended data shall be linked. Where the processing does not report any hit, the responsible Member State or, where

applicable, the Member State to which the request has been made shall delete the data from the identity confirmation file. Where the automated processing reports one or several hit(s), the responsible Member State shall create or update the relevant link in accordance with the relevant provisions of this Regulation.

applicable, the Member State to which the request has been made shall delete the data from the identity confirmation file. Where the automated processing reports one or several hit(s), the responsible Member State shall create or update the relevant link in accordance with the relevant provisions of this Regulation. ***The person concerned shall be informed of these additional links accordingly.***

Or. en

Amendment 783
Bodil Valero

Proposal for a regulation
Article 47 – paragraph 6

Text proposed by the Commission

6. Where the responsible Member State or, where applicable, the Member State to which the request has been made does not agree that data stored in the MID are factually inaccurate or have been recorded unlawfully, that Member State shall adopt an administrative decision explaining in writing to the person concerned without delay why it is not prepared to correct or delete data relating to him or her.

Amendment

deleted

Or. en

Amendment 784
Sophia in 't Veld

Proposal for a regulation
Article 47 – paragraph 6

Text proposed by the Commission

6. Where the responsible Member State or, where applicable, the Member

Amendment

6. Where the responsible Member State or, where applicable, the Member

State to which the request has been made does not agree that data stored in the MID are factually inaccurate or have been recorded unlawfully, that Member State shall adopt an administrative decision explaining in writing to the person concerned without delay why it is not prepared to correct or delete data relating to him or her.

State to which the request has been made does not agree that data stored in the **CIR or** MID are factually inaccurate or have been recorded unlawfully, that Member State shall adopt an administrative decision explaining in writing to the person concerned without delay why it is not prepared to correct or delete data relating to him or her.

Or. en

Amendment 785

Bodil Valero

Proposal for a regulation

Article 47 – paragraph 7

Text proposed by the Commission

Amendment

7. This decision shall also provide the person concerned with information explaining the possibility to challenge the decision taken in respect of the request referred in paragraph 3 and, where relevant, information on how to bring an action or a complaint before the competent authorities or courts, and any assistance, including from the competent national supervisory authorities.

deleted

Or. en

Amendment 786

Péter Niedermüller, Josef Weidenholzer, Tanja Fajon, Ana Gomes, Emilian Pavel, Monika Beňová
on behalf of the S&D Group

Proposal for a regulation

Article 47 – paragraph 7

Text proposed by the Commission

Amendment

7. This decision shall also provide the person concerned with information

7. This decision shall also provide the person concerned with information

explaining the possibility to challenge the decision taken in respect of the request referred in **paragraph 3** and, where relevant, information on how to bring an action or a complaint before the competent authorities or courts, and any assistance, including from the competent national supervisory authorities.

explaining the possibility to challenge the decision taken in respect of the request referred in **paragraphs 1 and 2**, and, where relevant, information on how to bring an action or a complaint before the competent authorities or courts, and any assistance, including from the competent national supervisory authorities.

Or. en

Justification

This amendment is tabled for consistency purposes.

Amendment 787

Péter Niedermüller, Josef Weidenholzer, Tanja Fajon, Ana Gomes, Emilian Pavel, Monika Beňová
on behalf of the S&D Group

Proposal for a regulation **Article 47 – paragraph 8**

Text proposed by the Commission

8. Any request made pursuant to **paragraph 3** shall contain the necessary information to identify the person concerned. That information shall be used exclusively to enable the exercise of the rights referred to in paragraph 3 and shall be erased immediately afterwards.

Amendment

8. Any request made pursuant to **paragraphs 1 or 2** shall contain the necessary information to identify the person concerned. That information shall be used exclusively to enable the exercise of the rights referred to in paragraph 1 and shall be erased immediately afterwards.

Or. en

Justification

The rights are laid down in paragraph 1 and not in paragraph 3. The rest of the amendment is tabled for consistency purposes.

Amendment 788

Péter Niedermüller, Josef Weidenholzer, Tanja Fajon, Ana Gomes, Emilian Pavel, Monika Beňová
on behalf of the S&D Group

Proposal for a regulation
Article 47 – paragraph 9

Text proposed by the Commission

9. The responsible Member State or, where applicable, the Member State to which the request has been made shall keep a record in the form of a written document that a request referred to in **paragraph 3** was made and how it was addressed, and shall make that document available to competent data protection national supervisory authorities without delay.

Amendment

9. The responsible Member State or, where applicable, the Member State to which the request has been made shall keep a record in the form of a written document that a request referred to in **paragraphs 1 and 2** was made and how it was addressed, and shall make that document available to competent data protection national supervisory authorities without delay.

Or. en

Justification

This amendment is tabled for consistency purposes.

Amendment 789

Péter Niedermüller, Josef Weidenholzer, Tanja Fajon, Birgit Sippel, Ana Gomes, Emilian Pavel, Monika Beňová
on behalf of the S&D Group

Proposal for a regulation
Article 47 a (new)

Text proposed by the Commission

Amendment

Article 47 a

Liability

Without prejudice to the right to compensation from, and liability under Regulation (EU) 2016/679, Directive (EU) 2016/680 and Regulation (EC) No 45/2001:

(a) any person who has suffered material or non-material damage as a result of an unlawful personal data processing operation through the use of interoperability components or any other act by a Member State which is

incompatible with this Regulation shall be entitled to receive compensation from that Member State;

(b) any person who has suffered material or non-material damage as a result of an unlawful personal data processing operation through the use of interoperability components or any other act by Europol or by the European Border and Coast Guard Agency which is incompatible with this Regulation shall be entitled to receive compensation from Europol or the European Border and Coast Guard as appropriate.

The Member State, Europol or the European Border and Coast Guard Agency shall be exempted from liability, in whole or in part, if they prove that they are not responsible for the event which gave rise to the damage.

Or. en

Justification

It is important to clarify that both the Member States and the EU Agencies involved in the processing of sensitive personal data are liable for any damage caused to an individual as a result of unlawful processing. The formulation is based on the recently agreed revision of the SIS Regulation.

Amendment 790

Péter Niedermüller, Josef Weidenholzer, Tanja Fajon, Birgit Sippel, Ana Gomes, Emilian Pavel, Monika Beňová
on behalf of the S&D Group

Proposal for a regulation **Article 47 b (new)**

Text proposed by the Commission

Amendment

Article 47 b

Penalties

Member States shall ensure that any misuse of data, processing of data or exchange of data contrary to this

Regulation is punishable in accordance with national law. The penalties provided shall be effective, proportionate and dissuasive and shall include the possibility for administrative and criminal penalties.

Europol and the European Border and Coast Guard Agency shall ensure that members of their staff or members of their teams who misuse, process or exchange data contrary to this Regulation are subject to penalties. Those penalties shall be effective, proportionate and dissuasive.

Or. en

Justification

As significant amounts of sensitive personal data will be processed through interoperability components, it is important to establish penalties for those who unlawfully process, misuse or exchange such personal data. This should apply both for Member States' authorities and for those EU Agencies involved in the processing of such data. The formulation is based on the recently agreed revision of the SIS Regulation.

Amendment 791
Monika Hohlmeier

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, ***with the exception of*** transfers to Interpol for the purpose of carrying out the automated processing referred to in [Article 18(2)(b) and (m) of the ETIAS Regulation] or for the purposes of Article 8(2) of Regulation (EU) 2016/399. Such transfers of personal data to Interpol shall be compliant with the provisions of Article 9 of Regulation (EC) No 45/2001 and Chapter V of Regulation

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, ***unless such transfers may help to prevent an imminent serious threat to public security, e.g. posed by terrorists or other serious cross-border criminal organisations. Exceptions apply to*** transfers to Interpol for the purpose of carrying out the automated processing referred to in [Article 18(2)(b) and (m) of the ETIAS Regulation] or for the purposes of Article 8(2) of Regulation (EU) 2016/399. Such

(EU) 2016/679.

transfers of personal data to Interpol shall be compliant with the provisions of Article 9 of Regulation (EC) No 45/2001 and Chapter V of Regulation (EU) 2016/679.

Or. en

Amendment 792

Cecilia Wikström, Gérard Deprez, Louis Michel, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck, 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, with the exception of transfers to Interpol for the purpose of carrying out the automated processing referred to in [Article 18(2)(b) and (m) of the ETIAS Regulation] or for the purposes of Article 8(2) of Regulation (EU) 2016/399. Such transfers of personal data to Interpol shall be compliant with the provisions of Article 9 of Regulation (EC) No 45/2001 and Chapter V of Regulation (EU) 2016/679.

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, with the exception of transfers to Interpol for the purpose of carrying out the automated processing referred to in [Article 18(2)(b) and (m) of the ETIAS Regulation] or for the purposes of Article 8(2) of Regulation (EU) 2016/399. Such transfers of personal data to Interpol shall be compliant with the provisions of Article 9 of Regulation (EC) No 45/2001 and Chapter V of Regulation (EU) 2016/679. ***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 793

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, 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, with the exception of transfers to Interpol for the purpose of carrying out the automated processing referred to in [Article 18(2)(b) and (m) of the ETIAS Regulation] or for the purposes of Article 8(2) of Regulation (EU) 2016/399. Such transfers of personal data to Interpol shall be compliant with the provisions of Article 9 of Regulation (EC) No 45/2001 and Chapter V of Regulation (EU) 2016/679.

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, with the exception of transfers to Interpol for the purpose of carrying out the automated processing referred to in [Article 18(2)(b) and (m) of the ETIAS Regulation] or for the purposes of Article 8(2) of Regulation (EU) 2016/399. Such transfers of personal data to Interpol shall be compliant with the provisions of Article 9 of Regulation (EC) No 45/2001 and Chapter V of Regulation (EU) 2016/679.

Or. en

Amendment 794
Cornelia Ernst

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, ***with the exception of transfers to Interpol for the purpose of carrying out the automated processing referred to in [Article 18(2)(b) and (m) of the ETIAS Regulation] or for the purposes of Article 8(2) of Regulation (EU) 2016/399. Such transfers of personal data to Interpol shall be compliant with the provisions of Article 9 of Regulation (EC) No 45/2001 and Chapter V of Regulation (EU) 2016/679.***

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.

Or. en

Amendment 795
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 796
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 797
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 49 – paragraph 1

Text proposed by the Commission

Amendment

1. The supervisory authority or

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.

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

Or. en

Amendment 798
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

Amendment 799
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 with relevant international auditing

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 responsible national authorities is carried

standards at least every four years.

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

Or. en

Amendment 800

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, 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 801

Cecilia Wikström, Gérard Deprez, Louis Michel, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck, 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 802

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 803

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.*

Or. en

Amendment 804

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, 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 805

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 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 **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 reports are adopted.

Or. en

Amendment 806

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

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 807

Sophia in 't Veld

Proposal for a regulation

Article 50 – paragraph 1

Text proposed by the Commission

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 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 808

Cecilia Wikström, Gérard Deprez, Louis Michel, Angelika Mlinar, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, 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 809

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 810
Cornelia Ernst

Proposal for a regulation
Article 51 – title

Text proposed by the Commission

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

Amendment

Cooperation *and supervision*

Or. en

Amendment 811
Cornelia Ernst

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 *in accordance with Article 61 of Regulation (EU) XXXX/2018 [revised Regulation 45/2001].*

Or. en

Amendment 812

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 813

Cornelia Ernst

Proposal for a regulation

Article 51 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 814

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, 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 815

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 interoperability between the central systems of the EES, VIS,[ETIAS], SIS, and Eurodac, and [the ECRIS-TCN system], ***through*** the European search portal ***and*** the shared biometric matching service.

Or. en

Amendment 816

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

Or. en

Amendment 817

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

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

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

Amendment 818

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 819

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 820

Cornelia Ernst

Proposal for a regulation

Article 52 – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where relevant, experts to provide independent advice in matters relating to data protection shall be invited to the meetings.

Or. en

Amendment 821

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

Proposal for a regulation

Article 53 – paragraph 1 – subparagraph 1 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 822

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 ***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 823

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, 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 824
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 825

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, 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 826

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 827

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 828

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, 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 829

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

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, *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;

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 830

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, 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 831

Bodil Valero

Proposal for a regulation

Article 54 – paragraph 1 – point e

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 832

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

Proposal for a regulation

Article 54 – paragraph 1 – point e

Text proposed by the Commission

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

Amendment

(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 833

Bodil Valero

Proposal for a regulation

Article 54 – paragraph 1 – point f

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 834

Cecilia Wikström, Gérard Deprez, Louis Michel, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck, 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 835

Cecilia Wikström, Gérard Deprez, Louis Michel, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck, 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 836

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, 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 837

Bodil Valero

Proposal for a regulation

Article 55

Text proposed by the Commission

Amendment

Article 55 ***deleted***
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.

Or. en

Amendment 838

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

**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 839
Bodil Valero**

**Proposal for a regulation
Article 55a
Regulation (EU) 2016/399
Article 8 – paragraph 4 a (new)**

Text proposed by the Commission

Amendment

Article 55a

deleted

***Amendments to Regulation (EU)
2016/399***

Regulation (EU) 2016/399 is amended as follows:

In Article 8 of Regulation (EU) 2016/399, the following paragraph 4a is added:

‘4a.

Where on entry or exit, the consultation of the relevant databases including the multiple-identity detector through the European search portal referred to respectively in [Article 4(36) and (33) of Regulation 2018/XX on interoperability] results in a yellow link or detects a red link, the person being checked shall be referred to the second-line check.

The border guard at second line shall consult the multiple-identity detector together with the common identity repository referred to in [Article 4(35) of Regulation 2018/XX on interoperability] or the Schengen Information System or both to assess the differences in the linked identities and shall carry out any additional verification necessary to take a decision on the status and colour of the link as well as to take a decision on the entry or refusal of entry of the person concerned.

In accordance with [Article 59(1) of Regulation 2018/XX], this paragraph shall apply only as from the start of operations of the multiple-identity detector.

Or. en

Amendment 840

Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation

Article 55a – paragraph 1 – subparagraph 1

Regulation (EU) 2016/399

Text proposed by the Commission

The border guard at second line shall consult the multiple-identity detector together with the ***common identity repository referred to in [Article 4(35) of Regulation 2018/XX on interoperability]*** or the Schengen Information System ***or both*** to assess the differences in the linked identities and shall carry out any additional verification necessary to take a decision on the status and colour of the link as well as to take a decision on the entry or refusal of entry of the person concerned.

Amendment

The border guard at second line shall consult the multiple-identity detector together with the ***EU information systems*** and the Schengen Information System to assess the differences in the linked identities and shall carry out any additional verification necessary to take a decision on the status and colour of the link as well as to take a decision on the entry or refusal of entry of the person concerned.

Or. en

Justification

Amendment tabled for consistency purposes.

Amendment 841
Bodil Valero

Proposal for a regulation
Article 55b – paragraph 1 – point 1
Regulation (EU) 2017/2226
Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1) In Article 1, the following paragraph is added:

deleted

‘1a. By storing identity, travel document and biometric data in the common identity repository (CIR) established by [Article 17 of Regulation 2018/XX on interoperability], the EES contributes to facilitating and assisting in the correct identification of persons registered in the EES under the conditions and for the ultimate objectives referred to in [Article 20] of that Regulation.’

Amendment 842
Péter Niedermüller

Proposal for a regulation
Article 55b – paragraph 1 – point 1
Regulation (EU) 2017/2226
Article 1a

Text proposed by the Commission

1a. By **storing** identity, travel document and biometric data ***in the common identity repository (CIR)*** established by [Article 17 of Regulation 2018/XX on interoperability], the EES contributes to facilitating and assisting in the correct identification of persons registered in the EES under the conditions and for the ultimate objectives referred to in [Article 20] of that Regulation.

Amendment

1a. By **making** identity, travel document and biometric data ***available to the European Search Portal, the shared Biometric Matching Service and the Multiple Identity Detector*** established by [Article 6, 12 and 25 of Regulation 2018/XX on interoperability], the EES contributes to facilitating and assisting in the correct identification of persons registered in the EES under the conditions and for the ultimate objectives referred to in [Article 20] of that Regulation."

Amendment 843
Bodil Valero

Proposal for a regulation
Article 55b – paragraph 1 – point 2
Regulation (EU) 2017/2226
Article 3 – point 21 a (new)

Text proposed by the Commission

2) ***In Article 3, the following point (21a) is added:***
‘‘CIR’ means the common identity repository as defined in [Article 4(35) of Regulation 2018/XX on interoperability]’

Amendment

deleted

Amendment 844
Péter Niedermüller

Proposal for a regulation
Article 55b – paragraph 1 – point 2
Regulation (EU) 2017/2226
Article 3 (21)(a)

Text proposed by the Commission

Amendment

2) *In Article 3, the following point
(21a) is added:*

deleted

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

Or. en

Amendment 845
Péter Niedermüller

Proposal for a regulation
Article 55b – paragraph 1 – point 3
Regulation (EU) 2017/2226
Article 3(1)(22)

Text proposed by the Commission

Amendment

(22) 'EES data' means all data stored in
the EES Central System *and in the CIR in
accordance with Article 14 and Articles
16 to 20.*

(22) 'EES data' means all data stored in
the EES Central System.

Or. en

Amendment 846
Péter Niedermüller

Proposal for a regulation
Article 55b – paragraph 1 – point 6
Regulation (EU) 2017/2226
Article 7(1)(a)

Text proposed by the Commission

Amendment

6) *Article 7(1)(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];

(aa) a Central System (EES Central System);’

Or. en

Amendment 847

Bodil Valero

Proposal for a regulation

Article 55b – paragraph 1 – point 6

Regulation (EU) 2017/2226

Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

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

Or. en

Amendment 848

Péter Niedermüller

Proposal for a regulation

Article 55b – paragraph 1 – point 7

Regulation (EU) 2017/2226

Article 7(1), point (f)

Text proposed by the Commission

Amendment

(f) a secure communication infrastructure between the EES Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2018/XX on

(f) a secure communication infrastructure between the EES 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 common identity repository 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].

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

Or. en

Amendment 849

Bodil Valero

Proposal for a regulation

Article 55b – paragraph 1 – point 7

Regulation (EU) 2017/2226

Article 7 – paragraph 1 – point f

Text proposed by the Commission

(f) a secure communication infrastructure between the EES 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 common identity repository 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].

Amendment

(f) a secure communication infrastructure between the EES 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].

Or. en

Amendment 850

Péter Niedermüller

Proposal for a regulation

Article 55b – paragraph 1 – point 8

Regulation (EU) 2017/2226

Article 7

Text proposed by the Commission

Amendment

8) In Article 7, the following paragraph is added: *deleted*

‘1a. The CIR shall contain the data referred to in Article 16(1)(a) to (d) and Article 17(1)(a) to (c), the remaining EES data shall be stored in the EES Central System.’

Or. en

Amendment 851 Bodil Valero

**Proposal for a regulation
Article 55b – paragraph 1 – point 8
Regulation (EU) 2017/2226
Article 7 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

8) In Article 7, the following paragraph is added: *deleted*

‘1a. The CIR shall contain the data referred to in Article 16(1)(a) to (d) and Article 17(1)(a) to (c), the remaining EES data shall be stored in the EES Central System.’

Or. en

Amendment 852 Bodil Valero

**Proposal for a regulation
Article 55b – paragraph 1 – point 9
Regulation (EU) 2017/2226
Article 9 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

9) *In Article 9, the following paragraph is added:*

deleted

‘3. Access to consulting the EES 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 EU 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 EU bodies in accordance with those purposes and shall be proportionate to the objectives pursued.’

Or. en

Amendment 853
Péter Niedermüller

Proposal for a regulation
Article 55b – paragraph 1 – point 9
Regulation (EU) 2017/2226
Article 9

Text proposed by the Commission

3. Access to consulting the EES 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 EU 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 EU bodies in accordance with those purposes and shall be proportionate to the objectives pursued.

Amendment

3. Access to consulting the EES data ***referred to in Article 1(1)(a)*** shall be reserved exclusively for the duly authorised staff of the national authorities of each Member State and for the duly ***authorized*** staff of the EU bodies that are competent for the purposes laid down in [Article 20 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 EU bodies in accordance with those purposes and shall be proportionate to the objectives pursued.”

Or. en

Amendment 854

Bodil Valero

Proposal for a regulation

Article 55b – paragraph 1 – point 10

Regulation (EU) 2017/2226

Article 21 – paragraph 1

Text proposed by the Commission

Amendment

10) In Article 21(1), the words "EES Central System" are replaced, both times they appear, by the words "EES Central System or the CIR". *deleted*

Or. en

Amendment 855

Péter Niedermüller

Proposal for a regulation

Article 55b – paragraph 1 – point 10

Regulation (EU) 2017/2226

Article 21(2)

Text proposed by the Commission

Amendment

10) In Article 21(1), the words "EES Central System" are replaced, both times they appear, by the words "EES Central System or the CIR". *deleted*

Or. en

Amendment 856

Bodil Valero

Proposal for a regulation

Article 55b – paragraph 1 – point 11

Regulation (EU) 2017/2226

Article 21 – paragraph 2

Text proposed by the Commission

Amendment

11) *In Article 21(2), the words "both the EES Central System and in the NUI" are replaced by the words "both the EES Central System and the CIR on the one hand and in the NUI on the other".* **deleted**

Or. en

Amendment 857
Péter Niedermüller

Proposal for a regulation
Article 55b – paragraph 1 – point 11
Regulation (EU) 2017/2226
Article 21(2)

Text proposed by the Commission

Amendment

11) *In Article 21(2), the words "both the EES Central System and in the NUI" are replaced by the words "both the EES Central System and the CIR on the one hand and in the NUI on the other".* **deleted**

Or. en

Amendment 858
Bodil Valero

Proposal for a regulation
Article 55b – paragraph 1 – point 12
Regulation (EU) 2017/2226
Article 21 – paragraph 2

Text proposed by the Commission

Amendment

12) *In Article 21(2), the words "shall be entered in the EES Central System" are replaced by the words "shall be entered in the EES Central System and the CIR".* **deleted**

Or. en

Amendment 859
Péter Niedermüller

Proposal for a regulation
Article 55b – paragraph 1 – point 12
Regulation (EU) 2017/2226
Article 21(2)

Text proposed by the Commission

Amendment

12) In Article 21(2), the words "shall be entered in the EES Central System" are replaced by the words "shall be entered in the EES Central System and the CIR". **deleted**

Or. en

Amendment 860
Bodil Valero

Proposal for a regulation
Article 55b – paragraph 1 – point 13
Regulation (EU) 2017/2226
Article 32 – paragraph 1 a new

Text proposed by the Commission

Amendment

13) A new paragraph (1a) is added to Article 32: **deleted**
‘1a. In cases where the designated authorities launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access EES for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the EES.’

Or. en

Amendment 861

Péter Niedermüller

Proposal for a regulation

Article 55b – paragraph 1 – point 13

Regulation (EU) 2017/2226

Article 32(1)(a)

Text proposed by the Commission

1a. In cases where the designated authorities launched a query to the **CIR** in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access EES for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the EES.

Amendment

1a. In cases where the designated authorities launched a query to the **ESP and sBMS** in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access EES for consultation **where the conditions laid down in this Article are met and** where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the EES"

Or. en

Amendment 862

Bodil Valero

Proposal for a regulation

Article 55b – paragraph 1 – point 14

Regulation (EU) 2017/2226

Article 32 – paragraph 2

Text proposed by the Commission

14) Article 32(2) is replaced by the following:

‘2.

Access to the EES as a tool for the purpose of identifying an unknown suspect, perpetrator or suspected victim of a terrorist offence or otherwise serious criminal offence shall only be allowed when a query to the CIR was launched in accordance with [Article 22 of Regulation 2018/XX on interoperability] and all the conditions listed in paragraph 1 and paragraph 1a are met.

Amendment

deleted

However, this additional condition shall not apply in a case of urgency where there is a need to prevent an imminent danger to the life of a person associated with a terrorist offence or another serious criminal offence. Those reasonable grounds shall be included in the electronic or written request sent by the operating unit of the designated authority to the central access point.'

Or. en

Amendment 863
Péter Niedermüller

Proposal for a regulation
Article 55b – paragraph 1 – point 14
Regulation (EU) 2017/2226
Article 32(2)

Text proposed by the Commission

Access to the EES as a tool for the purpose of identifying an unknown suspect, perpetrator or suspected victim of a terrorist office or otherwise serious criminal offence shall only be allowed when a query to the **CIR** was launched in accordance with [Article 22 of Regulation 2018/XX on interoperability] and all the conditions listed in paragraph 1 and paragraph 1a are met.

Amendment

Access to the EES as a tool for the purpose of identifying an unknown suspect, perpetrator or suspected victim of a terrorist office or otherwise serious criminal offence shall only be allowed when a query to the **EU information systems** was launched in accordance with [Article 22 of Regulation 2018/XX on interoperability] and all the conditions listed in paragraph 1 and paragraph 1a are met.

Or. en

Amendment 864
Bodil Valero

Proposal for a regulation
Article 55b – paragraph 1 – point 16
Regulation (EU) 2017/2226
Article 33 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

16) A new paragraph (1a) is added to Article 33:

deleted

‘1a. In cases where Europol launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access EES for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the EES.’

Or. en

Amendment 865
Péter Niedermüller

Proposal for a regulation
Article 55b – paragraph 1 – point 16
Regulation (EU) 2017/2226
Article 33(1)(a)

Text proposed by the Commission

Amendment

1a. In cases where Europol launched a query to the **CIR** in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access EES for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the EES.

1a. In cases where Europol launched a query to the **ESP and sBMS** in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access EES for consultation **where the conditions laid down in this Article are met and** where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the EES. ”

Or. en

Amendment 866
Bodil Valero

Proposal for a regulation
Article 55b – paragraph 1 – point 18

Text proposed by the Commission

Amendment

18) In Article 34(1) and (2), the words "in the EES Central System" shall be replaced by the words "in the CIR and in the EES Central System respectively". *deleted*

Or. en

Amendment 867
Péter Niedermüller

Proposal for a regulation
Article 55b – paragraph 1 – point 18
Regulation (EU) 2017/2226
Art. 34(1) and (2)

Text proposed by the Commission

Amendment

18) In Article 34(1) and (2), the words "in the EES Central System" shall be replaced by the words "in the CIR and in the EES Central System respectively". *deleted*

Or. en

Amendment 868
Péter Niedermüller

Proposal for a regulation
Article 55b – paragraph 1 – point 19
Regulation (EU) 2017/2226
Article 34(5)

Text proposed by the Commission

Amendment

19) In Article 34(5), the words "of the EES Central System" shall be replaced by the words "from the EES Central System and from the CIR". *deleted*

Or. en

Amendment 869

Bodil Valero

Proposal for a regulation

Article 55b – paragraph 1 – point 19

Regulation (EU) 2017/2226

Article 34 – paragraph 5

Text proposed by the Commission

Amendment

19) In Article 34(5), the words "of the EES Central System" shall be replaced by the words "from the EES Central System and from the CIR".

deleted

Or. en

Amendment 870

Péter Niedermüller

Proposal for a regulation

Article 55b – paragraph 1 – point 20

Regulation (EU) 2017/2226

Article 35(7)

Text proposed by the Commission

Amendment

20) In Article 35, paragraph 7 is replaced by the following:

deleted

‘The EES Central System and the CIR shall immediately inform all Member States of the erasure of EES or CIR data and where applicable remove them from the list of identified persons referred to in Article 12(3).’

Or. en

Amendment 871

Bodil Valero

Proposal for a regulation

Article 55b – paragraph 1 – point 20
Regulation (EU) 2017/2226
Article 35 – paragraph 7

Text proposed by the Commission

Amendment

20) In Article 35, paragraph 7 is replaced by the following: *deleted*

‘The EES Central System and the CIR shall immediately inform all Member States of the erasure of EES or CIR data and where applicable remove them from the list of identified persons referred to in Article 12(3).’

Or. en

Amendment 872
Bodil Valero

Proposal for a regulation
Article 55b – paragraph 1 – point 21
Regulation (EU) 2017/2226
Article 36

Text proposed by the Commission

Amendment

21) In Article 36, the words "of the EES Central System" shall be replaced by the words "of the EES Central System and the CIR". *deleted*

Or. en

Amendment 873
Péter Niedermüller

Proposal for a regulation
Article 55b – paragraph 1 – point 21
Regulation (EU) 2017/2226
Article 36

Text proposed by the Commission

Amendment

21) *In Article 36, the words "of the EES Central System" shall be replaced by the words "of the EES Central System and the CIR".* *deleted*

Or. en

Amendment 874
Péter Niedermüller

Proposal for a regulation
Article 55b – paragraph 1 – point 22
Regulation (EU) 2017/2226
Article 37(1)

Text proposed by the Commission

Amendment

22) *In Article 37(1), the words "development of the EES Central System", shall be replaced by the words "development of the EES Central System and the CIR".* *deleted*

Or. en

Amendment 875
Bodil Valero

Proposal for a regulation
Article 55b – paragraph 1 – point 22
Regulation (EU) 2017/2226
Article 37 – paragraph 1

Text proposed by the Commission

Amendment

22) *In Article 37(1), the words "development of the EES Central System", shall be replaced by the words "development of the EES Central System and the CIR".* *deleted*

Or. en

Amendment 876
Péter Niedermüller

Proposal for a regulation
Article 55b – paragraph 1 – point 23
Regulation (EU) 2017/2226
Article 37(3)

Text proposed by the Commission

Amendment

23) *In the first subparagraph of Article 37(3), the words "the EES Central System" shall be replaced, the first and the third time they appear, by the words "the EES Central System and the CIR".* *deleted*

Or. en

Amendment 877
Bodil Valero

Proposal for a regulation
Article 55b – paragraph 1 – point 23
Regulation (EU) 2017/2226
Article 37 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

23) *In the first subparagraph of Article 37(3), the words "the EES Central System" shall be replaced, the first and the third time they appear, by the words "the EES Central System and the CIR".* *deleted*

Or. en

Amendment 878
Péter Niedermüller
on behalf of the S&D Group

Proposal for a regulation
Article 55b – paragraph 1 – point 24 a (new)

Text proposed by the Commission

Amendment

24 a) In Article 52, the following paragraph is added:

(7a) Third-country nationals wishing to exercise their rights under this Article may make use of the web service as provided for in Article 47 of [the Regulation on establishing a framework for interoperability between EU information systems (border and visa) and amending Council Decision 2004/512/EC, Regulation (EC) No 767/2008, Council Decision 2008/633/JHA, Regulation (EU) 2016/399 and Regulation (EU) 2017/2226].

Or. en

Amendment 879
Bodil Valero

Proposal for a regulation
Article 55b – paragraph 1 – point 25
Regulation (EU) 2017/2226
Article 63 – paragraph 2

Text proposed by the Commission

Amendment

25) Article 63(2) is replaced by the following:

deleted

‘2. For the purpose of paragraph 1 of this Article, eu-LISA shall store the data referred to in paragraph 1 in the central repository for reporting and statistics referred to in [Article 39 of the Regulation 2018/XX on interoperability].’

Or. en

Amendment 880
Bodil Valero

Proposal for a regulation
Article 55b – paragraph 1 – point 26
Regulation (EU) 2017/2226

Article 63 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

26) In Article 63(4) a new subparagraph is added: **deleted**

‘The daily statistics shall be stored in the central repository for reporting and statistics.’

Or. en

Amendment 881

Bodil Valero

Proposal for a regulation

Article 55c – paragraph 1 – subparagraph 1

Council Decision 2004/512/EC

Article 1 – paragraph 2 – point a

Text proposed by the Commission

Amendment

a) the common identity repository as referred to in [Article 17(2)(a) of Regulation 2018/XX on interoperability], **deleted**

Or. en

Amendment 882

Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation

Article 55c – paragraph 1 – subparagraph 1

Council Decision 2004/512/EC

Article 1(2)

Text proposed by the Commission

Amendment

a) the common identity repository as referred to in [Article 17(2)(a) of Regulation 2018/XX on interoperability], **deleted**

Or. en

Justification

Amendment tabled for consistency purposes.

Amendment 883

Bodil Valero

Proposal for a regulation

Article 55c – paragraph 1 – subparagraph 1

Council Decision 2004/512/EC

Article 1 – paragraph 2 – point f

Text proposed by the Commission

f) a secure communication infrastructure between the VIS Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2018/XX on interoperability], shared biometric matching service established by [Article 12 of Regulation 2018/XX on interoperability], *the common identity repository and the multiple-identity detector (MID) established by [Article 25 of Regulation 2018/XX on interoperability]*.

Amendment

f) a secure communication infrastructure between the VIS Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2018/XX on interoperability], shared biometric matching service established by [Article 12 of Regulation 2018/XX on interoperability].

Or. en

Amendment 884

Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation

Article 55c – paragraph 1 – subparagraph 1

Council Decision 2004/512/EC

Article 1(2)

Text proposed by the Commission

f) a secure communication infrastructure between the VIS Central System and the central infrastructures of the European search portal established by

Amendment

f) a secure communication infrastructure between the VIS Central System and the central infrastructures of the European search portal established by

[Article 6 of Regulation 2018/XX on interoperability], shared biometric matching service established by [Article 12 of Regulation 2018/XX on interoperability], ***the common identity repository*** and the multiple-identity detector (MID) established by [Article 25 of Regulation 2018/XX on interoperability].

[Article 6 of Regulation 2018/XX on interoperability], shared biometric matching service established by [Article 12 of Regulation 2018/XX on interoperability] and the multiple-identity detector (MID) established by [Article 25 of Regulation 2018/XX on interoperability].

Or. en

Justification

Amendment tabled for consistency purposes.

Amendment 885

Bodil Valero

Proposal for a regulation

Article 55d – paragraph 1

Regulation (EC) 767/2008

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1) In Article 1, the following paragraph is added:

deleted

‘2. By storing identity, travel document and biometric data in the common identity repository (CIR) established by [Article 17 of Regulation 2018/XX on interoperability], the VIS contributes to facilitating and assisting in the correct identification of persons registered in the VIS under the conditions and for the ultimate objectives laid down in paragraph 1 of this Article.’

Or. en

Amendment 886

Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation
Article 55d – paragraph 1
Regulation (EC) 767/2008
Article 1

Text proposed by the Commission

2. By storing identity, travel document and biometric data ***in the common identity repository (CIR) established by [Article 17 of Regulation 2018/XX on interoperability]***, the VIS contributes to facilitating and assisting in the correct identification of persons registered in the VIS under the conditions and for the ultimate objectives laid down in paragraph 1 of this Article.

Amendment

2. By storing identity, travel document and biometric data, the VIS contributes to facilitating and assisting in the correct identification of persons registered in the VIS under the conditions and for the ultimate objectives laid down in paragraph 1 of this Article.

Or. en

Justification

Amendment tabled for consistency purposes.

Amendment 887
Péter Niedermüller
on behalf of the S&D Group

Proposal for a regulation
Article 55d – paragraph 2
Regulation (EC) 767/2008
Article 4

Text proposed by the Commission

(12) ***'VIS data' means all data stored in the VIS Central System and in the CIR in accordance with Articles 9 to 14.***

deleted

Amendment

Or. en

Justification

Amendment tabled for consistency purposes.

Amendment 888

Bodil Valero

Proposal for a regulation

Article 55d – paragraph 2

Regulation (EC) 767/2008

Article 4 – point 11 a (new)

Text proposed by the Commission

Amendment

(12) 'VIS data' means all data stored in the VIS Central System and in the CIR in accordance with Articles 9 to 14. *deleted*

Or. en

Amendment 889

Bodil Valero

Proposal for a regulation

Article 55d – paragraph 3

Regulation (EC) 767/2008

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

3) In Article 5, the following paragraph is added: *deleted*

‘1a) The CIR shall contain the data referred to in Article 9(4)(a) to (cc), 9(5) and 9(6), the remaining VIS data shall be stored in the VIS Central System.’

Or. en

Amendment 890

Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation

Article 55d – paragraph 3

Regulation (EC) 767/2008

Article 5

Text proposed by the Commission

Amendment

1a) *The CIR shall contain the data referred to in Article 9(4)(a) to (cc), 9(5) and 9(6), the remaining VIS data shall be stored in the VIS Central System.* ***deleted***

Or. en

Justification

Amendment tabled for consistency purposes.

Amendment 891

Bodil Valero

Proposal for a regulation

Article 55d – paragraph 4

Regulation (EC) 767/2008

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

4) *Article 6(2) is amended as follows:* ***deleted***

‘2. Access to the VIS for consulting the data shall be reserved exclusively for the duly authorised staff of the national authorities of each Member State which are competent for the purposes laid down in Article 15 to 22, and for the duly authorised staff of the national authorities of each Member State and of the EU bodies which are competent for the purposes laid down in [Article 20 and Article 21 of the Regulation 2018/XX on interoperability], limited to the extent that the data are required for the performance of their tasks in accordance with those purposes, and proportionate to the objectives pursued.’

Or. en

Amendment 892
Péter Niedermüller
on behalf of the S&D Group

Proposal for a regulation
Article 55d – paragraph 7
Regulation (EC) 737/2008
Article 29(2)(a)

Text proposed by the Commission

Amendment

7) *In Article 29(2)(a) the word "VIS" is replaced by the words "VIS or the CIR" in both instances where it appears.* *deleted*

Or. en

Justification

Amendment tabled for consistency purposes.

Amendment 893
Bodil Valero

Proposal for a regulation
Article 55d – paragraph 7
Regulation (EC) 767/2008
Article 29 – paragraph 2 – point a

Text proposed by the Commission

Amendment

7) *In Article 29(2)(a) the word "VIS" is replaced by the words "VIS or the CIR" in both instances where it appears.* *deleted*

Or. en

Amendment 894
Péter Niedermüller
on behalf of the S&D Group

Proposal for a regulation
Article 55d – paragraph 7 a (new)

7 a) In Article 38, the following paragraph is added:

(6a) Third country nationals wishing to exercise their rights under this Article may make use of the web service provided for in Article 47 of the [Regulation on interoperability between EU information systems (borders and visa) and amending Council Decision 2004/512/EC, Regulation (EC) No 767/2008, Council Decision 2008/633/JHA, Regulation (EU) 2016/399 and Regulation (EU) 2017/2226].

Or. en

Amendment 895
Bodil Valero

Proposal for a regulation

Article 55e

Council Decision 2008/633/JHA

Article 5 – paragraph 1 a (new) and Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Article 55e

deleted

**Amendments to Council Decision
2008/633/JHA**

**1) A new paragraph (1a) is added to
Article 5:**

‘1a. In cases where the designated authorities launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access VIS for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the VIS.

‘1a. In cases where Europol launched a query to the CIR in accordance with

[Article 22 of Regulation 2018/XX on interoperability], they may access VIS for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the VIS.

Or. en

Amendment 896
Péter Niedermüller
on behalf of the S&D Group

Proposal for a regulation
Article 55e – paragraph 1
Council Decision 2008/633/JHA
Article 5

Text proposed by the Commission

1a. In cases where the designated authorities ***launched*** a query ***to the CIR*** in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access VIS for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the VIS.

Amendment

1a. In cases where the designated authorities ***launch*** a query in accordance with [Article 22 of Regulation 2018/XX on interoperability], ***and where the conditions for access laid down in this Article are met***, they may access VIS for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the VIS.

Or. en

Justification

Amendment tabled for consistency purposes and to ensure that the Commission's proposed two-stage test for law-enforcement access is respected.

Amendment 897
Péter Niedermüller
on behalf of the S&D Group

Proposal for a regulation

Article 55e – paragraph 2
Council Decision 2008/633/JHA
Article 7

Text proposed by the Commission

1a. In cases where Europol **launched** a query **to the CIR** in accordance with [Article 22 of Regulation 2018/XX on interoperability], **they** may access VIS for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the VIS.

Amendment

1a. In cases where Europol **launches** a query in accordance with [Article 22 of Regulation 2018/XX on interoperability], **and where the conditions for access laid down in this Article are met, Europol** may access VIS for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the VIS.

Or. en

Justification

Amendment tabled for consistency purposes and to ensure that the Commission's proposed two-stage test for law-enforcement access is respected.

Amendment 898
Cornelia Ernst

Proposal for a regulation
Article 55f

Text proposed by the Commission

[Article 55f

Amendment

deleted

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

[...]

Or. en

Amendment 899
Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation

Article 55f – paragraph 1

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 1 – paragraph 1a

Text proposed by the Commission

Amendment

1. In Article 1, the following paragraph is inserted: **deleted**

"1a. By storing identity and travel document data in the common identity repository (CIR) established by [Article 17 of Regulation 2018/XX on interoperability], the ETIAS contributes to facilitating and assisting in the correct identification of persons registered in the ETIAS under the conditions and for the ultimate objectives referred to in [Article 20] of that Regulation."

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 900

Bodil Valero

Proposal for a regulation

Article 55f – paragraph 1

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 1 – paragraph 1a

Text proposed by the Commission

Amendment

1. In Article 1, the following paragraph is inserted: **deleted**

"1a. By storing identity and travel document data in the common identity repository (CIR) established by [Article 17

of Regulation 2018/XX on interoperability], the ETIAS contributes to facilitating and assisting in the correct identification of persons registered in the ETIAS under the conditions and for the ultimate objectives referred to in [Article 20] of that Regulation."

Or. en

Justification

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

Amendment 901

Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation

Article 55f – paragraph 2

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 3 – paragraph 1 – point pa

Text proposed by the Commission

Amendment

(pa) 'CIR' means the common identity repository as defined in [point 35 of Article 4 of Regulation 2018/XX on interoperability]; *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 902

Bodil Valero

Proposal for a regulation

Article 55f – paragraph 2

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 3 – paragraph 1 – point pa

Text proposed by the Commission

Amendment

(pa) 'CIR' means the common identity repository as defined in [point 35 of Article 4 of Regulation 2018/XX on interoperability]; **deleted**

Or. en

Justification

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

Amendment 903

Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation

Article 55f – paragraph 2

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 3 – paragraph 1 – point pb

Text proposed by the Commission

Amendment

(pb) 'ETIAS Central System' means the Central System referred to in Article 6(2)(ab) together with the CIR to the extent that the CIR contains the data referred to in Article 6(2a); **deleted**

Or. en

Justification

As the CIR is unnecessary to achieve the aims of interoperability, it should be deleted and this definition is not needed. This amendment is tabled for consistency purposes.

Amendment 904

Bodil Valero

Proposal for a regulation

Article 55f – paragraph 2

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 3 – paragraph 1 – point pb

Text proposed by the Commission

Amendment

(pb) 'ETIAS Central System' means the Central System referred to in Article 6(2)(ab) together with the CIR to the extent that the CIR contains the data referred to in Article 6(2a); **deleted**

Or. en

Justification

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

Amendment 905

Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation

Article 55f – paragraph 3

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 4 – point g

Text proposed by the Commission

Amendment

(g) contribute to the correct identification of persons; **deleted**

Or. en

Justification

The objectives of ETIAS already include (d) enhancing the effectiveness of border checks. As border checks involved correctly identifying persons, this additional objective is not needed for ETIAS.

Amendment 906

Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation

Article 55f – paragraph 4

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 6 – paragraph 2 – point a

Text proposed by the Commission

Amendment

4. In Article 6(2), 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

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

Amendment 907

Bodil Valero

Proposal for a regulation

Article 55f – paragraph 4

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 6 – paragraph 2 – point a

Text proposed by the Commission

Amendment

4. In Article 6(2), 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];"

Justification

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

Amendment 908

Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation

Article 55f – paragraph 5

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 6 – paragraph 2 – point ab

Text proposed by the Commission

Amendment

5. In Article 6(2) a following point (ab) is inserted: **deleted**

"(ab) a Central System, including the watchlist;"

Justification

As the CIR is unnecessary to achieve the aims of interoperability, it should be deleted. This amendment is tabled for consistency purposes. The new Article 6(2)(ab) is not needed, since the existing Article 6(2)(a) contains this text.

Amendment 909

Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation

Article 55f – paragraph 6

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 6 – paragraph 2 – point n

Text proposed by the Commission

Amendment

(n) a secure communication infrastructure between the ETIAS Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2018/XX on interoperability], ***the common identity repository 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];

(n) a secure communication infrastructure between the ETIAS Central System and the central infrastructures of the European search portal established by [Article 6 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 910

Bodil Valero

Proposal for a regulation

Article 55f – paragraph 6 Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 6 – paragraph 2 – point n

Text proposed by the Commission

Amendment

(n) a secure communication infrastructure between the ETIAS Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2018/XX on interoperability], ***the common identity repository 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];

(n) a secure communication infrastructure between the ETIAS Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2018/XX on interoperability],

Or. en

Justification

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

Amendment 911

Bodil Valero

Proposal for a regulation

Article 55f – paragraph 7

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 6 – paragraph 2a

Text proposed by the Commission

Amendment

7. In Article 6, the following paragraph is inserted: **deleted**

"2a. The CIR shall contain the identity and travel document data referred to in Article 17(2)(a) and (b) to (e) as well as the three letter code of the country issuing the travel document as referred to in Article 19(3)(c), the remaining data shall be stored in the ETIAS Central System."

Or. en

Justification

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

Amendment 912

Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation

Article 55f – paragraph 7

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 6 – paragraph 2a

Text proposed by the Commission

Amendment

7. In Article 6, the following **deleted**

paragraph is inserted:

"2a. The CIR shall contain the identity and travel document data referred to in Article 17(2)(a) and (b) to (e) as well as the three letter code of the country issuing the travel document as referred to in Article 19(3)(c), the remaining data shall be stored in the ETIAS 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 913

Bodil Valero

Proposal for a regulation

Article 55f – paragraph 8

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 13 – paragraph 5

Text proposed by the Commission

Amendment

8. Article 13 is amended as follows: *deleted*

(a) paragraph 5 is replaced by the following:

"5. Access to consulting the ETIAS identity and travel document data stored in the CIR shall also be reserved exclusively for the duly authorised staff of the national authorities of each Member State and for the duly authorised staff of the EU 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.

6. Each Member State shall designate the competent national authorities referred to in paragraphs 1, 2 4 and 5 of this Article and shall communicate a list of these authorities to eu-LISA without delay, in accordance with Article 87(2). That list shall specify for which purpose the duly authorised staff of each authority shall have access to the data in ETIAS Information System in accordance with paragraphs 1, 2 4 and 5 of this Article ."

Or. en

Justification

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

Amendment 914

Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation

Article 55f – paragraph 8

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 13 – paragraph 5

Text proposed by the Commission

(a) paragraph 5 is replaced by the following:

"5. Access to consulting the ETIAS identity and travel document data ***stored in the CIR*** shall ***also*** be reserved exclusively for the duly authorised staff of the national authorities of each Member State and for the duly authorised staff of the EU 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

Amendment

(a) paragraph 5 is replaced by the following:

"5. Access to consulting the ETIAS identity and travel document 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 EU bodies that are competent for the purposes laid down in [Article 20 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

pursued.

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 915

Bodil Valero

Proposal for a regulation

Article 55f – paragraph 14

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 52 – paragraph 1a

Text proposed by the Commission

Amendment

14. In Article 52, the following paragraph is inserted: **deleted**

"1a. In cases where the designated authorities launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access the application files stored in the ETIAS Central System in accordance with this Article for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the application files stored in the ETIAS Central System."

Or. en

Justification

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

Amendment 916

Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation

Article 55f – paragraph 14

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 52 – paragraph 1a

Text proposed by the Commission

14. In Article 52, the following paragraph is inserted:

"1a. In cases where the designated authorities launched a query to ***the CIR*** in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access the application files stored in the ETIAS Central System in accordance with ***this*** Article for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the application files stored in the ETIAS Central System."

Amendment

14. In Article 52, the following paragraph is inserted:

"1a. In cases where the designated authorities launched a query to ***relevant EU information systems*** in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access the application files stored in the ETIAS Central System in accordance with Article ***45*** for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the application files stored in the ETIAS Central System."

Or. en

Justification

Under Article 22 of the Interoperability Regulation, law enforcement authorities will be able to determine whether data that might contribute to the prevention, detection or investigation of terrorist offences or other serious criminal offences is stored in ETIAS. However, actual access to that data will continue to be governed by the ETIAS Regulation (Article 45). References to CIR are deleted for consistency purposes.

Amendment 917

Bodil Valero

Proposal for a regulation

Article 55f – paragraph 15

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 53 – paragraph 1a

Text proposed by the Commission

Amendment

15. In Article 53, the following paragraph is inserted:

Deleted

"1a. In cases where Europol launched a query to the CIR in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access the application files stored in the ETIAS Central System in accordance with this Article for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the application files stored in the ETIAS Central System."

Or. en

Justification

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

Amendment 918

Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation

Article 55f – paragraph 15

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 53 – paragraph 1a

Text proposed by the Commission

Amendment

15. In Article 53, the following paragraph is inserted:

15. In Article 53, the following paragraph is inserted:

"1a. In cases where Europol launched a query to *the CIR* in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access the application files stored in the ETIAS Central System in accordance with *this*

"1a. In cases where Europol launched a query to *relevant EU information systems* in accordance with [Article 22 of Regulation 2018/XX on interoperability], they may access the application files stored in the ETIAS Central System in

Article for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the application files stored in the ETIAS Central System."

accordance with Article **46** for consultation where the reply received as referred to in paragraph 3 of [Article 22 of Regulation 2018/XX on interoperability] reveals that data is stored in the application files stored in the ETIAS Central System."

Or. en

Justification

Under Article 22 of the Interoperability Regulation, law enforcement authorities will be able to determine whether data that might contribute to the prevention, detection or investigation of terrorist offences or other serious criminal offences is stored in ETIAS. However, actual access to that data will continue to be governed by the ETIAS Regulation (Article 45). References to CIR are deleted for consistency purposes.

Amendment 919

Bodil Valero

Proposal for a regulation

Article 55f – paragraph 18

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 73 – paragraph 2

Text proposed by the Commission

Amendment

18. In Article 73(2), the words "the central repository of data" are replaced by the words "the central repository for reporting and statistics referred to in [Article 39 of the Regulation 2018/XX on interoperability] to the extent that it contains data obtained from the ETIAS Central System in accordance with Article 84". *deleted*

Or. en

Justification

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

Amendment 920

Bodil Valero

Proposal for a regulation

Article 55f – paragraph 19

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 74 – paragraph 1

Text proposed by the Commission

Amendment

19. In Article 74(1), the words "and the central repository of data, as referred to in Article 6" are deleted. *deleted*

Or. en

Justification

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

Amendment 921

Bodil Valero

Proposal for a regulation

Article 55f – paragraph 20

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 84 – paragraph 2

Text proposed by the Commission

Amendment

20. In Article 84(2), the first subparagraph is replaced by the following: *Deleted*

"2. For the purpose of paragraph 1 of this Article, eu-LISA shall store the data referred to in paragraph 1 in the central repository for reporting and statistics referred to in [Article 39 of the Regulation 2018/XX on interoperability]. In accordance with [Article 39(1) of the Regulation 2018/XX on interoperability], cross-system statistical data and analytical reporting would allow the authorities listed in paragraph 1 to obtain

customisable reports and statistics, to support the implementation of the ETIAS screening rules referred to in Article 33, to improve the assessment of the security, illegal immigration and high epidemic risks, to enhance the efficiency of border checks and to help the ETIAS Central Unit and the ETIAS National Units process the travel authorisation applications."

Or. en

Justification

In line with the deletion of CRRS in the interoperability proposals. Also, the language "illegal immigration" should not be used.

Amendment 922

Bodil Valero

Proposal for a regulation

Article 55f – paragraph 21

Regulation (EU) 2018/XXX (the ETIAS Regulation)

Article 84 – paragraph 4

Text proposed by the Commission

Amendment

21. In Article 84(4), a new subparagraph is added:

deleted

"The daily statistics shall be stored in the central repository for reporting and statistics."

Or. en

Justification

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

Amendment 923

Cornelia Ernst

Proposal for a regulation
Article 55g

Text proposed by the Commission

Amendment

Article 55g

deleted

Amendments to Regulation (EU) 2018/XX
[the Regulation on SIS in the field of
border checks]

[...]

Or. en

Justification

Amendment 924
Bodil Valero

Proposal for a regulation
Article 55g – paragraph 1

Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks]
Article 3 –paragraph 1 – point v

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

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

Amendment 925
Péter Niedermüller
on behalf of the S&D Group

Proposal for a regulation

Article 55g – paragraph 1

Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks]

Article 3 –paragraph 1 – point v

Text proposed by the Commission

Amendment

(v) **'CIR' means the common identity repository as referred to in [Article 17 of Regulation 2018/XX on interoperability];** **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 926

Bodil Valero

Proposal for a regulation

Article 55g – paragraph 1

Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks]

Article 3 –paragraph 1 – point w

Text proposed by the Commission

Amendment

(w) **'MID' means the multiple-identity detector as defined in [Article 25 of Regulation 2018/XX on interoperability].** **deleted**

Or. en

Justification

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

Amendment 927

Bodil Valero

Proposal for a regulation

Article 55g – paragraph 2

Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks]

Article 4 – paragraph 3 – point d

Text proposed by the Commission

(a) in paragraph 3, the following point (d) is added:

"d) a secure communication infrastructure between CS-SIS and the central infrastructures of the ESP, the shared BMS **and the MID**".

Amendment

(a) in paragraph 3, the following point (d) is added:

"d) a secure communication infrastructure between CS-SIS and the central infrastructures of the ESP **and** the shared BMS".

Or. en

Justification

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

Amendment 928

Bodil Valero

Proposal for a regulation

Article 55g – paragraph 3

Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks]

Article 7 – paragraph 2a

Text proposed by the Commission

3. *In Article 7 the following paragraph 2a is added:*

"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]."

Amendment

deleted

Or. en

Justification

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

Amendment 929

Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation

Article 55g – paragraph 3

Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks]

Article 7 – paragraph 2a

Text proposed by the Commission

3. In Article 7 the following paragraph 2a is added:

"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]*."

Amendment

3. In Article 7 the following paragraph 2a is added:

"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 *other EU information systems* for the purposes *of detecting multiple identities*."

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 930

Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation

Article 55g – paragraph 4

Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks]

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. in Article 8 paragraph 4 is deleted. deleted

Or. en

Justification

This proposed change to the SIS Borders Regulation seems to have no link with interoperability. As the SIS Borders Regulation has only just been agreed, it is hard to understand the Commission's intention with this proposed deletion. It should not be adopted.

Amendment 931

Jeroen Lenaers

Proposal for a regulation

Article 55g – paragraph 4

Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks]

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. in Article 8 paragraph 4 is deleted. deleted

Or. en

Justification

Corrects a mistake in the Commission proposal whereby the 'SIRENE Manual' was deleted. This amendment intends to correct that mistake.

Amendment 932

Carlos Coelho

Proposal for a regulation

Article 55g – paragraph 4

Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks]

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. in Article 8 paragraph 4 is deleted. deleted

Or. en

Justification

Amendment 933

Carlos Coelho

Proposal for a regulation

Article 55g – paragraph 6

Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks]

Article 29 – paragraph 1 – point g

Text proposed by the Commission

Amendment

6. In Article 29(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

Being able to agree with the objective of this amendment, it is however not clear how this proposed amendment is of added value, given the same purpose is arguably covered by the above letters in the same paragraph of this article in the SIS regulation. Moreover, this new proposed wording also raises doubts about the applicable rules to the point of questioning whether or not we would be creating a weaker set of rules for access to SIS, to a specific group of authorities, via the interoperability regulation.

Amendment 934

Bodil Valero

Proposal for a regulation

Article 55g – paragraph 6

Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks]

Article 29 – paragraph 1 – point g

Text proposed by the Commission

Amendment

6. In Article 29(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

In line with the deletion of Chapter V in the interoperability proposals.

Amendment 935

Bodil Valero

Proposal for a regulation

Article 55g – paragraph 7

Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks]

Article 54 – paragraph 6

Text proposed by the Commission

Amendment

7. in Article 54 paragraph 6, is replaced by the following: *deleted*

"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

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

Amendment 936 **Carlos Coelho**

Proposal for a regulation

Article 55g – paragraph 7

Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks]

Article 54 – paragraph 6

Text proposed by the Commission

7. in Article 54 paragraph 6, is replaced by the following:

"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*

Amendment

7. in Article 54 paragraph 6, is replaced by the following:

"For the purpose of paragraphs 3, 4 and 5 of this Article and of Article 15(5), the Agency shall *establish, implement and host a central repository in its technical sites containing the data referred to in paragraph 3 of this Article and in Article 15(5) which shall not allow for the identification of individuals and shall allow the Commission and the agencies referred to in paragraph 5 to obtain bespoke reports 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,

interoperability)]."

Europol, and the European Border and Coast Guard Agency *to the extent required for the performance of their tasks, to the central repository by means of secured access through the Communication Infrastructure with control of access and specific user profiles solely for the purpose of reporting and statistics.*"

Or. en

Justification

Amendment 937

Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation

Article 55g – paragraph 7

Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks]

Article 54 – paragraph 6

Text proposed by the Commission

7. in Article 54 paragraph 6, is replaced by the following:

"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

Amendment

7. in Article 54 paragraph 6, is replaced by the following:

"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 be anonymised and* 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]."

interoperability]."

Or. en

Justification

Amendment tabled for consistency purposes.

Amendment 938
Cornelia Ernst

Proposal for a regulation
Article 55h

Text proposed by the Commission

Amendment

Article 55h

deleted

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

Or. en

Amendment 939
Bodil Valero

Proposal for a regulation
Article 55h – 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 940

Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation

Article 55h – paragraph 2

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

Article 8 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The very-recently agreed text on the eu.LISA Regulation included this specification in Article 8. It should not be dropped now, irrespective of the content of Article 39.

Amendment 941

Bodil Valero

Proposal for a regulation

Article 55h – paragraph 2

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

Article 9

Text proposed by the Commission

2. ***Article 9 is replaced by the following:***

"Article 9

Interoperability

Amendment

deleted

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 942

Péter Niedermüller

on behalf of the S&D Group

Proposal for a regulation

Article 55h – paragraph 6

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

Article 23 – point a – point ea

Text proposed by the Commission

6. Article 23 **is amended as follows:**

(a) In paragraph 1 the following point is inserted:

"(ea) Interoperability Advisory Group;"

(b) paragraph 3 is replaced by the following:

"3. Europol and Eurojust and the European Border and Coast Guard Agency may each appoint a representative to the SIS II Advisory Group. Europol may also appoint a representative to the VIS and Eurodac and EES[-ETIAS] Advisory Groups. The European Border and Coast Guard Agency may also appoint a representative to the EES[-ETIAS] Advisory Group.] [Eurojust, Europol, and the European Public Prosecutors Office] may also appoint a

Amendment

6. **In** Article 23, paragraph 3 is replaced by the following:

"3. Europol and Eurojust and the European Border and Coast Guard Agency may each appoint a representative to the SIS II Advisory Group. Europol may also appoint a representative to the VIS and Eurodac and EES[-ETIAS] Advisory Groups. The European Border and Coast Guard Agency may also appoint a representative to the EES[-ETIAS] Advisory Group.] [Eurojust, Europol, and the European Public Prosecutors Office] may also appoint a

representative to the ECRIS-TCN system Advisory Group.] ***Europol, Eurojust and the European Border and Coast Guard Agency may each appoint a representative to the Interoperability Advisory Group.***"

representative to the ECRIS-TCN system Advisory Group.]"

Or. en

Justification

This addition is unnecessary. See Article 23(1)(f) of the eu.LISA Regulation as agreed - "any other Advisory Group relating to a large-scale IT system when so provided in the relevant legislative instrument governing the deveopment, establishment, operation and use of that large-scale IT system." If an Interoperability Advisory Group is to be set up it will done so through this Regulation and involvement of EU JHA Agencies in that Group will be determined in this Regulation.

Amendment 943
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 944

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 945

Péter Niedermüller

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 946

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, 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 947
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*

deleted

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.

Or. en

**Amendment 948
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

**Amendment 949
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 950
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:*
- (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.*
- deleted*

Or. en

Amendment 951

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

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 952

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 953

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 954

Bodil Valero

Proposal for a regulation

Article 56 – paragraph 5

Text proposed by the Commission

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 not enable the identification of individuals, but it shall allow the authorities listed in paragraph 1 of this Article to obtain customisable

deleted

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 955

Cornelia Ernst

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. 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 956

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

Proposal for a regulation

Article 56 – paragraph 5

Text proposed by the Commission

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 ***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. 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 957
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 958
Daniel Dalton

Proposal for a regulation
Article 57 – paragraph 1

Text proposed by the Commission

Amendment

For a period of ***two*** years from the date the ESP commences operations, the

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.

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 959

Bodil Valero

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, points 13, 14, 15 and 16 of Article 55b and Article 55e shall apply from the date of the start of operations referred to in Article 62(1).

Or. en

Amendment 960

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, points 13, 14, 15 and 16 of Article 55b and Article 55e shall apply from the date of the start of operations referred to in Article 62(1).

Or. en

Amendment 961

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

**Proposal for a regulation
Article 58 – title**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 962

Bodil Valero

**Proposal for a regulation
Article 59**

Text proposed by the Commission

Article 59

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

Amendment

deleted

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, 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 963
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, 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 964
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 965

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 966

Heinz K. Becker, Monika Hohlmeier

Proposal for a regulation

Article 59 – paragraph 6

Text proposed by the Commission

Amendment

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

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

referred to in this Article.

referred to in this Article.

Or. en

Amendment 967

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 968

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 969

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, 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 970

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 971

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

Amendment

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

the connection of the designated authorities to the CIR shall be borne by each Member State and Europol, respectively.

Member State and Europol.

Or. en

Amendment 972
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 973
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-LISA shall publish an updated consolidated list once a year.

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. ***The list shall include the date of notification for each authority listed.***

Or. en

Amendment 974

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 975

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 976

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

Proposal for a regulation

Article 62 – paragraph 1 – point c

Text proposed by 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, 19, 34 and 39 and have notified them to the Commission;

(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;

Amendment 977

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 978

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 979

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

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 980

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

**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), **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 981

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 982
Cornelia Ernst

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), **9(7) and 28(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 983
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, 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 984
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, 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 985
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 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) 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 period shall be extended by [two months] at the initiative of the European Parliament or of the Council.

Or. en

Amendment 986

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 987

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

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 988

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

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 989
Cornelia Ernst

Proposal for a regulation
Article 67 – paragraph 1 a (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 990
Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

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 991

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, 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 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 992
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 993
Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

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

Or. en

Amendment 994

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

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 995

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 the interoperability components.

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

Amendment 996

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, 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 997

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 998

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

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 999 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 1000 Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 68 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1001

Cornelia Ernst

Proposal for a regulation

Article 68 – paragraph 5 – subparagraph 1 – point b

Text proposed by the Commission

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

Amendment

(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 1002

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

Proposal for a regulation

Article 68 – paragraph 5 – subparagraph 1 – point b

Text proposed by the Commission

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

Amendment

(b) an examination of the results achieved against objectives and the impact on fundamental rights, ***particularly the use of CIR with biometric data taken during an identity check***;

Amendment 1003

Bodil Valero

Proposal for a regulation

Article 68 – paragraph 5 – subparagraph 1 – point b

Text proposed by the Commission

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

Amendment

(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 1004

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

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 1005

Daniel Dalton

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, 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

Amendment 1006

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 stored **through the ESP and the shared BMS** for law enforcement purposes, containing information and statistics on:

Or. en

Amendment 1007

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

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

enforcement purposes, containing information and statistics on:

law enforcement purposes, containing information and statistics on:

Or. en

Amendment 1008

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 1009

Cornelia Ernst

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, ***as well as the EU's obligation to act with outmost 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:

Amendment 1010

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 1011

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

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 1012

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

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