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AMENDMENTS

768 - 1093

Draft report

Kinga Gál

(PE605.985v01-00)

European Travel Information and Authorisation System (ETIAS)

Proposal for a regulation

(COM(2016)0731 – C8-0466/2016 – 2016/0357(COD))

Amendment 768
Monika Hohlmeier

Proposal for a regulation
Chapter 6 – title

Text proposed by the Commission

Issuing, refusal, annulment or revocation of a travel authorisation

Amendment

Issuing, refusal, **update**, annulment or revocation of a travel authorisation

Or. en

Amendment 769
Marie-Christine Vergiat

Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission

1. Where the examination of an application pursuant to the procedures laid down in Chapters III, IV and V indicates that there **are no factual indications or reasonable grounds** to conclude that the presence of the person on the territory of the Member States poses **an irregular migration, security or public health** risk, a travel authorisation shall be issued by the ETIAS Central System or the ETIAS National Unit of the responsible Member State.

Amendment

1. Where the examination of an application pursuant to the procedures laid down in Chapters III, IV and V indicates that there **is no evidence** to conclude that the presence of the person on the territory of the Member States poses **a** security risk, a travel authorisation shall be issued by the ETIAS Central System or the ETIAS National Unit of the responsible Member State.

Or. fr

Amendment 770
Angelika Mlinar

Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission

Amendment

1. Where the examination of an application pursuant to the procedures laid down in Chapters III, IV and V indicates that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses *an irregular migration, security or public health* risk, a travel authorisation shall be issued by the ETIAS Central System or the ETIAS National Unit of the responsible Member State.

1. Where the examination of an application pursuant to the procedures laid down in Chapters III, IV and V indicates that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses *a* risk, a travel authorisation shall be issued by the ETIAS Central System or the ETIAS National Unit of the responsible Member State.

Or. en

Amendment 771
Artis Pabriks

Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission

1. Where the examination of an application pursuant to the procedures laid down in Chapters III, IV and V indicates that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses an *irregular* migration, security or public health risk, a travel authorisation shall be issued by the ETIAS Central System or the ETIAS National Unit of the responsible Member State.

Amendment

1. Where the examination of an application pursuant to the procedures laid down in Chapters III, IV and V indicates that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses an *illegal* migration, security or public health risk, a travel authorisation shall be issued by the ETIAS Central System or the ETIAS National Unit of the responsible Member State.

Or. en

Amendment 772
Jan Philipp Albrecht

Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission

1. Where the examination of an application pursuant to the procedures laid down in Chapters III, IV and V indicates that there are no ***factual indications or reasonable grounds*** to conclude that the presence of the person on the territory of the Member States poses ***an irregular migration, security or public health risk***, a travel authorisation shall be issued by the ETIAS Central System or the ETIAS National Unit of the responsible Member State.

Amendment

1. Where the examination of an application pursuant to the procedures laid down in Chapters III, IV and V indicates that there are no ***reasonable grounds based on factual indications*** to conclude that the presence of the person on the territory of the Member States poses ***a threat to*** security, a travel authorisation shall be issued by the ETIAS Central System or the ETIAS National Unit of the responsible Member State.

Or. en

Justification

“Reasonable grounds” that do not rely on factual indications are just guesses.

Amendment 773
Sergei Stanishev

Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission

1. Where the examination of an application pursuant to the procedures laid down in Chapters III, IV and V indicates that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses ***an irregular migration, security or public health risk***, a travel authorisation shall be issued by the ETIAS Central System or the ETIAS National Unit of the responsible Member State.

Amendment

1. Where the examination of an application pursuant to the procedures laid down in Chapters III, IV and V indicates that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses ***a*** security or public health risk, a travel authorisation shall be issued by the ETIAS Central System or the ETIAS National Unit of the responsible Member State.

Or. en

Justification

In line with previous amendments to remove prevention of irregular migration as one of the main objectives of this Regulation.

Amendment 774

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

1. Where the examination of an application pursuant to the procedures laid down in Chapters III, IV and V indicates that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses an irregular migration, ***security or public health*** risk, a travel authorisation shall be issued by the ETIAS Central System or the ETIAS National Unit of the responsible Member State.

Amendment

1. Where the examination of an application pursuant to the procedures laid down in Chapters III, IV and V indicates that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses an irregular migration ***or security*** risk, a travel authorisation shall be issued by the ETIAS Central System or the ETIAS National Unit of the responsible Member State.

Or. en

Amendment 775

Artis Pabriks

Proposal for a regulation

Article 30 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The ETIAS National Unit of the responsible Member State may attach a flag to the travel authorisation it issues, recommending further checks at the border crossing point. This flag shall only be visible to the border guards, it shall indicate the reason for such flag and it

shall be removed automatically once the check has been carried out.

Or. en

Amendment 776

Carlos Coelho, Anna Maria Corazza Bildt

Proposal for a regulation

Article 30 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The ETIAS National Unit of the responsible Member State may request, in accordance with the [SIS directive], that an alert for specific, [inquiry] or discreet check is created in SIS. Such alert may also be created upon the request of a consulted Member State.

Or. en

Justification

If doubts subsist or the person is of interest, even after the issuance of a Travel authorization, Member States should use the means already in place to request action at the Union External Borders. This will allow for an efficient use of existing systems, but also guarantees procedural safeguards are taken into account.

Amendment 777

Monika Hohlmeier

Proposal for a regulation

Article 30 – paragraph 2

Text proposed by the Commission

Amendment

2. A travel authorisation shall be valid for ***five*** years or until the end of validity of the travel document registered during application, whichever comes first, and shall be valid for the territory of the Member States.

2. A travel authorisation shall be valid for ***multiple trips over the period of three*** years or until the end of validity of the travel document registered during application, whichever comes first, and

shall be valid for the territory of the Member States.

The validity of the travel authorisation is contingent on the validity of the data provided in the application at the time of entry in the territory of the Member States.

Or. en

Amendment 778

Petri Sarvamaa

Proposal for a regulation

Article 30 – paragraph 2

Text proposed by the Commission

2. A travel authorisation shall be valid for **five** years or until the end of validity of the travel document registered during application, whichever comes first, and shall be valid for the territory of the Member States.

Amendment

2. A travel authorisation shall be valid for **three** years or until the end of validity of the travel document registered during application, whichever comes first, and shall be valid for the territory of the Member States. *However, for categories of applicants exempt from paying the fee in accordance with Article 16(2), the travel authorisation shall be valid for a single entry.*

Or. en

Amendment 779

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 30 – paragraph 2

Text proposed by the Commission

2. A travel authorisation shall be valid for **five** years or until the end of validity of the travel document registered during application, whichever comes first, **and**

Amendment

2. A travel authorisation shall be valid for **3** years or until the end of **the activity that gave rise to the authorisation fee being waived pursuant to Article 16(2)(c) to (e) or until the end of** validity of the

shall be valid for the territory of the Member States.

travel document registered during application, whichever comes first. **It** shall be valid for the territory of the Member States.

Or. fr

Amendment 780
Helga Stevens

Proposal for a regulation
Article 30 – paragraph 2

Text proposed by the Commission

2. A travel authorisation shall be valid for **five** years or until the end of validity of the travel document registered during application, whichever comes first, and shall be valid for the territory of the Member States.

Amendment

2. A travel authorisation shall be valid for **three** years or until the end of validity of the travel document registered during application, whichever comes first, and shall be valid for the territory of the Member States.

Or. nl

Amendment 781
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 30 – paragraph 2

Text proposed by the Commission

2. A travel authorisation shall be valid for **five** years or until the end of validity of the travel document registered during application, whichever comes first, and shall be valid for the territory of the Member States.

Amendment

2. A travel authorisation shall be valid for **two** years or until the end of validity of the travel document registered during application, whichever comes first, and shall be valid for the territory of the Member States.

Or. fr

Amendment 782

Jan Philipp Albrecht

**Proposal for a regulation
Article 30 – paragraph 3**

Text proposed by the Commission

Amendment

3. *A travel authorisation shall not confer an automatic right of entry.* **deleted**

Or. en

**Amendment 783
Brice Hortefeux, Rachida Dati**

**Proposal for a regulation
Article 30 – paragraph 3**

Text proposed by the Commission

Amendment

3. A travel authorisation shall not confer an automatic right of entry.
3. A travel authorisation shall not confer an automatic right of entry ***or right to stay.***

Or. fr

**Amendment 784
Carlos Coelho, Anna Maria Corazza Bildt**

**Proposal for a regulation
Article 30 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

- 3a. A travel authorization shall not preclude any actions regarding an alert on the SIS.***

Or. en

**Amendment 785
Angelika Mlinar**

Proposal for a regulation
Article 30 a (new)

Text proposed by the Commission

Amendment

Article 30 a

***Issuing of a travel authorization at the
external borders***

1. In exceptional cases, the travel authorization may be issued at border crossing points if the following conditions are satisfied:

(a) the applicant fulfils the conditions laid down in Article 5(1)(a),(d) and (e) of the Schengen Borders Code;

(b) the applicant has not been in a position to apply for a travel authorisation in advance and submits, if required, supporting documents substantiating unforeseeable and imperative reasons for entry; and

(c) the applicant's return to his country of origin or residence or transit through States other than Member States fully implementing the Schengen acquis is assessed as certain.

2. A travel authorization issued at the external border shall entitle the holder to stay for a maximum duration of 30 days, depending on the purpose and conditions of the intended stay. In the case of transit, the length of the authorised stay shall correspond to the time necessary for the purpose of the transit.

3. The provisions on justification and notification of refusals and the right of appeal shall apply.

Or. en

Amendment 786
Gérard Deprez, Louis Michel

Proposal for a regulation

Article 31 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) **presents a travel document which is reported as lost, stolen or invalidated;** *deleted*

Or. fr

Justification

Automatic refusal in the case of an invalid travel document is contrary to the practice of law enforcement authorities and intelligence services and European legislation. Indeed, each application should be assessed manually and on an individual basis. Moreover, in some cases, the person should be allowed, for law enforcement purposes, to reach the border.

Amendment 787

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

Proposal for a regulation

Article 31 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) presents a travel document which is reported as lost, stolen or invalidated;

(a) presents a travel document which is reported as lost, stolen or invalidated, ***pursuant to the verification foreseen in Article 20(3)(a).***

Or. en

Amendment 788

Monika Hohlmeier

Proposal for a regulation

Article 31 – paragraph 1 – subparagraph 1 – point a (new)

Text proposed by the Commission

Amendment

(aa) ***has misrepresented him- or herself or omitted facts in the application;***

Or. en

Amendment 789
Marie-Christine Vergiat

Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) poses an irregular migration risk; deleted

Or. fr

Amendment 790
Angelika Mlinar

Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) poses an irregular migration risk; deleted

Or. en

Amendment 791
Jan Philipp Albrecht

Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) poses an irregular migration risk; deleted

Or. en

Amendment 792
Sergei Stanishev

Proposal for a regulation

Article 31 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) poses an *irregular migration risk*; *deleted*

Or. en

Justification

In line with previous amendments to remove prevention of irregular migration as one of the main objectives of this Regulation.

Amendment 793

Artis Pabriks

Proposal for a regulation

Article 31 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) poses an *irregular* migration risk; (b) poses an *illegal* migration risk;

Or. en

Amendment 794

Monika Hohlmeier

Proposal for a regulation

Article 31 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) poses a security *risk*; (c) poses a *danger to an individual, the community or to the security of one or multiple Member States*;

Or. en

Amendment 795

Jan Philipp Albrecht

Proposal for a regulation

Article 31 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) poses a *security risk*;

(c) poses a *threat to security*;

Or. en

Amendment 796

Marie-Christine Vergiat

Proposal for a regulation

Article 31 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) *poses a public health risk*;

deleted

Or. fr

Amendment 797

Jan Philipp Albrecht

Proposal for a regulation

Article 31 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) *poses a public health risk*;

deleted

Or. en

Amendment 798

**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel,
Péter Niedermüller**

Proposal for a regulation

Article 31 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) poses a public health risk; deleted

Or. en

Justification

Conforming with the deletion of Article 15(4)(a).

Amendment 799
Angelika Mlinar

Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) poses a public health risk; deleted

Or. en

Amendment 800
Marie-Christine Vergiat

Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

A travel authorisation shall also be refused if there are reasonable doubts as to the authenticity of the data, the reliability of the statements made by the applicant, the supporting documents provided by the applicant or the veracity of their contents. deleted

Or. fr

Amendment 801
Jan Philipp Albrecht

Proposal for a regulation

Article 31 – paragraph 1 – subparagraph 2

Text proposed by the Commission

A travel authorisation shall also be refused if there are reasonable doubts as to the authenticity of the data, the reliability of the statements made by the applicant, the supporting documents provided by the applicant or the veracity of their contents.

Amendment

A travel authorisation shall also be refused if there are reasonable, ***serious, and substantiated*** doubts as to the authenticity of the data, the reliability of the statements made by the applicant, the supporting documents provided by the applicant or the veracity of their contents.

Or. en

Justification

Proposal from the Meijers Committee to ensure effective scrutiny.

Amendment 802

Marie-Christine Vergiat

Proposal for a regulation

Article 31 – paragraph 2

Text proposed by the Commission

2. Applicants who have been refused a travel authorisation shall have the right to appeal. Appeals shall be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State. The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the procedure to be followed in the event of an appeal.

Amendment

2. Applicants who have been refused a travel authorisation shall have the right to ***obtain the information which led to the refusal in order to assert their right of access to personal data concerning them and to appeal with the necessary guarantees with regard to the principles of protection of individuals and respect for fundamental rights, as defined by European law and international law.*** Appeals shall be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State. The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the procedure to be followed in the event of an appeal.

Or. fr

Amendment 803
Heinz K. Becker

Proposal for a regulation
Article 31 – paragraph 2

Text proposed by the Commission

2. Applicants who have been refused a travel authorisation shall have **the** right to appeal. ***Appeals shall be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State. The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the procedure to be followed in the event of an appeal.***

Amendment

2. Applicants who have been refused a travel authorisation shall have **no** right to appeal. ***Article 1a (new) of the Regulation (EC) No 539/2001 applies.***

Or. en

Amendment 804
Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

Proposal for a regulation
Article 31 – paragraph 2

Text proposed by the Commission

2. Applicants who have been refused a travel authorisation shall have the right to appeal. Appeals shall be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State. The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the procedure to be followed in the event of an appeal.

Amendment

2. Applicants who have been refused a travel authorisation shall have the right to appeal ***and to an effective remedy***. Appeals ***and remedies*** shall be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State. ***Appeals and remedies shall be supervised by a judicial body***. The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the procedure to be followed in the event of an appeal ***or a remedy***.

Justification

Conforming with Article 47 of the EU Charter of Fundamental Rights.

Amendment 805

Jan Philipp Albrecht

Proposal for a regulation**Article 31 – paragraph 2***Text proposed by the Commission*

2. Applicants who have been refused a travel authorisation shall have the right to ***appeal***. ***Appeals*** shall be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State. The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the procedure to be followed ***in the event of an appeal***.

Amendment

2. Applicants who have been refused a travel authorisation shall have the right to ***an effective remedy***. ***Remedy procedures*** shall be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State, ***which shall include the possibility for a judicial remedy***. The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the procedure to be followed.

Or. en

Justification

Following the FRA and WP29 opinion, also in line with the CJEU judgement in Schrems, C-362/14, para. 95.

Amendment 806

Gérard Deprez, Louis Michel

Proposal for a regulation**Article 32 – title***Text proposed by the Commission*

Notification on the issuing or refusal of a travel authorisation

Amendment

Notification on the issuing or refusal of a travel authorisation ***or a travel***

authorisation with limited territorial validity.

Or. fr

Amendment 807

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 32 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where a travel authorisation has been issued, the applicant shall immediately receive a notification via the e-mail service, including:

Amendment

1. Where a travel authorisation *or a travel authorisation with limited territorial validity* has been issued, the applicant shall immediately receive a notification via the e-mail service, including:

Or. fr

Amendment 808

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 32 – paragraph 1 – point a

Text proposed by the Commission

(a) a clear indication that the travel authorisation has been issued and the travel authorisation application number;

Amendment

(a) a clear indication that the travel authorisation *or travel authorisation with limited territorial validity* has been issued and the travel authorisation application number;

Or. fr

Amendment 809

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 32 – paragraph 1 – point b

Text proposed by the Commission

(b) the commencement and expiry dates of the validity period of the travel authorisation;

Amendment

(b) the commencement and expiry dates of the validity period of the travel authorisation ***or the travel authorisation with limited territorial validity,***

Or. fr

Amendment 810

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 32 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) a clear indication that upon entry the applicant will have to present the same travel document as that indicated in the application form and that any change of travel document will require a new application for a travel authorisation;

Or. fr

Amendment 811

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 32 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) where applicable, the territory or territories of the Member States to which the applicant is authorised to travel;

Or. fr

Amendment 812
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 32 – paragraph 1 – point d

Text proposed by the Commission

(d) a link to the ETIAS public website containing information on the possibility for the applicant to revoke the travel authorisation.

Amendment

(d) a link to the ETIAS public website containing information on the possibility for the applicant to revoke the travel authorisation ***or his or her travel authorisation with limited territorial validity and a clear indication that his or her authorisation may be revoked if the conditions for issuing it are no longer met;***

Or. fr

Amendment 813
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 32 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) a clear indication that the travel authorisation or travel authorisation with limited territorial validity does not constitute an entry authorisation and a reminder of the entry conditions provided for in Article 6 of Regulation (EU) 2016/399;

Or. fr

Amendment 814
Monika Hohlmeier

Proposal for a regulation
Article 32 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) the link to update the data provided in the application as referred to in Article 32a.

Or. en

Amendment 815
Brice Hortefeux

Proposal for a regulation
Article 32 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Where a travel authorisation has been refused, the applicant shall *immediately* receive a notification via the e-mail service including:

2. Where a travel authorisation has been refused, the applicant shall receive a notification *as soon as possible* via the e-mail service including:

Or. fr

Amendment 816
Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

Proposal for a regulation
Article 32 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the ground(s) for refusal of the travel authorisation, as laid down in Article 31(1);

(c) the *detailed and specific* ground(s) for refusal of the travel authorisation, as laid down in Article 31(1);

This information shall be sufficient for applicants to formulate meaningful appeals and remedies.

Or. en

Amendment 817

Marie-Christine Vergiat

**Proposal for a regulation
Article 32 – paragraph 2 – point c**

Text proposed by the Commission

(c) the ground(s) for refusal of the travel authorisation, as laid down in Article 31(1);

Amendment

(c) the ground(s) for refusal of the travel authorisation;

Or. fr

**Amendment 818
Heinz K. Becker**

**Proposal for a regulation
Article 32 – paragraph 2 – point d**

Text proposed by the Commission

(d) *information on the procedure to be followed for an appeal.*

Amendment

deleted

Or. en

**Amendment 819
Barbara Kudrycka, Tomáš Zdechovský, Anna Maria Corazza Bildt**

**Proposal for a regulation
Article 32 – paragraph 2 – point d**

Text proposed by the Commission

(d) information on the procedure to be followed for an appeal.

Amendment

(d) information on the procedure to be followed for an appeal, *including at least the national law applicable to the appeal, the competent authority, any procedural requirements and the time limit for lodging an appeal.*

Or. en

Amendment 820

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

Proposal for a regulation

Article 32 – paragraph 2 – point d

Text proposed by the Commission

(d) information on the procedure to be followed for an appeal.

Amendment

(d) information on the procedure to be followed for an appeal *or a remedy*.

Or. en

Amendment 821

Jan Philipp Albrecht

Proposal for a regulation

Article 32 – paragraph 2 – point d

Text proposed by the Commission

(d) information on the procedure to be followed for an *appeal*.

Amendment

(d) information on the procedure to be followed for an *effective remedy*.

Or. en

Amendment 822

Monika Hohlmeier

Proposal for a regulation

Article 32 a (new)

Text proposed by the Commission

Amendment

Article 32 a

Update of data provided in the application

1. Holders of a travel authorisation are obliged to update the data provided in the application and referred to in Article 15 (2) (a) to (f) and (4) (a) to (d), as soon as data initially provided is no longer valid and no later than one week before

entering the territory of the Member States.

2. The update and processing of this data shall be free of charge.

3. An examination of the updated data shall be carried out pursuant to the procedures laid down in Chapters III, IV and V and the holder of the travel authorisation shall be notified of its validity within 48hours.

Or. en

Amendment 823

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 33 – paragraph 1 – point b

Text proposed by the Commission

(b) *a reference to the authority* that issued or refused the travel authorisation *and its location*;

Amendment

(b) *the National Unit of the Member State* that issued or refused the travel authorisation;

Or. fr

Amendment 824

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 33 – paragraph 1 – point c

Text proposed by the Commission

(c) *place and date* of the decision to issue or refuse the travel authorisation;

Amendment

(c) *date* of the decision to issue or refuse the travel authorisation;

Or. fr

Amendment 825

Gérard Deprez, Louis Michel

**Proposal for a regulation
Article 33 – paragraph 1 – point d**

Text proposed by the Commission

(d) the commencement and expiry dates of the validity period of the travel authorisation;

Amendment

(d) the commencement and expiry dates of the validity period of the travel authorisation ***where the period in question is shorter than provided for in Article 30;***

Or. fr

Amendment 826

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

**Proposal for a regulation
Article 33 – paragraph 1 – point e**

Text proposed by the Commission

(e) the ground(s) for refusal of the travel authorisation as laid down in Article 31(1).

Amendment

(e) the ***detailed and specific*** ground(s) for refusal of the travel authorisation as laid down in Article 31(1).

Or. en

Amendment 827

Gérard Deprez, Louis Michel

**Proposal for a regulation
Article 33 – paragraph 1 – point e**

Text proposed by the Commission

(e) ***the*** ground(s) for refusal of the travel authorisation as laid down in Article 31(1).

Amendment

(e) ***where appropriate, the*** ground(s) for refusal of the travel authorisation as laid down in Article 31(1).

Or. fr

Amendment 828
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 33 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) additional information relevant to second-line checks related to one or more positive responses;

Or. fr

Justification

Some information obtained during manual processing should be kept in the application file where it facilitates border controls.

Especially where it turns out that a traveller has been the subject of a ‘false positive’.

Amendment 829
Marie-Christine Vergiat

Proposal for a regulation
Article 34 – paragraph 3

Text proposed by the Commission

Amendment

3. A person whose travel authorisation has been annulled shall have the right to appeal. Appeals shall be conducted in the Member State that has taken the decision on the annulment in accordance with the national law of that Member State.

3. A person whose travel authorisation has been annulled shall have the right to appeal. Applicants whose travel authorisation has been annulled ***must be notified of their right to obtain the information and grounds which led to that decision in order to assert their right of access to personal data concerning them and to appeal with the necessary guarantees with regard to the principles of the protection of individuals and respect for fundamental rights, as defined by European and international law.*** Appeals shall be conducted in the Member State that has taken the decision on the annulment in accordance with the national law of that Member State.

Amendment 830
Jan Philipp Albrecht

Proposal for a regulation
Article 34 – paragraph 3

Text proposed by the Commission

3. A person whose travel authorisation has been annulled shall have the right to **appeal**. **Appeals** shall be conducted in the Member State that has taken the decision on the annulment in accordance with the national law of that Member State.

Amendment

3. A person whose travel authorisation has been annulled shall have the right to **an effective remedy**. **Remedy procedures** shall be conducted in the Member State that has taken the decision on the annulment in accordance with the national law of that Member State, **which shall include the possibility for a judicial remedy**.

Or. en

Justification

Based on Article 31(2), following the FRA and WP29 opinion, also in line with the CJEU judgement in Schrems, C-362/14, para. 95.

Amendment 831
Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

Proposal for a regulation
Article 34 – paragraph 3

Text proposed by the Commission

3. A person whose travel authorisation has been annulled shall have the right to appeal. Appeals shall be conducted in the Member State that has taken the decision on the annulment in accordance with the national law of that Member State.

Amendment

3. A person whose travel authorisation has been annulled shall have the right to appeal **and to an effective remedy**. Appeals **and remedies** shall be conducted in the Member State that has taken the decision on the annulment in accordance with the national law of that Member State.

Or. en

Justification

Conforming with Article 47 of the EU Charter of Fundamental Rights.

Amendment 832

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 35 – paragraph 3

Text proposed by the Commission

3. Without prejudice to paragraph 2, where a new refusal of entry alert or a travel document as lost, stolen or invalidated is reported in the SIS, the SIS shall inform the ETIAS Central System. The ETIAS Central System shall verify whether this new alert corresponds to a valid travel authorisation. Where this is the case, the ETIAS Central System shall transfer the application file to the ETIAS National Unit of the Member State having created the alert which shall revoke the travel authorisation.

Amendment

3. Without prejudice to paragraph 2, where a new refusal of entry alert or a travel document as lost, stolen or invalidated is reported in the SIS, the SIS shall inform the ETIAS Central System. The ETIAS Central System shall verify whether this new alert corresponds to a valid travel authorisation. Where this is the case, the ETIAS Central System shall transfer the application file to the ETIAS National Unit of the Member State having created the alert which shall revoke the travel authorisation, ***except under exceptional circumstances relating to the national security of a Member State.***

Or. fr

Amendment 833

Marie-Christine Vergiat

Proposal for a regulation

Article 35 – paragraph 4

Text proposed by the Commission

4. New elements introduced by Europol in the ETIAS watchlist shall be compared to the data of the application files in the ETIAS Central System. Where the comparison results in a hit, the ETIAS National Unit of the Member State of first entry as declared by the applicant in

Amendment

deleted

accordance with Article 15(2)(j) shall assess the security risk and, where it concludes that the conditions for granting are no longer met, it shall revoke the travel authorisation.

Or. fr

Amendment 834
Jan Philipp Albrecht

Proposal for a regulation
Article 35 – paragraph 4

Text proposed by the Commission

Amendment

4. *New elements introduced by Europol in the ETIAS watchlist shall be compared to the data of the application files in the ETIAS Central System. Where the comparison results in a hit, the ETIAS National Unit of the Member State of first entry as declared by the applicant in accordance with Article 15(2)(j) shall assess the security risk and, where it concludes that the conditions for granting are no longer met, it shall revoke the travel authorisation.*

deleted

Or. en

Justification

Article 29 to be deleted.

Amendment 835
Sergei Stanishev, Tonino Picula

Proposal for a regulation
Article 35 – paragraph 4

Text proposed by the Commission

Amendment

4. *New elements introduced by Europol in the ETIAS watchlist shall be*

4. *New elements introduced by Europol in the ETIAS watchlist shall be*

compared to the data of the application files in the ETIAS Central System. Where the comparison results in a hit, the ETIAS National Unit of the Member State *of first entry as declared by the applicant* in accordance with Article 15(2)(j) shall assess the security risk and, where it concludes that the conditions for granting are no longer met, it shall revoke the travel authorisation.

compared to the data of the application files in the ETIAS Central System. Where the comparison results in a hit, the ETIAS National Unit of the *responsible* Member State in accordance with Article 22(1) shall assess the security risk and, where it concludes that the conditions for granting are no longer met, it shall revoke the travel authorisation.

Or. en

Justification

This Regulation should envisage a more balanced distribution of responsibilities between Member States' National Units as amended in Article 22 (1).

Amendment 836 **Marie-Christine Vergiat**

Proposal for a regulation **Article 35 – paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. *Before notification of the revocation decision, the beneficiary of the travel authorisation shall be informed so that he or she can assert his or her rights and provide any information justifying his or her situation.*

Or. fr

Amendment 837 **Marie-Christine Vergiat**

Proposal for a regulation **Article 35 – paragraph 5**

Text proposed by the Commission

Amendment

5. An applicant whose travel authorisation has been revoked shall have

5. An applicant whose travel authorisation has been revoked shall have

the right to appeal. Appeals shall be conducted in the Member State that has taken the decision on the revocation and in accordance with the national law of that Member State.

the right to appeal. ***Applicants whose travel authorisation has been revoked shall have the right to obtain the information and grounds which led to that decision in order to assert their right of access to personal data concerning them and to appeal with the necessary guarantees with regard to the principles of protection of individuals and respect for fundamental rights, as defined by European law and international law.*** Appeals shall be conducted in the Member State that has taken the decision on the revocation and in accordance with the national law of that Member State.

Or. fr

Amendment 838
Jan Philipp Albrecht

Proposal for a regulation
Article 35 – paragraph 5

Text proposed by the Commission

5. An applicant whose travel authorisation has been revoked shall have the right to ***appeal***. ***Appeals*** shall be conducted in the Member State that has taken the decision on the revocation and in accordance with the national law of that Member State.

Amendment

5. An applicant whose travel authorisation has been revoked shall have the right to ***an effective remedy***. ***Remedy procedures*** shall be conducted in the Member State that has taken the decision on the revocation and in accordance with the national law of that Member State, ***which shall include the possibility for a judicial remedy***.

Or. en

Justification

Based on Article 31(2), following the FRA and WP29 opinion, also in line with the CJEU judgement in Schrems, C-362/14, para. 95

Amendment 839

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

**Proposal for a regulation
Article 35 – paragraph 5**

Text proposed by the Commission

5. An applicant whose travel authorisation has been revoked shall have the right to appeal. Appeals shall be conducted in the Member State that has taken the decision on the revocation and in accordance with the national law of that Member State.

Amendment

5. An applicant whose travel authorisation has been revoked shall have the right to appeal **and to an effective remedy**. Appeals **and remedies** shall be conducted in the Member State that has taken the decision on the revocation and in accordance with the national law of that Member State.

Or. en

Justification

Conforming with Article 47 of the EU Charter of Fundamental Rights.

**Amendment 840
Brice Hortefeux, Rachida Dati**

**Proposal for a regulation
Article 36 – paragraph 1 – point b**

Text proposed by the Commission

(b) a reference to the **authority** that revoked or annulled the travel authorisation and its location;

Amendment

(b) a reference to the **ETIAS National Unit** that revoked or annulled the travel authorisation and its location;

Or. fr

**Amendment 841
Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller**

**Proposal for a regulation
Article 36 – paragraph 1 – point c**

Text proposed by the Commission

Amendment

(c) the ground(s) for the annulment or revocation of the travel authorisation, as laid down in Article 31(1);

(c) the ***detailed and specific*** ground(s) for the annulment or revocation of the travel authorisation, as laid down in Article 31(1);

This information shall be sufficient for applicants to formulate meaningful appeals and remedies.

Or. en

Amendment 842

Barbara Kudrycka, Tomáš Zdechovský, Anna Maria Corazza Bildt

Proposal for a regulation

Article 36 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) information on the procedure to be followed for an appeal.

(d) information on the procedure to be followed for an appeal, ***including at least the national law applicable to the appeal, the competent authority, any procedural requirements and the time limit for lodging an appeal.***

Or. en

Amendment 843

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

Proposal for a regulation

Article 36 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) information on the procedure to be followed for an appeal.

(d) information on the procedure to be followed for an appeal ***or a remedy.***

Or. en

Justification

Conforming with Article 47 of the EU Charter of Fundamental Rights.

Amendment 844

Jan Philipp Albrecht

Proposal for a regulation

Article 36 – paragraph 1 – point d

Text proposed by the Commission

(d) information on the procedure to be followed *for an appeal*.

Amendment

(d) information on the *remedy* procedure to be followed.

Or. en

Amendment 845

Brice Hortefeux, Rachida Dati

Proposal for a regulation

Article 37 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where a decision has been taken to annul or to revoke a travel authorisation, the *Member State* responsible for the revocation or annulment of the travel authorisation shall add the following data to the application file:

Amendment

1. Where a decision has been taken to annul or to revoke a travel authorisation, the *ETIAS National Unit* responsible for the revocation or annulment of the travel authorisation shall add the following data to the application file:

Or. fr

Amendment 846

Brice Hortefeux, Rachida Dati

Proposal for a regulation

Article 37 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) a reference to the *authority* that revoked or annulled the travel authorisation and its location;

(b) a reference to the *ETIAS National Unit* that revoked or annulled the travel authorisation and its location;

Or. fr

Amendment 847

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

Proposal for a regulation Article 37 – paragraph 2

Text proposed by the Commission

2. The application file shall also indicate the ground(s) for annulment or revocation as laid down in Article 31(1).

Amendment

2. The application file shall also indicate the *detailed and specific* ground(s) for annulment or revocation as laid down in Article 31(1).

Or. en

Amendment 848

Jan Philipp Albrecht

Proposal for a regulation Article 37 a (new)

Text proposed by the Commission

Amendment

Article 37 a

Remedies

1. Any person may bring an action before the courts or the authority competent under the law of any Member State to obtain compensation or annulment regarding a refusal, annulment, or revocation of a travel authorisation relating to him or her.

2. The Member States undertake mutually to enforce final decisions handed down by the courts or authorities referred to in paragraph 1.

Justification

Based on Article 43 of the SIS II Regulation, as suggested by the Meijers Committee.

Amendment 849

Helga Stevens

Proposal for a regulation**Article 38 – paragraph 1***Text proposed by the Commission*

1. A travel authorisation with limited territorial validity may be issued exceptionally, when the Member State concerned considers it necessary on humanitarian grounds, for reasons of national interest or because of international obligations notwithstanding the fact that the manual assessment process pursuant to Article 22 is not yet completed or that a travel authorisation has been refused, annulled or revoked.

Amendment

1. A travel authorisation with limited territorial validity may be issued exceptionally, when the Member State concerned considers it necessary on humanitarian grounds ***in accordance with national law***, for reasons of national interest or because of international obligations notwithstanding the fact that the manual assessment process pursuant to Article 22 is not yet completed or that a travel authorisation has been refused, annulled or revoked.

Or. nl

Justification

Under EU law, Member States are not required to grant humanitarian visas to persons wishing to enter their territory for the purpose of seeking asylum, but they remain free to do so under their national legislation (Court of Justice, C-638/16 PPU). By analogy, and because this instrument is directly linked to the Visa Code, Member States may issue, or decline to issue, travel authorisations with limited territorial validity in accordance with national law.

Amendment 850

Brice Hortefeux, Rachida Dati

Proposal for a regulation**Article 38 – paragraph 1**

Text proposed by the Commission

1. A travel authorisation with limited territorial validity may be issued exceptionally, when the Member State concerned considers it necessary on humanitarian grounds, for reasons of national interest or because of international obligations notwithstanding the fact that the manual assessment process pursuant to Article 22 is not yet completed or that a travel authorisation has been refused, annulled or revoked.

Amendment

1. A travel authorisation with limited territorial validity may be issued exceptionally, when the Member State concerned considers it necessary on humanitarian grounds, ***in accordance with national law***, for reasons of national interest or because of international obligations notwithstanding the fact that the manual assessment process pursuant to Article 22 is not yet completed or that a travel authorisation has been refused, annulled or revoked.

Or. fr

Amendment 851

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

**Proposal for a regulation
Article 38 – paragraph 1**

Text proposed by the Commission

1. A travel authorisation with limited territorial validity may be issued exceptionally, when the Member State concerned ***considers*** it necessary on humanitarian grounds, for reasons of national interest or because of international obligations notwithstanding the fact that the manual assessment process pursuant to Article 22 is not yet completed or that a travel authorisation has been refused, annulled or revoked.

Amendment

1. A travel authorisation with limited territorial validity may be issued exceptionally, when the Member State ***or Member States*** concerned ***consider*** it necessary on humanitarian grounds, for reasons of national interest or because of international obligations notwithstanding the fact that the manual assessment process pursuant to Article 22 is not yet completed or that a travel authorisation has been refused, annulled or revoked.

Or. en

Amendment 852

Jan Philipp Albrecht

Proposal for a regulation

Article 38 – paragraph 1

Text proposed by the Commission

1. A travel authorisation with limited territorial validity *may* be issued exceptionally, when *the Member State concerned considers it* necessary on humanitarian grounds, for reasons of national interest or because of international obligations notwithstanding the fact that the manual assessment process pursuant to Article 22 is not yet completed or that a travel authorisation has been refused, annulled or revoked.

Amendment

1. A travel authorisation with limited territorial validity *shall* be issued exceptionally, when *it is* necessary on humanitarian grounds, for reasons of national interest or because of international obligations notwithstanding the fact that the manual assessment process pursuant to Article 22 is not yet completed or that a travel authorisation has been refused, annulled or revoked.

Or. en

Justification

Following the FRA opinion.

Amendment 853

Marie-Christine Vergiat

Proposal for a regulation Article 38 – paragraph 1

Text proposed by the Commission

1. A travel authorisation with limited territorial validity *may* be issued exceptionally, when *the Member State concerned considers it necessary* on humanitarian grounds, for reasons of national interest or because of international obligations notwithstanding the fact that the manual assessment process pursuant to Article 22 is not yet completed or that a travel authorisation has been refused, annulled or revoked.

Amendment

1. A travel authorisation with limited territorial validity *shall* be issued exceptionally, when *it is justified* on humanitarian grounds, for reasons of national interest or because of international obligations notwithstanding the fact that the manual assessment process pursuant to Article 22 is not yet completed or that a travel authorisation has been refused, annulled or revoked.

Or. fr

Amendment 854

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Gérard Deprez, Louis Michel

Proposal for a regulation

Article 38 – paragraph 1

Text proposed by the Commission

1. A travel authorisation with limited territorial validity may be issued exceptionally, when the Member State **concerned** considers it necessary on humanitarian grounds, for reasons of national interest or because of international obligations notwithstanding the fact that the manual assessment process pursuant to Article 22 is not yet completed or that a travel authorisation has been refused, annulled or revoked.

Amendment

1. A travel authorisation with limited territorial validity may be issued exceptionally, when the Member State **responsible** considers it necessary on humanitarian grounds, for reasons of national interest or because of international obligations notwithstanding the fact that the manual assessment process pursuant to Article 22 is not yet completed or that a travel authorisation has been refused, annulled or revoked.

Or. fr

Amendment 855

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

Proposal for a regulation

Article 38 – paragraph 2

Text proposed by the Commission

2. For the purposes of paragraph 1, the applicant may apply for a travel authorisation with limited territorial validity to **the** Member **State** to which he or she intends to travel. He or she and shall indicate the humanitarian grounds, the reasons of national interest or the international obligations in his or her application.

Amendment

2. For the purposes of paragraph 1, the applicant may apply for a travel authorisation with limited territorial validity to Member **States** to which he or she intends to travel. He or she and shall indicate the humanitarian grounds, the reasons of national interest or the international obligations in his or her application.

Or. en

Amendment 856

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

**Proposal for a regulation
Article 38 – paragraph 3**

Text proposed by the Commission

3. The Member State to which the third country national intends to travel shall be the Member State responsible for deciding whether to issue or refuse a travel authorisation with limited territorial validity.

Amendment

3. The Member State to which the third country national intends to travel **first** shall be the Member State responsible for deciding whether to issue or refuse a travel authorisation with limited territorial validity.

Or. en

**Amendment 857
Gérard Deprez, Louis Michel**

**Proposal for a regulation
Article 38 – paragraph 4**

Text proposed by the Commission

4. A travel authorisation with limited territorial validity shall be valid for the territory of the issuing Member State and for a maximum of **15** days.

Amendment

4. A travel authorisation with limited territorial validity shall be valid for the territory of the issuing Member State and for a maximum of **180 days from the date of issue of this authorisation or 90 days from the first entry made on the basis of this authorisation.**
Exceptionally, it may be valid for the territory of several other Member States, provided that the national unity of each of these Member States has given its approval.

Or. fr

Justification

The same possibilities should be granted as those provided for in the visa Code for visas with limited territorial validity.

Amendment 858
Marie-Christine Vergiat

Proposal for a regulation
Article 38 – paragraph 4

Text proposed by the Commission

4. A travel authorisation with limited territorial validity shall be valid for the territory of the issuing Member State *and* for a *maximum of 15 days*.

Amendment

4. A travel authorisation with limited territorial validity shall be valid for the territory of the issuing Member State for a *period which may not be less than three months*.

Or. fr

Amendment 859
Angelika Mlinar

Proposal for a regulation
Article 38 – paragraph 4

Text proposed by the Commission

4. A travel authorisation with limited territorial validity shall be valid for the territory of the issuing Member State and for a maximum of *15* days.

Amendment

4. A travel authorisation with limited territorial validity shall be valid for the territory of the issuing Member State and for a maximum of *30* days.

Or. en

Amendment 860
Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

Proposal for a regulation
Article 38 – paragraph 4

Text proposed by the Commission

4. A travel authorisation with limited territorial validity shall be valid for the territory of *the issuing* Member *State* and for a maximum of *15* days.

Amendment

4. A travel authorisation with limited territorial validity shall be valid for the territory of Member *States concerned* and for a maximum of *30* days.

Amendment 861
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 38 – paragraph 5 – introductory part

Text proposed by the Commission

5. Where a travel authorisation with territorial validity is issued, the following data shall be entered in the application file:

Amendment

5. Where a travel authorisation with territorial validity is issued ***or refused***, the following data shall be entered in the application file:

Or. fr

Amendment 862
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 38 – paragraph 5 – point a

Text proposed by the Commission

(a) *status* information indicating that the travel authorisation with limited territorial validity has been issued or refused;

Amendment

(a) ***application number and status*** information indicating that the travel authorisation with limited territorial validity has been issued or refused;

Or. fr

Amendment 863
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 38 – paragraph 5 – point b

Text proposed by the Commission

(b) the territory in which the travel authorisation holder is entitled to travel;

Amendment

(b) the territory ***or territories*** in which the travel authorisation holder is entitled to travel ***and, where appropriate, the period***

of validity of the authorisation where it is less than that provided for in paragraph 4;

Or. fr

Amendment 864

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 38 – paragraph 5 – point c

Text proposed by the Commission

(c) the *authority* of the Member State that issued the travel authorisation with territorial validity;

Amendment

(c) the *National Unit* of the Member State that issued *or refused* the travel authorisation with *limited* territorial validity;

Or. fr

Amendment 865

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 38 – paragraph 5 – point c a (new)

Text proposed by the Commission

Amendment

(ca) date of the decision to issue or refuse the travel authorisation with limited territorial validity;

Or. fr

Amendment 866

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 38 – paragraph 5 – point d

Text proposed by the Commission

Amendment

(d) *a* reference to the humanitarian grounds, the reasons of national interest or the international obligations.

(d) *where appropriate, a* reference to the humanitarian grounds, the reasons of national interest or the international obligations.

Or. fr

Amendment 867
Helga Stevens

Proposal for a regulation
Article 38 – paragraph 5 – point d a (new)

Text proposed by the Commission

Amendment

(da) the reasons why, if applicable, it was decided not to grant travel authorisation under the regular procedure, indicating therefore that the applicant presents a risk from the point of view of irregular migration, security or public health.

Or. nl

Amendment 868
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 38 – paragraph 5 – point d a (new)

Text proposed by the Commission

Amendment

(da) where appropriate, the ground(s) for refusal of the travel authorisation with limited territorial validity.

Or. fr

Amendment 869
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 38 – paragraph 5 – point d b (new)

Text proposed by the Commission

Amendment

(db) additional information relevant to second-line checks related to one or more positive responses;

Or. fr

Amendment 870
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 39 – paragraph 1

Text proposed by the Commission

Amendment

1. *In accordance with* Article 26 of the Convention Implementing the Schengen Agreement carriers shall *consult* the *ETIAS Central System* in order to *verify whether or not third country nationals subject to the travel authorisation requirement are in possession of a valid travel authorisation.*

1. *For the purposes of* Article 26 (1) (b) of the Convention Implementing the Schengen Agreement, carriers shall *ensure that third-country nationals subject to the travel authorisation requirement are in possession of a valid travel authorisation and, in the case of a travel authorisation with limited territorial validity, shall verify the territory or territories to which the applicant is authorised to travel.*

Air carriers, sea carriers and group carriers operating international routes by coach shall send a query to the ETIAS Central System in order to verify whether or not third country nationals subject to the travel authorisation requirement are in possession of a valid travel authorisation.

Or. fr

Justification

Article 26 (1) (b) of the Convention implementing the Schengen Agreement provides that the carrier is required to take all necessary measures to ensure that any foreigners being carried are in possession of the travel documents required for entry into the territories of the Contracting Parties.

Amendment 871
Helga Stevens

Proposal for a regulation
Article 39 – paragraph 1

Text proposed by the Commission

1. *In accordance with Article 26 of the Convention Implementing the Schengen Agreement carriers shall consult the ETIAS Central System in order to verify whether or not third country nationals subject to the travel authorisation requirement are in possession of a valid travel authorisation.*

Amendment

1. *Transport companies which convey groups of people by land, sea and air, including by aircraft, bus, train or ferry, shall send a request to the ETIAS Central System in order to verify whether or not third country nationals subject to the travel authorisation requirement are in possession of a valid travel authorisation.*

Or. nl

Amendment 872
Kinga Gál

Proposal for a regulation
Article 39 – paragraph 1

Text proposed by the Commission

1. In accordance with Article 26 of the Convention Implementing the Schengen Agreement carriers shall consult the ETIAS Central System in order to verify whether or not third country nationals subject to the travel authorisation requirement are in possession of a valid travel authorisation.

Amendment

1. In accordance with Article 26 of the Convention Implementing the Schengen Agreement carriers shall consult the ETIAS Central System *at the time of check-in of the passengers* in order to verify whether or not third country nationals subject to the travel authorisation requirement are in possession of a valid travel authorisation.

Or. en

Justification

This amendment aims to clarify the moment, scope and means of consultation of the ETIAS Central System by carriers.

Amendment 873
Monika Hohlmeier

Proposal for a regulation
Article 39 – paragraph 1

Text proposed by the Commission

1. *In accordance with Article 26 of the Convention Implementing the Schengen Agreement* carriers shall consult the ETIAS Central System in order to verify whether or not third country nationals subject to the travel authorisation requirement are in possession of a valid travel authorisation.

Amendment

1. *Air, land and sea* carriers shall consult the ETIAS Central System in order to verify whether or not third country nationals subject to the travel authorisation requirement are in possession of a valid travel authorisation.

Or. en

Amendment 874
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 39 – paragraph 1

Text proposed by the Commission

1. *In accordance with Article 26 of the Convention Implementing the Schengen Agreement* carriers shall *consult the ETIAS Central System in order* to verify whether or not third country nationals subject to the travel authorisation requirement are in possession of a valid travel authorisation.

Amendment

1. *Air carriers, sea carriers and international carriers carrying groups overland by coach* shall *be obliged* to verify whether or not third country nationals subject to the travel authorisation requirement are in possession of a valid travel authorisation.

Or. fr

Amendment 875
Marie-Christine Vergiat

Proposal for a regulation
Article 39 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Such verification must never affect the right of asylum and may not constitute grounds for refusal for applicants and the beneficiaries of international protection, in particular with regard to the principle of non-refoulement.

Or. fr

Amendment 876
Kinga Gál

Proposal for a regulation
Article 39 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

A secure ***internet*** access to the carrier gateway, including the possibility to use mobile technical solutions, referred to in Article 6(2)(h) shall allow carriers to proceed with the consultation referred to in paragraph 1 prior to the boarding of a passenger. For this purpose, the carrier shall be permitted to consult the ETIAS Central System using the data contained in the machine readable zone of the travel document.

Secure access to the carrier gateway, including the possibility to use mobile technical solutions, referred to in Article 6(2)(h) shall allow carriers to proceed with the consultation referred to in paragraph 1 prior to the boarding of a passenger. For this purpose, the carrier shall be permitted to consult the ETIAS Central System using the data contained in the machine readable zone of the travel document. ***The carrier gateway shall filter out and route only relevant passenger information to the ETIAS Central System.***

Or. en

Justification

This amendment aims to clarify the moment, scope and means of consultation of the ETIAS Central System by carriers

Amendment 877
Gérard Deprez, Louis Michel

Proposal for a regulation

Article 39 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A secure **internet** access to the carrier gateway, including the possibility to use mobile technical solutions, referred to in Article 6(2)(h) shall allow carriers to proceed with the **consultation** referred to in paragraph 1 prior to the boarding of a passenger. For this purpose, the carrier shall **be permitted to consult** the ETIAS Central System using the data contained in the machine readable zone of the travel document.

Amendment

A secure access to the carrier gateway, including the possibility to use mobile technical solutions, referred to in Article 6(2)(h) shall allow **air carriers, sea carriers and carriers carrying groups operating international road links by coach** to proceed with the **query** referred to in paragraph 1 prior to the boarding of a passenger. For this purpose, the carrier shall **send a query to** the ETIAS Central System using the data contained in the machine readable zone of the travel document.

Or. fr

Amendment 878

Brice Hortefeux, Rachida Dati

Proposal for a regulation

Article 39 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A secure internet access to the carrier gateway, including the possibility to use mobile technical solutions, referred to in Article 6(2)(h) shall allow carriers to proceed with the consultation referred to in paragraph 1 prior to the boarding of a passenger. For this purpose, the carrier shall **be permitted to consult** the ETIAS Central System using the data contained in the machine readable zone of the travel document.

Amendment

A secure internet access to the carrier gateway, including the possibility to use mobile technical solutions, referred to in Article 6(2)(h) shall allow carriers to proceed with the consultation referred to in paragraph 1 prior to the boarding of a passenger. For this purpose, the carrier shall **send a request for verification to** the ETIAS Central System using the data contained in the machine readable zone of the travel document.

Or. fr

Amendment 879

Gérard Deprez, Louis Michel

Proposal for a regulation
Article 39 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The ETIAS Central System shall respond by indicating whether or not the person has a valid travel authorisation. Carriers may store the information sent and the answer received.

Amendment

The ETIAS Central System shall respond by indicating whether or not the person has a valid travel authorisation ***and, where applicable, the territory or territories in which a travel authorisation with limited territorial validity is valid.*** Carriers may store the information sent and the answer received.

Or. fr

Amendment 880
Jan Philipp Albrecht

Proposal for a regulation
Article 39 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The ETIAS Central System shall respond by indicating whether or not the person has a valid travel authorisation. Carriers may store the information sent and the answer received.

Amendment

The ETIAS Central System shall respond by indicating whether or not the person has a valid travel authorisation. Carriers may store the information sent and the answer received ***until the booked date of travel or any new dates in case the travel has been re-booked.***

Or. en

Amendment 881
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 39 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. If a third-country national's application for entry is refused, any

carrier which has brought him or her by air, sea or land to the external border of the Union shall be obliged forthwith to take charge of that national again. At the request of the competent authorities which carried out border checks, the carrier shall be obliged to return the third-country national whose entry has been refused to the third country of origin or to the third country which issued the travel document.

Or. fr

Amendment 882
Kinga Gál

Proposal for a regulation
Chapter 8 – title

Text proposed by the Commission

Use of ETIAS by border authorities at the external borders

Amendment

Use of ETIAS by border authorities at the external borders *and by immigration authorities of Member States*

Or. en

Amendment 883
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 41 – paragraph 1

Text proposed by the Commission

1. *For the sole purpose of verifying whether the person has a valid travel authorisation the authorities* competent for carrying out *checks at external border crossing points in accordance with Regulation (EU) 2016/399 shall be permitted to* consult the ETIAS Central System using the data contained in the

Amendment

1. *The border guards* competent for carrying out border *checks* shall consult the ETIAS Central System using the data contained in the machine readable zone of the travel document.

machine readable zone of the travel document.

Or. fr

Amendment 884
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 41 – paragraph 2

Text proposed by the Commission

2. The ETIAS Central System shall respond by indicating whether or not the person has a valid travel authorisation.

Amendment

2. The ETIAS Central System shall respond by indicating whether or not the person has a valid travel authorisation ***and, where applicable, the territory or territories in which a travel authorisation with limited territorial validity is valid.***

Or. fr

Amendment 885
Helga Stevens

Proposal for a regulation
Article 41 – paragraph 2

Text proposed by the Commission

2. The ETIAS Central System shall respond by indicating whether or not the person has a valid travel authorisation.

Amendment

2. The ETIAS Central System shall respond by indicating whether or not the person has a valid travel authorisation ***and, if applicable, for which Member State if they hold a travel authorisation with limited territorial validity.***

Or. nl

Amendment 886
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 41 – paragraph 2

Text proposed by the Commission

2. The ETIAS Central System shall respond by indicating whether or not the person has a valid travel authorisation.

Amendment

2. The ETIAS Central System shall respond by indicating whether or not the person has a valid travel authorisation ***and, in the case of a visa with limited territorial validity, the Member State in which that visa is valid;***

Or. fr

Amendment 887
Helga Stevens

Proposal for a regulation
Article 41 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. If supplementary checks are needed for the purpose of a thorough second line check further to Article 2(13) of Regulation (EU) No 2016/399, border control officials shall secure access to the data referred to in Article 15(2) and Article 15(4)(b) to (d), inter alia further to Articles 33 and 37.

Or. nl

Amendment 888
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 41 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The authorities competent for carrying out checks at external border crossing points shall, where appropriate, be authorised to consult the additional

information relevant for second-line checks inserted in the application file in accordance with Article 33;

Or. fr

Amendment 889
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 42 – paragraph 1

Text proposed by the Commission

1. Where it is technically impossible to proceed with the consultation referred to in Article 41(1), because of a failure of the ETIAS Information System, the Member State's authorities competent for carrying out checks at external border crossing points shall be notified by the ETIAS Central Unit.

Amendment

1. Where it is technically impossible to proceed with the consultation referred to in Article 41(1), because of a failure of the ETIAS Information System, the Member State's authorities competent for carrying out checks at external border crossing points shall be notified *immediately* by the ETIAS Central Unit.

Or. fr

Amendment 890
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 42 – paragraph 2

Text proposed by the Commission

2. Where it is technically impossible to perform the search referred to in Article 41(1) because of a failure of the national border infrastructure in a Member State, that Member State's competent authority shall notify eu-LISA, the ETIAS Central Unit and the Commission.

Amendment

2. Where it is technically impossible to perform the search referred to in Article 41(1) because of a failure of the national border infrastructure in a Member State, that Member State's competent authority shall *immediately* notify eu-LISA, the ETIAS Central Unit and the Commission.

Or. fr

Amendment 891
Sergei Stanishev, Tonino Picula

Proposal for a regulation
Article 42 – paragraph 3

Text proposed by the Commission

3. In both scenarios, the Member State's competent authorities for carrying out checks at external border crossing points shall *follow their national contingency plans*.

Amendment

3. In both scenarios, the Member State's competent authorities for carrying out checks at external border crossing points shall *proceed with border checks without the obligation to consult the ETIAS Central System referred to in Article 41(1)*.

Or. en

Amendment 892
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Chapter 8 a (new)

Text proposed by the Commission

Amendment

CHAPTER VIIIa

Use of ETIAS by the migration authorities

Article 42a

Access to data for the purpose of migration controls

1. For the purpose of verifying whether a person meets the conditions for entering and staying in the territory of the Member States and for the purpose of taking appropriate measures, the migration authorities of the Member States shall be authorised to search the ETIAS Central System, using the data contained in the machine-readable zone of the travel document.

2. The ETIAS Central System shall respond by indicating whether or not the

person has a valid travel authorisation and, in the case of a visa with limited territorial validity, shall specify the Member State in which the visa is valid; The ETIAS Central System shall also indicate the remaining period of validity. The migration authorities shall have access to the information referred to in Article 15 (2) (f) and (g) and to any other relevant additional document or information.

For minors, the migration authorities shall have access to information concerning the parental authority or legal guardian of the applicant referred to in Article 15 (2) (k).

Or. fr

Amendment 893
Kinga Gál

Proposal for a regulation
Article 42 a (new)

Text proposed by the Commission

Amendment

Article 42 a

***Access to data by immigration authorities
of Member States***

The immigration authorities of the Member States may search the ETIAS Central System using the data contained in the machine readable zone of the travel documents for the purpose of checking or verifying if the conditions for entry or stay on the territory of the Member States are fulfilled and for the purpose of returns.

Or. en

Amendment 894
Jan Philipp Albrecht

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Proposal for a regulation
Article 43

Text proposed by the Commission

Amendment

Article 43

deleted

Member States' designated law enforcement authorities

1. Member States shall designate the law enforcement authorities which are entitled to request consultation of data recorded in the ETIAS Central System in order to prevent, detect and investigate terrorist offences or other serious criminal offences.

2. At national level, each Member State shall keep a list of the contact points within the designated authorities that are authorised to request a consultation of data stored in the ETIAS Central System through the central access point(s).

Or. en

Justification

EDPS, WP29, FRA and Meijers Committee have raised serious doubts about law enforcement access to the data of unsuspecting bona-fide travellers.

Amendment 895
Monika Hohlmeier

Proposal for a regulation
Article 43 – title

Text proposed by the Commission

Amendment

Member States' designated **law enforcement authorities**

Member States' designated **authorities in charge of public security**

Or. en

Amendment 896
Marie-Christine Vergiat

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

1. Member States shall designate the ***law enforcement authorities which are entitled*** to request ***consultation of*** data recorded in the ETIAS Central System in order to prevent, detect and investigate terrorist offences or other serious criminal offences.

Amendment

1. Member States shall designate the ***persons strictly entitled by the law enforcement authorities*** to request ***information on the*** data recorded in the ETIAS Central System in order to prevent, detect and investigate terrorist offences or other serious criminal offences. ***Such access and entitlement shall be the subject to verification by an independent authority.***

Or. fr

Amendment 897
Monika Hohlmeier

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

1. Member States shall designate the ***law enforcement authorities*** which are entitled to request consultation of data recorded in the ETIAS Central System in order to prevent, detect and investigate terrorist offences or other serious criminal offences.

Amendment

1. Member States shall designate the ***authorities in charge of public security*** which are entitled to request consultation of data recorded in the ETIAS Central System in order to prevent, detect and investigate terrorist offences or other serious criminal offences.

Or. en

Amendment 898
Marie-Christine Vergiat

Proposal for a regulation
Article 43 – paragraph 2

Text proposed by the Commission

2. At national level, each Member State shall keep a list of the contact points within the designated authorities that are authorised to request **a consultation of** data stored in the ETIAS Central System through the central access point(s).

Amendment

2. At national level, each Member State shall keep a list of the contact points within the designated authorities **referred to in Article 8 (2) (c)** that are authorised to request **information on the** data stored in the ETIAS Central System through the central access point(s).

Or. fr

Amendment 899

Jan Philipp Albrecht

Proposal for a regulation

Article 44

Text proposed by the Commission

Article 44

Procedure for access to the ETIAS Central System for law enforcement purposes

1. The competent authorities shall submit a reasoned electronic request for consultation of a specific set of data stored in the ETIAS Central System to the central access points referred to in Article 8(2)(c). Where consultation of data referred to in Article 15(2)(i) and (4)(b) to (d) is sought, the reasoned electronic request shall include a justification of the necessity to consult those specific data.

2. Each Member State shall ensure prior to accessing ETIAS Central System that according to its national law and procedural law a request for consultation undergoes an independent, efficient and timely verification whether the conditions referred to in Article 45 are fulfilled, including whether any request for consultation of data referred to in Article 15(2)(i) and (4)(b) to (d) is justified.

Amendment

deleted

3. If the conditions referred to in Article 45 are fulfilled, the central access point shall process the requests. The data stored in the ETIAS Central System accessed by the central access point shall be transmitted to the contact points referred to in Article 43(2) in such a way as to not compromise the security of the data.

4. In an exceptional case of urgency, where there is a need to immediately obtain personal data necessary for preventing the commission of a serious crime or for prosecuting its perpetrators, the central access point shall process the request immediately and without the independent verification provided in paragraph 2. An ex post independent verification shall take place without undue delay after the processing of the request, including whether an exceptional case of urgency actually existed.

5. Where an ex post independent verification determines that the consultation of and access to the data recorded in the ETIAS Central System were not justified, all the authorities that accessed and/or consulted such data shall erase the data originating from the ETIAS Central System and shall inform the central access point of the erasure.

Or. en

Justification

EDPS, WP29, FRA and Meijers Committee have raised serious doubts about law enforcement access to the data of unsuspecting bona-fide travellers.

**Amendment 900
Marie-Christine Vergiat**

**Proposal for a regulation
Article 44 – paragraph 1**

Text proposed by the Commission

1. The competent authorities shall submit a reasoned electronic request for **consultation of** a specific set of data stored in the ETIAS Central System to the central access points referred to in Article 8(2)(c). Where consultation of data referred to in Article 15(2)(i) and (4)(b) to (d) is sought, the reasoned electronic request shall include a justification of the necessity to consult those specific data.

Amendment

1. The competent authorities shall submit a reasoned electronic request for **information about** a specific set of data stored in the ETIAS Central System to the central access points referred to in Article 8(2)(c). Where consultation of data referred to in Article 15(2)(i) and (4)(b) to (d) is sought, the reasoned electronic request shall include a justification of the necessity to consult those specific data.

Or. fr

Amendment 901

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

**Proposal for a regulation
Article 44 – paragraph 1**

Text proposed by the Commission

1. The competent authorities shall submit a reasoned electronic request for consultation of a specific set of data stored in the ETIAS Central System to the central access points referred to in Article 8(2)(c). Where consultation of data referred to in Article **15(2)(i) and** (4)(b) **to (d)** is sought, the reasoned electronic request shall include a justification of the necessity to consult those specific data.

Amendment

1. The competent authorities shall submit a reasoned electronic request for consultation of a specific set of data stored in the ETIAS Central System to the central access points referred to in Article 8(2)(c). Where consultation of data referred to in Article **15** (4)(b) **and (c)** is sought, the reasoned electronic request shall include a justification of the necessity to consult those specific data.

Or. en

Justification

According with the deletion of Article 15(2)(i) and Article 15(4)(d).

Amendment 902

Marie-Christine Vergiat

Proposal for a regulation
Article 44 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *Where the EDPS has approved the request, the ETIAS Central Unit shall process the request for consultation of data stored in the ETIAS Central System.*

Or. fr

Amendment 903
Marie-Christine Vergiat

Proposal for a regulation
Article 44 – paragraph 2

Text proposed by the Commission

Amendment

2. Each Member State shall ensure prior to accessing ETIAS Central System that according to its national law and procedural law a request for **consultation** undergoes an **independent**, efficient and timely verification **whether** the conditions referred to in Article 45 **are fulfilled**, including **whether** any request for **consultation of** data referred to in Article 15(2)(i) and (4)(b) to (d) **is justified**.

2. Each Member State shall ensure prior to accessing ETIAS Central System that according to its national law and procedural law a request for **information about the data** undergoes an efficient and timely verification **by an independent authority in full compliance with** the conditions referred to in Article 45, including **the justification of** any request for **information about** data referred to in Article 45.

Or. fr

Justification

The reference to Article 15 solely on the basis of paragraphs 2 (i) and 4 (b) to (d) is incomprehensible.

Amendment 904
Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

Proposal for a regulation
Article 44 – paragraph 2

Text proposed by the Commission

2. Each Member State shall ensure prior to accessing ETIAS Central System that according to its national law and procedural law a request for consultation undergoes an independent, efficient and timely verification whether the conditions referred to in Article 45 are fulfilled, including whether any request for consultation of data referred to in Article 15(2)(i) **and** (4)(b) **to** (d) is justified.

Amendment

2. Each Member State shall ensure prior to accessing ETIAS Central System that according to its national law and procedural law a request for consultation undergoes an independent, efficient and timely verification whether the conditions referred to in Article 45 are fulfilled, including whether any request for consultation of data referred to in Article 15 (4)(b) **and** (c) is justified.

Or. en

Justification

According with the deletion of Article 15(2)(i) and Article 15(4)(d).

Amendment 905
Marie-Christine Vergiat

Proposal for a regulation
Article 44 – paragraph 3

Text proposed by the Commission

3. If the conditions referred to in Article 45 are fulfilled, the central access point shall process the requests. ***The data stored in the ETIAS Central System accessed by the central access point shall be transmitted to the contact points referred to in Article 43(2) in such a way as to not compromise the security of the data.***

Amendment

3. If the conditions referred to in Article 45 are fulfilled, the central access point shall process the requests.

Or. fr

Amendment 906
Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

Proposal for a regulation

Article 44 – paragraph 4

Text proposed by the Commission

4. In an exceptional case of urgency, where there is a need to ***immediately obtain personal data necessary for preventing the commission of a serious crime or for prosecuting its perpetrators***, the central access point shall process the request immediately and without the independent verification provided in paragraph 2. An ***ex post independent verification shall take place without undue delay after the processing of the request***, including whether an exceptional case of urgency actually existed.

Amendment

4. In an exceptional case of urgency, where there is a need to ***prevent an imminent danger associated with a terrorist offence or other serious criminal offence***, the central access point shall process the request immediately and without the independent verification provided in paragraph 2. An ***independent ex post verification shall verify whether the conditions referred to in Article 45 are fulfilled***, including whether an exceptional case of urgency actually existed. ***The ex post independent verification shall take place without undue delay after the processing of the request.***

Or. en

Amendment 907

Brice Hortefeux, Rachida Dati

Proposal for a regulation Article 44 – paragraph 4

Text proposed by the Commission

4. ***In an exceptional case of urgency, where there is a need*** to immediately obtain personal data necessary for preventing the commission of a serious ***crime*** or for prosecuting its perpetrators, the central access point shall process the request immediately and without the ***independent*** verification provided in paragraph 2. ***An ex post independent verification shall take place without undue delay after the processing of the request, including whether an exceptional case of urgency actually existed.***

Amendment

4. ***Where it is essential*** to immediately obtain the personal data necessary for preventing ***an act of terrorism or an imminent risk associated with*** the commission of a serious ***criminal offence*** or for prosecuting its perpetrators, the central access point shall process the request immediately and without the verification provided in paragraph 2. ***An ex-post independent verification shall take place without undue delay after the processing of the request.***

Or. fr

Amendment 908

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

Proposal for a regulation

Article 44 – paragraph 5

Text proposed by the Commission

5. Where an ex post independent verification determines that the consultation of and access to the data recorded in the ETIAS Central System were not justified, all the authorities that accessed and/or consulted such data shall erase the data originating from the ETIAS Central System and shall inform the central access point of the erasure.

Amendment

5. Where an ex post independent verification determines that the consultation of and access to the data recorded in the ETIAS Central System were not justified, all the authorities that accessed and/or consulted such data shall erase the data originating from the ETIAS Central System and shall inform the central access point of the erasure.

Member States shall take all measures necessary to ensure that the provisions of Article 44(4) are implemented and foresee penalties applicable to the infringement of Article 44(4) and Article 45, according to their national law.

All the conditions referred to in Article 45 shall be fulfilled. If the ex post verification determines they were not and that no exceptional case or urgency actually existed, effective, proportionate and dissuasive penalties shall apply.

Or. en

Justification

Penalties and sanctions are necessary in order to avoid abuses linked to the exceptional case of urgency, which shall remain exceptional. The sole deleting of the data that were transmitted is not enough to guarantee the privacy and data protection of the applicants.

Amendment 909

Marie-Christine Vergiat

Proposal for a regulation

Article 44 – paragraph 5

Text proposed by the Commission

5. Where an ex post independent verification determines that the ***consultation of and*** access to the data recorded in the ETIAS Central System ***were*** not justified, all the authorities that accessed ***and/or consulted*** such data shall erase the data originating from the ETIAS Central System and shall inform the central access point of the erasure.

Amendment

5. Where an ex post independent verification determines that the access to the data recorded in the ETIAS Central System ***is*** not justified, all the authorities that accessed such data shall erase the data originating from the ETIAS Central System and shall inform the central access point of the erasure.

Or. fr

Amendment 910
Marie-Christine Vergiat

Proposal for a regulation
Article 44 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Any decision taken on the basis of this erroneous information must be annulled.

Or. fr

Amendment 911
Jan Philipp Albrecht

Proposal for a regulation
Article 45

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

EDPS, WP29, FRA and Meijers Committee have raised serious doubts about law enforcement access to the data of unsuspecting bona-fide travellers.

Amendment 912

Marie-Christine Vergiat

Proposal for a regulation

Article 45 – paragraph 1 – introductory part

Text proposed by the Commission

1. *Designated* authorities may request *consultation of* data stored in the ETIAS Central System if all the following conditions are met:

Amendment

1. *Subject to prior checking by an independent court or authority, designated* authorities may request *information on the* data stored in the ETIAS Central System if all the following conditions are met:

Or. fr

Amendment 913

Marie-Christine Vergiat

Proposal for a regulation

Article 45 – paragraph 1 – point a

Text proposed by the Commission

(a) *the consultation* is necessary for the purpose of the prevention, detection or investigation of a terrorist offences or another serious criminal offence;

Amendment

(a) *access to the stored data* is necessary for the purpose of the prevention, detection or investigation of a terrorist offences or another serious criminal offence;

Or. fr

Amendment 914

Barbara Kudrycka, Tomáš Zdechovský

Proposal for a regulation

Article 45 – paragraph 1 – point a

Text proposed by the Commission

(a) the consultation is necessary for the purpose of the prevention, detection or investigation of a terrorist **offences** or another serious criminal offence;

Amendment

(a) the consultation is necessary for the purpose of the prevention, detection or investigation of a terrorist **offence** or another serious criminal offence;

Or. en

Amendment 915

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

Proposal for a regulation

Article 45 – paragraph 1 – point a

Text proposed by the Commission

(a) the consultation is necessary for the purpose of the prevention, detection or investigation of a terrorist **offences** or another serious criminal offence;

Amendment

(a) the consultation is necessary for the purpose of the prevention, detection or investigation of a terrorist **offence** or another serious criminal offence;

Or. en

Amendment 916

Marie-Christine Vergiat

Proposal for a regulation

Article 45 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

(b) access **to information on the stored data** is necessary in a specific case;

Or. fr

Amendment 917

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

Proposal for a regulation
Article 45 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 918
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 45 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

(b) access for consultation is necessary in a specific *judicial* case;

Or. fr

Amendment 919
Marie-Christine Vergiat

Proposal for a regulation
Article 45 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

(c) *detailed* grounds exist *based on the established facts* to consider that the *information on the* data stored in the ETIAS Central System may substantially contribute to the prevention, detection or investigation of any of the criminal offences in question, in particular where the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence falls under the category of third country nationals covered by this Regulation;

Amendment 920

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

Proposal for a regulation

Article 45 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

(c) *substantial evidence exists* to consider that the consultation of data stored in the ETIAS Central System *will* substantially contribute to the prevention, detection or investigation of any of the criminal offences in question, in particular where the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence falls under the category of third country nationals covered by this Regulation;

Or. en

Amendment 921

Marie-Christine Vergiat

Proposal for a regulation

Article 45 – paragraph 2 – introductory part

Text proposed by the Commission

2. *Consultation of* the ETIAS Central System shall be limited to searching with the following data recorded in the application file:

Amendment

2. *Access to the information on the data stored in* the ETIAS Central System shall be limited to searching with the following data recorded in the application file:

Or. fr

Amendment 922

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

**Proposal for a regulation
Article 45 – paragraph 2 – point f**

Text proposed by the Commission

Amendment

(f) *IP address.* *deleted*

Or. en

Justification

According with the deletion of Article 15 (8).

**Amendment 923
Angelika Mlinar**

**Proposal for a regulation
Article 45 – paragraph 2 – point f**

Text proposed by the Commission

Amendment

(f) *IP address.* *deleted*

Or. en

**Amendment 924
Marie-Christine Vergiat**

**Proposal for a regulation
Article 45 – paragraph 2 – point f**

Text proposed by the Commission

Amendment

(f) *IP address.* *deleted*

Or. fr

**Amendment 925
Angelika Mlinar**

Proposal for a regulation
Article 45 – paragraph 3 – point c

Text proposed by the Commission

(c) *date of birth or* age range.

Amendment

(c) age range.

Or. en

Amendment 926
Marie-Christine Vergiat

Proposal for a regulation
Article 45 – paragraph 4

Text proposed by the Commission

4. Consultation of the ETIAS Central System shall, in the event of a hit with data recorded in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as recorded in that application file as well as to data entered in that application file in respect of the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37. Access to the data referred to in Article 15(2)(i) and in (4) (b) to (d) as recorded in the application file shall only be given if consultation of that data was explicitly requested by the operating units in the reasoned electronic request submitted under Article 44(1) and approved by the independent verification. ***Consultation of the ETIAS Central System shall not give access to data concerning the education as referred to in Article 15(2)(h) or on whether or not the applicant may pose a public health risk as referred to in Article 15(4)(a).***

Amendment

4. Consultation of the ETIAS Central System shall, in the event of a hit with data recorded in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as recorded in that application file as well as to data entered in that application file in respect of the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37. Access to the data referred to in Article 15(2)(i) and in (4) (b) to (d) as recorded in the application file shall only be given if consultation of that data was explicitly requested by the operating units in the reasoned electronic request submitted under Article 44(1) and approved by the independent verification.

Or. fr

Amendment 927

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

**Proposal for a regulation
Article 45 – paragraph 4**

Text proposed by the Commission

4. Consultation of the ETIAS Central System shall, in the event of a hit with data recorded in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as recorded in that application file as well as to data entered in that application file in respect of the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37. Access to the data referred to in Article **15(2)(i) and in (4) (b) to (d)** as recorded in the application file shall only be given if consultation of that data was explicitly requested by the operating units in the reasoned electronic request submitted under Article 44(1) and approved by the independent verification. ***Consultation of the ETIAS Central System shall not give access to data concerning the education as referred to in Article 15(2)(h) or on whether or not the applicant may pose a public health risk as referred to in Article 15(4)(a).***

Amendment

4. Consultation of the ETIAS Central System shall, in the event of a hit with data recorded in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as recorded in that application file as well as to data entered in that application file in respect of the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37. Access to the data referred to in Article **15(4) (b) and (c)** as recorded in the application file shall only be given if consultation of that data was explicitly requested by the operating units in the reasoned electronic request submitted under Article 44(1) and approved by the independent verification.

Or. en

Justification

According with the deletions of Article 15(2)(h) and (i) and Article 15(4)(a) and (d).

**Amendment 928
Marie-Christine Vergiat**

**Proposal for a regulation
Article 46**

Text proposed by the Commission

Amendment

Procedure and conditions for access to data recorded in the ETIAS Central System by Europol

1. For the purposes of Article 1(2), Europol may request consultation of data stored in the ETIAS Central System and submit a reasoned electronic request for consultation of a specific set of data stored in the ETIAS Central System to the ETIAS Central Unit.

2. The reasoned request shall contain evidence that the following conditions are met:

(a) the consultation is necessary to support and strengthen action by Member States in preventing, detecting or investigating terrorist offences or other serious criminal offences falling under Europol's mandate;

(b) the consultation is necessary in a specific case;

(c) the consultation shall be limited to searching with data referred to in Article 45(2);

(d) reasonable grounds exist to consider that the consultation may substantially contribute to the prevention, detection or investigation of any of the criminal offences in question;

(e) prior consultation of the database at Europol did not lead to the requested information.

3. Europol requests for consultation of data stored in the ETIAS Central System shall be subject to prior verification by the EDPS, where appropriate in accordance with the procedure of Article 44 of Regulation (EU) 2016/794, which shall examine in an efficient and timely manner whether the request fulfils all conditions of paragraph 2.

4. Consultation of the ETIAS Central System shall, in the event of a hit with data stored in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as well as to the data entered in the application file in respect to the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37.

Access to the data referred to in Article 15(2)(i) and in (4)(b) to (d) as stored in the application file shall only be given if consultation of that data was explicitly requested by Europol.

5. Where the EDPS has approved the request, the ETIAS Central Unit shall process the request for consultation of data stored in the ETIAS Central System.

Or. fr

**Amendment 929
Jan Philipp Albrecht**

**Proposal for a regulation
Article 46**

Text proposed by the Commission

Amendment

Article 46

deleted

Procedure and conditions for access to data recorded in the ETIAS Central System by Europol

1. For the purposes of Article 1(2), Europol may request consultation of data stored in the ETIAS Central System and submit a reasoned electronic request for consultation of a specific set of data stored in the ETIAS Central System to the ETIAS Central Unit.

2. The reasoned request shall contain evidence that the following conditions are met:

(a) the consultation is necessary to support and strengthen action by Member States in preventing, detecting or investigating terrorist offences or other serious criminal offences falling under Europol's mandate;

(b) the consultation is necessary in a specific case;

(c) the consultation shall be limited to searching with data referred to in Article 45(2);

(d) reasonable grounds exist to consider that the consultation may substantially contribute to the prevention, detection or investigation of any of the criminal offences in question;

(e) prior consultation of the database at Europol did not lead to the requested information.

3. Europol requests for consultation of data stored in the ETIAS Central System shall be subject to prior verification by the EDPS, where appropriate in accordance with the procedure of Article 44 of Regulation (EU) 2016/794, which shall examine in an efficient and timely manner whether the request fulfils all conditions of paragraph 2.

4. Consultation of the ETIAS Central System shall, in the event of a hit with data stored in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as well as to the data entered in the application file in respect to the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37. Access to the data referred to in Article 15(2)(i) and in (4)(b) to (d) as stored in the application file shall only be given if consultation of that data was explicitly requested by Europol.

5. Where the EDPS has approved the request, the ETIAS Central Unit shall

process the request for consultation of data stored in the ETIAS Central System.

Or. en

Justification

EDPS, WP29, FRA and Meijers Committee have raised serious doubts about law enforcement access to the data of unsuspecting bona-fide travellers.

Amendment 930
Marie-Christine Vergiat

Proposal for a regulation
Article 46 – paragraph 1

Text proposed by the Commission

1. For the purposes of Article 1(2), Europol may request consultation of data stored in the ETIAS Central System and submit a reasoned electronic request for consultation of a specific set of data stored in the ETIAS Central System to the ETIAS Central Unit.

Amendment

1. For the purposes of Article 1(2), Europol, ***subject to prior control by an independent court or authority***, may request consultation of data stored in the ETIAS Central System and submit a reasoned electronic request for consultation of a specific set of data stored in the ETIAS Central System to the ETIAS Central Unit.

Or. fr

Amendment 931
Artis Pabriks

Proposal for a regulation
Article 46 – paragraph 1

Text proposed by the Commission

1. For the purposes of Article 1(2), Europol may request consultation of data stored in the ETIAS Central System and submit a reasoned electronic request for consultation of a specific set of data stored

Amendment

1. For the purposes of Article 1(2), Europol may request consultation of data stored in the ETIAS Central System and submit a reasoned electronic request for consultation of a specific set of data stored in the ETIAS Central System to ***a verifying Unit specifically designated for that***

in the ETIAS Central System to *the ETIAS Central Unit*.

purpose with duly empowered Europol officials.

Or. en

Amendment 932

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

Proposal for a regulation

Article 46 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The reasoned request shall contain evidence that the following conditions are met:

2. The reasoned request shall contain evidence that **all** the following conditions are met:

Or. en

Amendment 933

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

Proposal for a regulation

Article 46 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the consultation is necessary **in a** specific case;

(b) the consultation is necessary **and proportionate in the** specific case;

Or. en

Amendment 934

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 46 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the consultation is necessary in a specific case;

(b) the consultation is necessary in a specific *judicial* case;

Or. fr

Amendment 935
Helga Stevens

Proposal for a regulation
Article 46 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the consultation shall be limited to searching with data referred to in Article 45(2);

(c) the consultation shall be limited to searching with data referred to in Article 45(2) *and* (3);

Or. nl

Amendment 936
Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

Proposal for a regulation
Article 46 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) *reasonable grounds exist* to consider that the consultation *may* substantially contribute to the prevention, detection or investigation of any of the criminal offences in question;

(d) *substantial evidence exists* to consider that the consultation *of data stored in the ETIAS Central System will* substantially contribute to the prevention, detection or investigation of any of the criminal offences in question;

Or. en

Amendment 937
Artis Pabriks

Proposal for a regulation
Article 46 – paragraph 3

Text proposed by the Commission

Amendment

3. ***Europol requests for consultation of data stored in the ETIAS Central System shall be subject to prior verification by the EDPS, where appropriate in accordance with the procedure of Article 44 of Regulation (EU) 2016/794, which*** shall examine in an efficient and timely manner whether the request fulfils all conditions of paragraph 2.

3. ***The verifying Unit referred to in paragraph 1 of this Article*** shall examine in an efficient and timely manner whether the request fulfils all conditions of paragraph 2.

Or. en

Amendment 938

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

Proposal for a regulation Article 46 – paragraph 4

Text proposed by the Commission

Amendment

4. Consultation of the ETIAS Central System shall, in the event of a hit with data stored in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as well as to the data entered in the application file in respect to the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37. Access to the data referred to in Article **15(2)(i) and in (4)(b) to (d)** as stored in the application file shall only be given if consultation of that data was explicitly requested by Europol.

4. Consultation of the ETIAS Central System shall, in the event of a hit with data stored in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as well as to the data entered in the application file in respect to the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37. Access to the data referred to in Article **15(4)(b) and (c)** as stored in the application file shall only be given if consultation of that data was explicitly requested by Europol.

Or. en

Justification

According with the deletions of Article 15(2)(i) and Article 15(4)(d).

Amendment 939
Artis Pabriks

Proposal for a regulation
Article 46 – paragraph 5

Text proposed by the Commission

5. Where the **EDPS** has approved the request, the ETIAS Central Unit shall process the request for consultation of data stored in the ETIAS Central System.

Amendment

5. Where the **verifying Unit referred to in paragraph 1 of this Article** has approved the request, **it shall submit the request to the ETIAS Central Unit, which shall process the request for consultation of data stored in the ETIAS Central System and shall provide the result of the consultation to Europol. The request submitted to the ETIAS Central Unit shall only contain the parameters to be used for the consultation and may not contain any operational information, nor the information or operational arguments justifying the request.**

Or. en

Amendment 940
G rard Deprez, Louis Michel

Proposal for a regulation
Article 47 – paragraph 1 – point a

Text proposed by the Commission

(a) **the validity period of** the travel authorisation;

Amendment

(a) **five years from the last decision to issue** the travel authorisation **in accordance with Article 30.**

Or. fr

Justification

Since the period of validity of the authorisation has been reduced to 3 years, the article on the length of time data should be stored should be amended to bring it into line with 5 years;

Amendment 941

Jan Philipp Albrecht

Proposal for a regulation

Article 47 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) *[five years from the last entry record of the applicant stored in the EES; or]* *deleted*

Or. en

Amendment 942

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

Proposal for a regulation

Article 47 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) *[five years from the last entry record of the applicant stored in the EES; or]* *deleted*

Or. en

Justification

Keeping the whole ETIAS application five years after the last entry of the applicant is not justified, and does not seem proportionate nor necessary. The data retention period, according to EU standards, should be as limited as possible.

Amendment 943

Brice Hortefeux, Rachida Dati

Proposal for a regulation

Article 47 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) [five years from the last entry record of the applicant stored in the EES; or]

(b) [five years from the last entry/*exit* record of the applicant stored in the EES; or]

Or. fr

Amendment 944
Monika Hohlmeier

Proposal for a regulation
Article 47 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) [*five* years from the last entry record of the applicant stored in the EES; or]

(b) [*ten* years from the last entry record of the applicant stored in the EES; or]

Or. en

Amendment 945
Angelika Mlinar

Proposal for a regulation
Article 47 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) [*five* years from the last entry record of the applicant stored in the EES; or]

(b) [*two* years from the last entry record of the applicant stored in the EES; or]

Or. en

Amendment 946
Marie-Christine Vergiat

Proposal for a regulation
Article 47 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) *[five* years from the last entry record of the applicant stored in the EES; or]

(b) *[two* years from the last entry record of the applicant stored in the EES; or]

Or. fr

Amendment 947

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

Proposal for a regulation

Article 47 – paragraph 1 – point c

Text proposed by the Commission

(c) *five* years from the last decision to refuse, revoke or annul the travel authorisation in accordance with Articles 31, 34 and 35.

Amendment

(c) *two* years from the last decision to refuse, revoke or annul the travel authorisation in accordance with Articles 31, 34 and 35.

Or. en

Amendment 948

Monika Hohlmeier

Proposal for a regulation

Article 47 – paragraph 1 – point c

Text proposed by the Commission

(c) *five* years from the last decision to refuse, revoke or annul the travel authorisation in accordance with Articles 31, 34 and 35.

Amendment

(c) *ten* years from the last decision to refuse, revoke or annul the travel authorisation in accordance with Articles 31, 34 and 35.

Or. en

Amendment 949

Angelika Mlinar

Proposal for a regulation

Article 47 – paragraph 1 – point c

Text proposed by the Commission

(c) **five** years from the last decision to refuse, revoke or annul the travel authorisation in accordance with Articles 31, 34 and 35.

Amendment

(c) **two** years from the last decision to refuse, revoke or annul the travel authorisation in accordance with Articles 31, 34 and 35.

Or. en

Amendment 950
Jan Philipp Albrecht

Proposal for a regulation
Article 47 – paragraph 1 – point c

Text proposed by the Commission

(c) **five years** from the last decision to refuse, revoke or annul the travel authorisation in accordance with Articles 31, 34 and 35.

Amendment

(c) **one year** from the last decision to refuse, revoke or annul the travel authorisation in accordance with Articles 31, 34 and 35.

Or. en

Amendment 951
Marie-Christine Vergiat

Proposal for a regulation
Article 47 – paragraph 1 – point c

Text proposed by the Commission

(c) **five** years from the last decision to refuse, revoke or annul the travel authorisation in accordance with Articles 31, 34 and 35.

Amendment

(c) **two** years from the last decision to refuse, revoke or annul the travel authorisation in accordance with Articles 31, 34 and 35.

Or. fr

Amendment 952
Marie-Christine Vergiat

Proposal for a regulation

Article 48 – paragraph 5 – introductory part

Text proposed by the Commission

5. Where a third country national **has acquired the nationality of a Member State or has fallen under the scope of Article 2(2)(a) to (e)**, the authorities of that Member State **shall verify whether that person has a valid travel authorisation and, where relevant**, shall delete the application file **without delay** from the ETIAS Central System. The authority responsible for deleting the application file **shall** be the:

Amendment

5. Where a third country national **with a travel authorisation** has **acquired** the **nationality** of a **Member State**, the authorities of that Member State shall **immediately** delete the application file from the ETIAS Central System. The authority responsible for deleting the application file **may** be the:

Or. fr

Amendment 953

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 48 – paragraph 5 – introductory part

Text proposed by the Commission

5. Where a third country national has acquired the nationality of a Member State or has fallen under the scope of Article 2(2)(a) to (e), the authorities of that Member State shall verify whether that person has a valid travel authorisation and, where relevant, shall delete the application file without delay from the ETIAS Central System. The authority responsible for deleting the application file shall be the:

Amendment

5. Where a third country national has acquired the nationality of a Member State or has fallen under the scope of Article 2(2)(a) to (c), the authorities of that Member State shall verify whether that person has a valid travel authorisation and, where relevant, shall delete the application file without delay from the ETIAS Central System. The authority responsible for deleting the application file shall be the:

Or. fr

Justification

The compulsory deletion of the application file for a person obtaining a residence permit or a long-stay visa should be withdrawn, as their period of validity may be less than the remaining period of validity of the ETIAS.

This is to ensure that the applicant does not have to re-apply for travel authorisation after the expiry of his or her visa or residence permit;

Amendment 954

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 48 – paragraph 5 – point c

Text proposed by the Commission

Amendment

(c) *the ETIAS National Unit of the Member State that issued the residence permit or card;*

deleted

Or. fr

Amendment 955

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 48 – paragraph 5 – point d

Text proposed by the Commission

Amendment

(d) *the ETIAS National Unit of the Member State that issued the long-stay visa.*

deleted

Or. fr

Amendment 956

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 48 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Where a third country national has fallen under the scope of Article 2(2)(d) or (e), the authorities of that

Member State shall verify whether that person has a valid travel authorisation and, where relevant, shall delete the application file without delay from the ETIAS Central System if the period of validity of the residence card or residence permit or long-stay visa is longer than the remaining period of validity of the ETIAS. The authority responsible for deleting the application file shall be:

(a) the ETIAS National Unit of the Member State that issued the residence permit or card;

(b) the ETIAS National Unit of the Member State that issued the long-stay visa.

Or. fr

Justification

Provision should be made that if the period of validity of the ETIAS is longer than the period of validity of the visa or residence permit, the latter shall not be deleted from the Central System so that the third-country national may still benefit from it after the expiry of the visa or residence permit;

Amendment 957

Marie-Christine Vergiat

Proposal for a regulation Article 48 – paragraph 6

Text proposed by the Commission

6. Where a third country national **has fallen under** the scope of Article 2(2)(f) to (h), he or she shall inform the competent authorities of the Member State he or she next enters of this change. That Member State shall contact the ETIAS Central Unit within a time limit of 14 days. The ETIAS Central Unit shall check the accuracy of the data within a time limit of one month and, if necessary erase the application file and the data contained within from the

Amendment

6. Where a third country national **falls within** the scope of Article 2(2)(f) to (h), he or she shall inform the competent authorities of the Member State he or she next enters of this change. That Member State shall contact the ETIAS Central Unit within a time limit of 14 days. The ETIAS Central Unit shall check the accuracy of the data within a time limit of one month and, if necessary erase the application file and the data contained within from the

ETIAS Central System without delay. The individual shall have access to an effective judicial remedy to ensure the data is deleted.

ETIAS Central System without delay. The individual shall have access to an effective judicial remedy to ensure the data is deleted.

Or. fr

Amendment 958
Angelika Mlinar

Proposal for a regulation
Article 48 a (new)

Text proposed by the Commission

Amendment

Article 48 a

Remedies

- 1. Any person may bring an action before the courts or the authority competent under the law of any Member State to access, correct, delete or obtain information or to obtain compensation in connection with a refusal of the authorization.***
- 2. The Member States undertake mutually to enforce final decisions handed down by the courts or authorities referred to in paragraph 1.***
- 3. The rules on remedies provided for in this Article shall be evaluated by the Commission by 2 years from the entry into force of this Regulation.***

Or. en

Amendment 959
Jan Philipp Albrecht

Proposal for a regulation
Article 49 – paragraph 1

Text proposed by the Commission

Amendment

1. Regulation (EC) No 45/2001 shall apply to the processing of personal data by the European Border and Coast Guard Agency and eu-LISA.

1. Regulation (EC) No 45/2001 shall apply to the processing of personal data by the European Border and Coast Guard Agency, *Europol* and eu-LISA.

Or. en

Amendment 960
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 49 – paragraph 2

Text proposed by the Commission

2. [Regulation 2016/679] shall apply to the processing of personal data by the ETIAS National Units.

Amendment

2. [Regulation 2016/679] shall apply to the processing of personal data by the ETIAS National Units, *the border guards competent for carrying out border checks and the migration authorities*.

Or. fr

Amendment 961
Monika Hohlmeier

Proposal for a regulation
Article 49 – paragraph 2

Text proposed by the Commission

2. [Regulation 2016/679] shall apply to the processing of personal data by the ETIAS National Units.

Amendment

2. *Where those activities fall within its scope*, [Regulation 2016/679] shall apply to the processing of personal data by the ETIAS National Units.

Or. en

Amendment 962
Jan Philipp Albrecht

Proposal for a regulation

Article 49 – paragraph 3

Text proposed by the Commission

3. [Directive (EU) 2016/680] shall apply to the processing *by Member States designated authorities* for the purposes of Article 1(2).

Amendment

3. [Directive (EU) 2016/680] shall apply to the processing *of personal data by the ETIAS National Units* for the purposes of *the prevention of threats to public security*.

Or. en

Amendment 963

Barbara Kudrycka, Tomáš Zdechovský, Anna Maria Corazza Bildt

Proposal for a regulation

Article 49 – paragraph 3

Text proposed by the Commission

3. [Directive (EU) 2016/680] shall apply to the processing by Member States designated authorities for the purposes of Article 1(2).

Amendment

3. [Directive (EU) 2016/680] shall apply to the processing *of personal data* by Member States designated authorities for the purposes of Article 1(2).

Or. en

Amendment 964

Monika Hohlmeier

Proposal for a regulation

Article 49 – paragraph 3

Text proposed by the Commission

3. [Directive (EU) 2016/680] shall apply to the processing by Member States designated authorities for the purposes of Article 1(2).

Amendment

3. *Where those activities fall within its scope*, [Directive (EU) 2016/680] shall apply to the processing by Member States designated authorities for the purposes of Article 1(2).

Or. en

Amendment 965
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 49 – paragraph 3

Text proposed by the Commission

3. [Directive (EU) 2016/680] shall apply to the processing by Member States designated authorities for the purposes of Article 1(2).

Amendment

3. [Directive (EU) 2016/680] shall apply to the processing *of personal data* by Member States designated authorities for the purposes of Article 1(2).

Or. fr

Amendment 966
Jan Philipp Albrecht

Proposal for a regulation
Article 49 – paragraph 4

Text proposed by the Commission

4. Regulation (EU) 2016/794 shall apply to the processing of personal data by Europol pursuant to *Articles 24 and 46*.

Amendment

4. Regulation (EU) 2016/794 shall apply to the processing of personal data by Europol pursuant to *Article 25*.

Or. en

Amendment 967
Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

Proposal for a regulation
Article 50 – paragraph 1

Text proposed by the Commission

1. The European Border and Coast Guard Agency is to be considered a data controller in accordance with Article 2(d) of Regulation (EC) No 45/2001 in relation to the processing of personal data in the ETIAS Central System.

Amendment

1. The European Border and Coast Guard Agency is to be considered a data controller in accordance with Article 2(d) of Regulation (EC) No 45/2001 in relation to the processing of personal data in the ETIAS Central System. *In relation to information security management of the*

ETIAS Central System, the European Border and Coast Guard Agency and eu-LISA are to be considered joint controllers.

Or. en

Amendment 968
Marie-Christine Vergiat

Proposal for a regulation
Article 50 – paragraph 1

Text proposed by the Commission

1. ***The European Border and Coast Guard Agency*** is to be considered a data controller in accordance with Article 2(d) of Regulation (EC) No 45/2001 in relation to the processing of personal data in the ETIAS Central System.

Amendment

1. ***eu-LISA*** is to be considered a data controller in accordance with Article 2(d) of Regulation (EC) No 45/2001 in relation to the processing of personal data in the ETIAS Central System..

Or. fr

Amendment 969
Marie-Christine Vergiat

Proposal for a regulation
Article 51 – paragraph 1

Text proposed by the Commission

1. ***eu-LISA is to be considered a data processor in accordance with Article 2(d) of Regulation (EC) No 45/2001 in relation to the processing of personal data in the ETIAS Information System.***

Amendment

deleted

Or. fr

Amendment 970
Jan Philipp Albrecht

Proposal for a regulation
Article 52

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

Article 52 deleted in order to avoid duplication and overlap with Regulation 2001/45, in line with the approach taken in the on-going revision of Regulation 2001/45. Depending on the outcome there, the Article might have to be re-inserted.

Amendment 971

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

Proposal for a regulation
Article 52 – paragraph 1

Text proposed by the Commission

Amendment

1. **Both eu-LISA and** the ETIAS National Units shall ensure the security of processing of personal data takes place pursuant to the application of this Regulation. eu-LISA **and** the ETIAS National Units shall cooperate on security related tasks.

1. **eu-LISA, the ETIAS National Units and the European Border and Coast Guard Agency** shall ensure the security of processing of personal data takes place pursuant to the application of this Regulation. eu-LISA, the ETIAS National Units **and the European Border and Coast Guard Agency** shall cooperate on security related tasks.

Or. en

Amendment 972

Marie-Christine Vergiat

Proposal for a regulation
Article 52 – paragraph 1

Text proposed by the Commission

Amendment

1. **Both eu-LISA** and the ETIAS National Units shall ensure the security of processing of personal data takes place pursuant to the application of this Regulation. eu-LISA and the ETIAS National Units shall cooperate on security related tasks.

1. **eu-LISA, the European Border and Coast Guard Agency** and the ETIAS National Units shall ensure the security of processing of personal data takes place pursuant to the application of this Regulation. eu-LISA and the ETIAS National Units shall cooperate on security related tasks.

Or. fr

Amendment 973
Jan Philipp Albrecht

Proposal for a regulation
Article 53

Text proposed by the Commission

Amendment

Article 53

deleted

Self-monitoring

The European Border and Coast Guard Agency, Europol and Member States shall ensure that each authority entitled to access the ETIAS Information System takes the measures necessary to comply with this Regulation and cooperates, where necessary, with the supervisory authority.

Or. en

Justification

Article 53 deleted in order to avoid duplication and overlap with Regulation 2001/45, in line with the approach taken in the on-going revision of Regulation 2001/45. Depending on the outcome there, the Article might have to be re-inserted.

Amendment 974
Marie-Christine Vergiat

Proposal for a regulation
Article 53 – paragraph 1

Text proposed by the Commission

Amendment

The European Border and Coast Guard Agency, Europol and Member States shall ensure that each authority entitled to access the ETIAS Information System takes the measures necessary to comply with this Regulation and cooperates, where necessary, with the supervisory authority.

eu-LISA, the EDPS and Member States shall ensure that each authority entitled to access the ETIAS Information System takes the measures necessary to comply with this Regulation and cooperates, where necessary, with the supervisory authority.

Or. fr

Amendment 975

Jan Philipp Albrecht

Proposal for a regulation

Article 54

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

Article 54 deleted in order to avoid duplication and overlap with Regulation 2001/45, in line with the approach taken in the on-going revision of Regulation 2001/45. Depending on the outcome there, the Article might have to be re-inserted.

Amendment 976

Marie-Christine Vergiat

Proposal for a regulation

Article 54 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and Article 15, 16, 17 and 18 of [Regulation (EU) 2016/679] any applicant shall have the right to address him or herself to the ETIAS Central Unit or to the ETIAS National Unit responsible

In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and Article 15, 16, 17 and 18 of [Regulation (EU) 2016/679] any applicant shall have the right to address him or herself to the ETIAS Central Unit or to the ETIAS National Unit responsible

for the application, who shall examine and reply to the request.

for the application, who shall examine and reply to the request. ***The person concerned must have the opportunity to appeal before the courts, with suspensive effect, as soon as possible.***

Or. fr

Amendment 977
Marie-Christine Vergiat

Proposal for a regulation
Article 54 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

Where a travel authorisation is amended by the ETIAS Central Unit or an ETIAS National Unit during its validity period, the ETIAS Central System shall carry out the automated processing laid down in Article 18 to determine whether the amended application file triggers a hit pursuant to Article 18(2) to (5). Where the automated processing does not report any hit, the ETIAS Central System shall issue an amended travel authorisation with the same validity of the original and notify the applicant. Where the automated processing reports one or several hit(s), the ETIAS National Unit of the Member State of first entry as declared by the applicant in accordance with Article 15(2)(j) shall assess the irregular migration, security or public health risk and shall decide whether to issue an amended travel authorisation or, where it concludes that the conditions for granting the travel authorisation are no longer met, revoke the travel authorisation.

deleted

Or. fr

Amendment 978

Brice Hortefeux, Rachida Dati

Proposal for a regulation

Article 54 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Where a travel authorisation is amended by the ETIAS Central Unit or an ETIAS National Unit during its validity period, the ETIAS Central System shall carry out the automated processing laid down in Article 18 to determine whether the amended application file triggers a hit pursuant to Article 18(2) to (5). Where the automated processing does not report any hit, the ETIAS Central System shall issue an amended travel authorisation with the same validity of the original and notify the applicant. Where the automated processing reports one or several hit(s), the ETIAS National Unit of the Member State *of first entry as declared by the applicant in accordance with Article 15(2)(j)* shall assess the irregular migration, security or public health risk and shall decide whether to issue an amended travel authorisation or, where it concludes that the conditions for granting the travel authorisation are no longer met, revoke the travel authorisation.

Amendment

Where a travel authorisation is amended by the ETIAS Central Unit or an ETIAS National Unit during its validity period, the ETIAS Central System shall carry out the automated processing laid down in Article 18 to determine whether the amended application file triggers a hit pursuant to Article 18(2) to (5). Where the automated processing does not report any hit, the ETIAS Central System shall issue an amended travel authorisation with the same validity of the original and notify the applicant. Where the automated processing reports one or several hit(s), the ETIAS National Unit of the Member State *responsible* shall assess the irregular migration, security or public health risk and shall decide whether to issue an amended travel authorisation or, where it concludes that the conditions for granting the travel authorisation are no longer met, revoke the travel authorisation.

Or. fr

Amendment 979

Marie-Christine Vergiat

Proposal for a regulation

Article 54 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Where a travel authorisation is amended by the ETIAS Central Unit or an ETIAS National Unit during its validity period, the ETIAS Central System shall carry out the automated processing laid down in Article

Amendment

Where a travel authorisation is amended by the ETIAS Central Unit or an ETIAS National Unit during its validity period, the ETIAS Central System shall carry out the automated processing laid down in Article

18 to determine whether the amended application file triggers a hit pursuant to Article 18(2) to (5). Where the automated processing does not report any hit, the ETIAS Central System shall issue an amended travel authorisation with the same validity of the original and notify the applicant. Where the automated processing reports one or several hit(s), the ETIAS National Unit of the Member State of first entry as declared by the applicant in accordance with Article 15(2)(j) shall assess the **irregular migration**, security **or public health** risk and shall decide whether to issue an amended travel authorisation or, where it concludes that the conditions for granting the travel authorisation are no longer met, revoke the travel authorisation.

18 to determine whether the amended application file triggers a hit pursuant to Article 18(2) to (5). Where the automated processing does not report any hit, the ETIAS Central System shall issue an amended travel authorisation with the same validity of the original and notify the applicant. Where the automated processing reports one or several hit(s), the ETIAS National Unit of the Member State of first entry as declared by the applicant in accordance with Article 15(2)(j) shall assess the security risk and shall decide whether to issue an amended travel authorisation or, where it concludes that the conditions for granting the travel authorisation are no longer met, revoke the travel authorisation.

Or. fr

Justification

This paragraph does not correspond to the right to information but to the procedures of the National Units.

Amendment 980 **Sergei Stanishev**

Proposal for a regulation **Article 54 – paragraph 2 – subparagraph 3**

Text proposed by the Commission

Where a travel authorisation is amended by the ETIAS Central Unit or an ETIAS National Unit during its validity period, the ETIAS Central System shall carry out the automated processing laid down in Article 18 to determine whether the amended application file triggers a hit pursuant to Article 18(2) to (5). Where the automated processing does not report any hit, the ETIAS Central System shall issue an amended travel authorisation with the same validity of the original and notify the

Amendment

Where a travel authorisation is amended by the ETIAS Central Unit or an ETIAS National Unit during its validity period, the ETIAS Central System shall carry out the automated processing laid down in Article 18 to determine whether the amended application file triggers a hit pursuant to Article 18(2) to (5). Where the automated processing does not report any hit, the ETIAS Central System shall issue an amended travel authorisation with the same validity of the original and notify the

applicant. Where the automated processing reports one or several hit(s), the ETIAS National Unit of the Member State *of first entry as declared by the applicant* in accordance with Article 15(2)(j) shall assess the *irregular migration*, security or public health risk and shall decide whether to issue an amended travel authorisation or, where it concludes that the conditions for granting the travel authorisation are no longer met, revoke the travel authorisation.

applicant. Where the automated processing reports one or several hit(s), the ETIAS National Unit of the *responsible* Member State in accordance with Article 22(1) shall assess the security or public health risk and shall decide whether to issue an amended travel authorisation or, where it concludes that the conditions for granting the travel authorisation are no longer met, revoke the travel authorisation.

Or. en

Justification

This Regulation should envisage a more balanced distribution of responsibilities between Member States' National Units as amended in Article 22 (1).

Amendment 981
Angelika Mlinar

Proposal for a regulation
Article 54 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Where a travel authorisation is amended by the ETIAS Central Unit or an ETIAS National Unit during its validity period, the ETIAS Central System shall carry out the automated processing laid down in Article 18 to determine whether the amended application file triggers a hit pursuant to Article 18(2) to (5). Where the automated processing does not report any hit, the ETIAS Central System shall issue an amended travel authorisation with the same validity of the original and notify the applicant. Where the automated processing reports one or several hit(s), the ETIAS National Unit of the Member State of first entry as declared by the applicant in accordance with Article 15(2)(j) shall assess the *irregular migration*, security *or public health* risk and shall decide whether

Amendment

Where a travel authorisation is amended by the ETIAS Central Unit or an ETIAS National Unit during its validity period, the ETIAS Central System shall carry out the automated processing laid down in Article 18 to determine whether the amended application file triggers a hit pursuant to Article 18(2) to (5). Where the automated processing does not report any hit, the ETIAS Central System shall issue an amended travel authorisation with the same validity of the original and notify the applicant. Where the automated processing reports one or several hit(s), the ETIAS National Unit of the Member State of first entry as declared by the applicant in accordance with Article 15(2)(j) shall assess the security risk and shall decide whether to issue an amended travel

to issue an amended travel authorisation or, where it concludes that the conditions for granting the travel authorisation are no longer met, revoke the travel authorisation.

authorisation or, where it concludes that the conditions for granting the travel authorisation are no longer met, revoke the travel authorisation.

Or. en

Amendment 982
Artis Pabriks

Proposal for a regulation
Article 54 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Where a travel authorisation is amended by the ETIAS Central Unit or an ETIAS National Unit during its validity period, the ETIAS Central System shall carry out the automated processing laid down in Article 18 to determine whether the amended application file triggers a hit pursuant to Article 18(2) to (5). Where the automated processing does not report any hit, the ETIAS Central System shall issue an amended travel authorisation with the same validity of the original and notify the applicant. Where the automated processing reports one or several hit(s), the ETIAS National Unit of the Member State of first entry as declared by the applicant in accordance with Article 15(2)(j) shall assess the *irregular* migration, security or public health risk and shall decide whether to issue an amended travel authorisation or, where it concludes that the conditions for granting the travel authorisation are no longer met, revoke the travel authorisation.

Amendment

Where a travel authorisation is amended by the ETIAS Central Unit or an ETIAS National Unit during its validity period, the ETIAS Central System shall carry out the automated processing laid down in Article 18 to determine whether the amended application file triggers a hit pursuant to Article 18(2) to (5). Where the automated processing does not report any hit, the ETIAS Central System shall issue an amended travel authorisation with the same validity of the original and notify the applicant. Where the automated processing reports one or several hit(s), the ETIAS National Unit of the Member State of first entry as declared by the applicant in accordance with Article 15(2)(j) shall assess the *illegal* migration, security or public health risk and shall decide whether to issue an amended travel authorisation or, where it concludes that the conditions for granting the travel authorisation are no longer met, revoke the travel authorisation.

Or. en

Amendment 983
Marie-Christine Vergiat

Proposal for a regulation
Article 55 – paragraph 1

Text proposed by the Commission

1. Personal data stored in the ETIAS Central System *shall* not be transferred or made available to a third country, to an international organisation or 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). Transfers of personal data to Interpol are subject to the provisions of Article 9 of Regulation 45/2001.*

Amendment

1. Personal data stored in the ETIAS Central System *must* not be transferred or made available to a third country, to an international organisation or any private party.

Or. fr

Amendment 984
Jan Philipp Albrecht

Proposal for a regulation
Article 55 – paragraph 2

Text proposed by the Commission

2. *Personal data accessed from the ETIAS Central System by a Member State or by for the purposes referred to in Article 1(2) shall not be transferred or made available to any third country, international organisation or private entity established in or outside the Union. The prohibition shall also apply if those data are further processed at national level or between Member States.*

Amendment

deleted

Or. en

Justification

Article 1(2) to be deleted.

Amendment 985

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Brice Hortefeux, Rachida Dati

Proposal for a regulation

Article 55 – paragraph 2

Text proposed by the Commission

2. Personal data accessed from the ETIAS Central System by a Member State or *by* for the purposes referred to in Article 1(2) shall not be transferred or made available to any third country, international organisation or private entity established in or outside the Union. The prohibition shall also apply if those data are further processed at national level or between Member States.

Amendment

2. Personal data accessed from the ETIAS Central System by a Member State or ***Europol*** for the purposes referred to in Article 1(2) shall not be transferred or made available to any third country, international organisation or private entity established in or outside the Union. The prohibition shall also apply if those data are further processed at national level or between Member States.

Or. fr

Amendment 986

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

Proposal for a regulation

Article 55 – paragraph 2

Text proposed by the Commission

2. Personal data accessed from the ETIAS Central System by a Member State ***or by*** for the purposes referred to in Article 1(2) shall not be transferred or made available to any third country, international organisation or private entity established in or outside the Union. The prohibition shall also apply if those data are further processed at national level or between Member States.

Amendment

2. Personal data accessed from the ETIAS Central System by a Member State for the purposes referred to in Article 1(2) shall not be transferred or made available to any third country, international organisation or private entity established in or outside the Union. The prohibition shall also apply if those data are further processed at national level or between Member States.

Or. en

Amendment 987

Marie-Christine Vergiat

Proposal for a regulation
Article 55 – paragraph 2

Text proposed by the Commission

2. Personal data accessed from the ETIAS Central System by a Member State or by for the purposes referred to in Article 1(2) **shall** not be transferred or made available to any third country, international organisation or private entity established in or outside the Union. The prohibition shall also apply if those data are further processed at national level or between Member States.

Amendment

2. Personal data accessed from the ETIAS Central System by a Member State or by for the purposes referred to in Article 1(2) **must** not be transferred or made available to any third country, international organisation or private entity established in or outside the Union. The prohibition shall also apply if those data are further processed at national level or between Member States.

Or. fr

Amendment 988
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 55 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. By way of derogation from paragraph 1, the data consulted in the ETIAS Central System by the migration authorities pursuant to Article 42a(2) may be transferred to a third country for individual cases, if necessary for the purpose of return, only where the following conditions are satisfied:

(a) The Commission has adopted an adequacy decision with regard to the protection of personal data with the third country referred to in accordance with Article 45 (3) of Regulation (EU) 2016/679 where important reasons of public interest justify it in accordance with Article 49 (1) (d) of Regulation (EU) 2016/679;

(b) The Member State shall inform the third country concerned of the obligation to use the data only for the purposes for which they were transferred;

(c) the data shall be transferred or made available in accordance with the relevant provisions of Union law regarding transfers of personal data and the national law of the Member State which has transferred or made available the data, including the relevant legal provisions regarding data security and data protection;

Or. fr

Amendment 989
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 55 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. *By way of derogation from paragraph 2, the data consulted in the ETIAS Central System for the purposes referred to in Article 1 (2) may be transferred to a third country for individual cases, with a duly justified request, only where the following conditions are satisfied:*

(a) in exceptional emergency cases, where there is a serious and immediate threat of a terrorist offence or serious criminal offence being committed, as defined in Article 3 (1) (l) and (m) of this Regulation;

(b) the transfer shall be carried out in accordance with the applicable conditions laid down in Directive (EU) 2016/680;

(c) the information held by the requesting third country shall be transferred to the Member States on a reciprocal basis.

Where a transfer of data takes place on the basis of this paragraph, it must be duly documented. The documentation provided must be made available to the competent supervisory authority upon request and include the date and time of the transfer, information on the receiving competent authority, the justification for the transfer and the personal data transferred.

Or. fr

Amendment 990
Jan Philipp Albrecht

Proposal for a regulation
Article 56 – title

Text proposed by the Commission

Supervision by the national supervisory authority

Amendment

Audits by the national supervisory authority

Or. en

Amendment 991
Jan Philipp Albrecht

Proposal for a regulation
Article 56 – 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 resources *and expertise* to fulfil the tasks entrusted to it under this Regulation.

Or. en

Amendment 992

Marie-Christine Vergiat

**Proposal for a regulation
Article 56 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. All the information gathered in this framework shall be forwarded to eu-LISA to enable it to carry out its monitoring tasks in accordance with Articles 50, 51 and 52 and to the EDPS to enable it to carry out its controls, as set out in Article 57.

Or. fr

**Amendment 993
Jan Philipp Albrecht**

**Proposal for a regulation
Article 56 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. A report of the audit shall be made public.

Or. en

**Amendment 994
Jan Philipp Albrecht**

**Proposal for a regulation
Article 57 – title**

Text proposed by the Commission

Amendment

***Supervision* by the European Data Protection Supervisor**

***Audits* by the European Data Protection Supervisor**

Or. en

Amendment 995
Jan Philipp Albrecht

Proposal for a regulation
Article 57 – paragraph 1

Text proposed by the Commission

The European Data Protection Supervisor shall ensure that an audit of eu-LISA's and the ETIAS Central Unit 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 and the European Border and Coast Guard Agency shall be given an opportunity to make comments before their reports are adopted.

Amendment

The European Data Protection Supervisor shall ensure that an audit of eu-LISA's and the ETIAS Central Unit 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, **and shall be made public**. eu-LISA and the European Border and Coast Guard Agency shall be given an opportunity to make comments before their reports are adopted. ***The EDPS shall be provided with sufficient resources and expertise to fulfil the tasks entrusted to it under this Regulation.***

Or. en

Justification

Aligned with amendments to Article 56.

Amendment 996
Marie-Christine Vergiat

Proposal for a regulation
Article 57 – paragraph 1

Text proposed by the Commission

The European Data Protection Supervisor shall ensure that an audit of **eu-LISA's** and the ETIAS Central **Unit** 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

Amendment

The European Data Protection Supervisor shall ensure that an audit of **the European Border and Coast Guard Agency's, eu-LISA's** and the ETIAS Central **Unit's** personal data processing activities is carried out in accordance with relevant international auditing standards at least

European Parliament, the Council, eu-LISA, the Commission and the Member States. eu-LISA and the European Border and Coast Guard Agency shall be given an opportunity to make comments before *their reports are* adopted.

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 and the European Border and Coast Guard Agency shall be given an opportunity to make comments before *the audit report is* adopted.

Or. fr

Amendment 997
Marie-Christine Vergiat

Proposal for a regulation
Article 57 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

For those purposes, the European Data Protection Supervisor must have the necessary resources, including material resources and the necessary information.

Or. fr

Amendment 998
Jan Philipp Albrecht

Proposal for a regulation
Article 58 – paragraph 1

Text proposed by the Commission

Amendment

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

1. ***Pursuant to Article 62 of Regulation (EU) 2017/XX... [new proposal repealing Regulation 45/2001],*** 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

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

discrepancies between practices of Member States or finds potentially unlawful transfers using the communication channels of the ETIAS, 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 999
Monika Hohlmeier

Proposal for a regulation
Article 58 – paragraph 2

Text proposed by the Commission

2. In cases referred to under paragraph 1, the European Data Protection Supervisor and the national supervisory authorities competent for data protection supervision *may*, each acting within the scope of their respective competences, exchange relevant information, assist each other in carrying out audits and inspections, examine difficulties over the interpretation or application of this Regulation, study problems related to the exercise of independent supervision or the exercise of the rights of the data subject, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary.

Amendment

2. In cases referred to under paragraph 1, the European Data Protection Supervisor and the national supervisory authorities competent for data protection supervision *shall*, each acting within the scope of their respective competences, exchange relevant information, assist each other in carrying out audits and inspections, examine difficulties over the interpretation or application of this Regulation, study problems related to the exercise of independent supervision or the exercise of the rights of the data subject, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary.

Or. en

Amendment 1000
Jan Philipp Albrecht

Proposal for a regulation
Article 59

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

Already covered by Regulation 2001/45. Deleted in order to avoid confusion about which rules prevail.

Amendment 1001

Jan Philipp Albrecht

Proposal for a regulation

Article 60

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

Article 1(2) to be deleted.

Amendment 1002

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

Proposal for a regulation

Article 61 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) information concerning the website and the mobile application for a web device where the application can be launched;

(b) information concerning the website and the mobile application for a web device where the application can be launched, ***and the exceptional lodging procedures in Member States consulates or EU Delegations in third countries listed in Annex II to Council Regulation (EC) No 539/2001;***

Amendment 1003
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 61 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the fact that a travel authorisation is linked to the travel document indicated in the application form and that consequently the expiry and any modification of the travel document result in the invalidity or non-recognition of the travel authorisation when crossing the border;

Or. fr

Amendment 1004
Heinz K. Becker

Proposal for a regulation
Article 61 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) that decisions on applications must be notified to the applicant, that such decisions must state, where relevant, the reasons for refusal on which they are based and that applicants whose applications are refused have a right to *appeal, with information regarding the procedure to be followed in the event of an appeal, including the competent authority, as well as the time limit for lodging an appeal;*

(d) that decisions on applications must be notified to the applicant, that such decisions must state, where relevant, the reasons for refusal on which they are based and that applicants whose applications are refused have a right to *apply for a visa;*

Or. en

Amendment 1005

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

**Proposal for a regulation
Article 61 – paragraph 1 – point d**

Text proposed by the Commission

(d) that decisions on applications must be notified to the applicant, that such decisions must state, where relevant, the reasons for refusal on which they are based and that applicants whose applications are refused have a right to appeal, with information regarding the procedure to be followed in the event of an appeal, including the competent authority, as well as the time limit for lodging an appeal;

Amendment

(d) that decisions on applications must be notified to the applicant, that such decisions must state **clearly**, where relevant, the reasons for refusal on which they are based and that applicants whose applications are refused have a right to appeal **and to an effective remedy**, with information regarding the procedure to be followed in the event of an appeal **or a remedy**, including the competent authority, as well as the time limit for lodging an appeal **or a remedy**;

Or. en

**Amendment 1006
Marie-Christine Vergiat**

**Proposal for a regulation
Article 61 – paragraph 1 – point d**

Text proposed by the Commission

(d) that decisions on applications must be notified to the applicant, that such decisions must state, **where relevant**, the reasons for refusal on which they are based and that applicants whose applications are refused have a right to appeal, with information regarding the procedure to be followed in the event of an appeal, including the competent authority, as well as the time limit for lodging an appeal;

Amendment

(d) that decisions on applications must be notified to the applicant, that such decisions must state the reasons for refusal on which they are based and that applicants whose applications are refused have a right to appeal, with information regarding the procedure to be followed in the event of an appeal, including the competent authority, as well as the time limit for lodging an appeal;

Or. fr

Amendment 1007
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 61 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) that a travel authorisation with limited territorial validity may be issued exceptionally, where a Member State considers it necessary on humanitarian grounds, for reasons of national interest or because of international obligations, notwithstanding the fact that the assessment process is not yet completed or that a travel authorisation has been refused, annulled or revoked.

Or. fr

Justification

The public should be informed of this possibility;

Amendment 1008
Monika Hohlmeier

Proposal for a regulation
Article 61 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) that holders of a travel authorisation are obliged to keep the data provided in the application up-to-date;

Or. en

Amendment 1009
Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

Proposal for a regulation

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Article 62 – paragraph 1

Text proposed by the Commission

The Commission shall, in cooperation with the ETIAS Central Unit, and the Member States, accompany the start of the ETIAS operation with an information campaign, to inform third country nationals falling within the scope of this Regulation of their travel authorisation requirement to be in possession of a valid travel authorisation for crossing the external borders.

Amendment

The Commission shall, in cooperation with the ETIAS Central Unit, and the Member States, accompany the start of the ETIAS operation with an information campaign, to inform third country nationals falling within the scope of this Regulation of their travel authorisation requirement to be in possession of a valid travel authorisation for crossing the external borders.

This information campaign shall be launched in all the official languages of the Member States, and in at least one of the official languages of each third country whose nationals fall within the scope of this Regulation.

Or. en

Amendment 1010 Marie-Christine Vergiat

Proposal for a regulation Article 63 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. eu-LISA must base the design, creation and development of the system's physical architecture, including its Communication Infrastructure, as well as technical specifications and their evolution with regard to the Central System, the Uniform Interfaces, and Communication Infrastructure, on the principles of 'purpose limitation' and 'respect of privacy and data protection from the design stage'. It must furthermore ensure that the use of the ETIAS by all users complies with data protection provisions.

Or. fr

Amendment 1011

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

Proposal for a regulation

Article 63 – paragraph 2

Text proposed by the Commission

2. The infrastructures supporting the public website, the mobile app and the carrier gateway shall be hosted in eu-LISA' sites or in Commission sites. These infrastructures shall be geographically distributed to provide the functionalities laid down in this Regulation in accordance with the conditions of security, availability, quality and speed laid down in paragraph 3.

Amendment

2. The infrastructures supporting the public website, the mobile app and the carrier gateway shall be hosted in eu-LISA' sites or in Commission sites. These infrastructures shall be geographically distributed to provide the functionalities laid down in this Regulation in accordance with the conditions of ***data protection by design and default***, security, availability, quality and speed laid down in paragraph 3.

Or. en

Amendment 1012

Marie-Christine Vergiat

Proposal for a regulation

Article 63 – paragraph 2

Text proposed by the Commission

2. The infrastructures supporting the public website, the mobile app and the carrier gateway shall be hosted in eu-LISA' sites ***or in Commission sites***. These infrastructures shall be geographically distributed to provide the functionalities laid down in this Regulation in accordance with the conditions of security, availability, quality and speed laid down in paragraph 3.

Amendment

2. The infrastructures supporting the public website, the mobile app and the carrier gateway shall be hosted in eu-LISA' sites. These infrastructures shall be geographically distributed to provide the functionalities laid down in this Regulation in accordance with the conditions of security, availability, quality and speed laid down in paragraph 3.

Or. fr

Amendment 1013
Marie-Christine Vergiat

Proposal for a regulation
Article 63 – paragraph 3 – subparagraph 1

Text proposed by the Commission

eu-LISA shall be responsible for the development of the ETIAS Information System, for any development required for establishing interoperability between the ETIAS Central System and the information systems referred to in Article 10.

Amendment

deleted

Or. fr

Amendment 1014
Jan Philipp Albrecht

Proposal for a regulation
Article 63 – paragraph 3 – subparagraph 1

Text proposed by the Commission

eu-LISA shall be responsible for the development of the ETIAS Information System, for any development required for establishing interoperability between the ETIAS Central System and the information systems referred to in Article 10.

Amendment

eu-LISA shall be responsible for the ***technical*** development of the ETIAS Information System ***and*** for any ***technical*** development required for establishing interoperability between the ETIAS Central System and the information systems referred to in Article 10. ***The final responsibility lies with the European Coast and Border Guard Agency, to which eu-LISA shall report at all times, pursuant to point (a) of Article 65(1).***

Or. en

Amendment 1015
Marie-Christine Vergiat

Proposal for a regulation
Article 63 – paragraph 3 – subparagraph 2

Text proposed by the Commission

eu-LISA shall define the design of the physical architecture of the system including its Communication Infrastructure as well as the technical specifications and their evolution as regards the Central System, the Uniform Interfaces, which shall be adopted by the Management Board, subject to a favourable opinion of the Commission. eu-LISA shall also implement any necessary adaptations to the EES, SIS, Eurodac, ECRIS or VIS deriving from the establishment of interoperability with the ETIAS.

Amendment

deleted

Or. fr

Amendment 1016
Jan Philipp Albrecht

Proposal for a regulation
Article 63 – paragraph 3 – subparagraph 2

Text proposed by the Commission

eu-LISA shall define the design of the physical architecture of the system including its Communication Infrastructure as well as the technical specifications and their evolution as regards the Central System, the Uniform Interfaces, which shall be adopted by the Management Board, subject to a favourable opinion of the Commission. eu-LISA shall also implement any necessary adaptations to the EES, SIS, Eurodac, ECRIS or VIS deriving from the establishment of interoperability with the ETIAS.

Amendment

eu-LISA shall define the design of the physical architecture of the system including its Communication Infrastructure as well as the technical specifications and their evolution as regards the Central System, the Uniform Interfaces, which shall be ***reviewed and in, case of a favourable result,*** adopted by the Management Board, subject to a favourable opinion of the Commission ***and the EDPS.*** eu-LISA shall also implement any necessary adaptations to the EES, ***or SIS*** deriving from the establishment of interoperability with the ETIAS. ***eu-LISA shall adhere to the principles of data***

protection by design and by default, as laid out in Regulation (EU) 2016/679.

Or. en

Justification

Recommendation by EDPS.

Amendment 1017

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

Proposal for a regulation

Article 63 – paragraph 3 – subparagraph 2

Text proposed by the Commission

eu-LISA shall define the design of the physical architecture of the system including its Communication Infrastructure as well as the technical specifications and their evolution as regards the Central System, the Uniform Interfaces, which shall be adopted by the Management Board, subject to a favourable opinion of the Commission. *eu-LISA shall also implement any necessary adaptations to the EES, SIS, Eurodac, ECRIS or VIS deriving from the establishment of interoperability with the ETIAS.*

Amendment

eu-LISA shall define the design of the physical architecture of the system including its Communication Infrastructure as well as the technical specifications and their evolution as regards the Central System, the Uniform Interfaces, which shall be adopted by the Management Board, subject to a favourable opinion of the Commission.

Or. en

Amendment 1018

Brice Hortefeux, Rachida Dati

Proposal for a regulation

Article 63 – paragraph 3 – subparagraph 2

Text proposed by the Commission

eu-LISA shall define the design of the physical architecture of the system including its Communication Infrastructure

Amendment

eu-LISA, *in cooperation with the Member States*, shall define the design of the physical architecture of the system

as well as the technical specifications and their evolution as regards the Central System, the Uniform Interfaces, which shall be adopted by the Management Board, subject to a favourable opinion of the Commission. eu-LISA shall also implement any necessary adaptations to the EES, SIS, Eurodac, ECRIS or VIS deriving from the establishment of interoperability with the ETIAS.

including its Communication Infrastructure as well as the technical specifications and their evolution as regards the Central System *and* the *National* Uniform Interfaces, which shall be adopted by the Management Board, subject to a favourable opinion of the Commission. eu-LISA shall also implement any necessary adaptations to the EES, SIS, Eurodac, ECRIS or VIS deriving from the establishment of interoperability with the ETIAS.

Or. fr

Amendment 1019
Marie-Christine Vergiat

Proposal for a regulation
Article 63 – paragraph 3 – subparagraph 2

Text proposed by the Commission

eu-LISA shall define the design of the physical architecture of the system including its Communication Infrastructure as well as the technical specifications and their evolution as regards the Central System, the Uniform Interfaces, which shall be adopted by the Management Board, subject to a favourable opinion of the Commission. eu-LISA shall also implement any necessary adaptations to the *EES, SIS, Eurodac, ECRIS or VIS* deriving from the establishment of interoperability with the ETIAS.

Amendment

eu-LISA shall define the design of the physical architecture of the system including its Communication Infrastructure as well as the technical specifications and their evolution as regards the Central System, the Uniform Interfaces, which shall be adopted by the Management Board, subject to a favourable opinion of the Commission. eu-LISA shall also implement any necessary adaptations to the SIS, deriving from the establishment of interoperability with the ETIAS.

Or. fr

Amendment 1020
Kinga Gál

Proposal for a regulation
Article 63 – paragraph 3 – subparagraph 2

Text proposed by the Commission

eu-LISA shall define the design of the **physical** architecture of the system including its Communication Infrastructure as well as the technical specifications and their evolution as regards the Central System, the Uniform Interfaces, which shall be adopted by the Management Board, subject to a favourable opinion of the Commission. eu-LISA shall also implement any necessary adaptations to the EES, SIS, Eurodac, ECRIS or VIS deriving from the establishment of interoperability with the ETIAS.

Amendment

eu-LISA shall define the design of the architecture of the system including its Communication Infrastructure as well as the technical specifications and their evolution as regards the Central System, the Uniform Interfaces, which shall be adopted by the Management Board, subject to a favourable opinion of the Commission. eu-LISA shall also implement any necessary adaptations to the EES, SIS, Eurodac, ECRIS or VIS deriving from the establishment of interoperability with the ETIAS.

Or. en

Justification

An IT system development for a system such as ETIAS goes far beyond a physical layout but also encompasses other topics such as functional or logical architectures as well as data model which are all an inherent part of the development of the system.

Amendment 1021

Angelika Mlinar

Proposal for a regulation

Article 63 – paragraph 3 – subparagraph 3

Text proposed by the Commission

eu-LISA shall develop and implement the Central System, the National Uniform Interfaces, and the Communication Infrastructure as soon as possible after the entry into force of this Regulation and the adoption by the Commission of the measures provided for in Article 15(2) and (4), Article 16(4), Article **28(5)**, **Article** 39(3), Article 40(2) and Article 72(1) and (4).

Amendment

eu-LISA shall develop and implement the Central System, the National Uniform Interfaces, and the Communication Infrastructure as soon as possible after the entry into force of this Regulation and the adoption by the Commission of the measures provided for in Article 15(2) and (4), Article 16(4), Article 39(3), Article 40(2) and Article 72(1) and (4).

Or. en

Amendment 1022

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

Proposal for a regulation

Article 63 – paragraph 3 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

eu-LISA shall define the design of the physical architecture and handle the technical management of the ETIAS Watchlist.

Or. en

Amendment 1023

Marie-Christine Vergiat

Proposal for a regulation

Article 63 – paragraph 4

Text proposed by the Commission

Amendment

4. During the designing and development phase, a Programme Management Board composed of a maximum of 10 members shall be established. It shall be composed of six members appointed by eu-LISA's Management Board from among its members or its alternates, the Chair of the ETIAS-EES Advisory Group referred to in Article 80, a member representing eu-LISA appointed by its Executive Director, a member representing the European Border and Coast Guard Agency appointed by its Executive Director and one member appointed by the Commission. The members appointed by eu-LISA's Management Board shall be elected only from those Member States which are fully bound under Union law by the legislative instruments governing the development,

4. During the designing and development phase, a Programme Management Board composed of a maximum of 10 members shall be established. It shall be composed of six members appointed by eu-LISA's Management Board from among its members or its alternates, the Chair of the ETIAS-EES Advisory Group referred to in Article 80, a member representing eu-LISA appointed by its Executive Director, a member representing the European Border and Coast Guard Agency appointed by its Executive Director, ***a member of the EDPS*** and one member appointed by the Commission. The members appointed by eu-LISA's Management Board shall be elected only from those Member States which are fully bound under Union law by the legislative instruments governing the

establishment operation and use of all the large-scale IT systems managed by eu-LISA and which will participate in the ETIAS. The Programme Management Board will meet once a month. It shall ensure the adequate management of the design and development phase of the ETIAS. The Programme Management Board shall submit written reports every month to the Management Board on progress of the project. It shall have no decision-making power nor any mandate to represent the members of the Management Board.

development, establishment operation and use of all the large-scale IT systems managed by eu-LISA and which will participate in the ETIAS. The Programme Management Board will meet once a month. It shall ensure the adequate management of the design and development phase of the ETIAS. The Programme Management Board shall submit written reports every month to the Management Board on progress of the project. It shall have no decision-making power nor any mandate to represent the members of the Management Board.

Or. fr

Amendment 1024

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

Proposal for a regulation

Article 64 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Following the entry into operations of the ETIAS, eu-LISA shall be responsible for the technical management of the Central System **and** the National Uniform Interfaces. It shall ensure, in cooperation with the Member States, at all times the best available technology, subject to a cost-benefit analysis. eu-LISA shall also be responsible for the technical management of the Communication Infrastructure between the Central system and the National Uniform Interfaces as well as for the public website, the mobile app for mobile devices, the email service, the secure account service, the carrier gateway, the web service and the software to process the applications referred to in Article 6.

Amendment

Following the entry into operations of the ETIAS, eu-LISA shall be responsible for the technical management of the Central System, the National Uniform Interfaces **and the ETIAS Watchlist**. It shall ensure, in cooperation with the Member States, at all times the best available technology, subject to a cost-benefit analysis. eu-LISA shall also be responsible for the technical management of the Communication Infrastructure between the Central system and the National Uniform Interfaces as well as for the public website, the mobile app for mobile devices, the email service, the secure account service, the carrier gateway, the web service and the software to process the applications referred to in Article 6.

Or. en

Amendment 1025
Marie-Christine Vergiat

Proposal for a regulation
Article 65 – paragraph 1

Text proposed by the Commission

Amendment

- 1. The European Coast and Border Guard Agency shall be responsible for:**
- (a) the setting up and operation of the ETIAS Central Unit;**
 - (b) the automated processing of applications;**
 - (c) the screening rules.**
- deleted*

Or. fr

Amendment 1026
Monika Hohlmeier

Proposal for a regulation
Article 65 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

- 2a. It shall be ensured that the European Coast and Border Guard Agency is equipped with the appropriate funding and staffing to exercise the responsibilities referred to in Article 65 (1) (a) to (c) and (2).**

Or. en

Amendment 1027
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 66 – paragraph 1 – point b

Text proposed by the Commission

(b) the organisation, management, operation and maintenance of the ETIAS National Units *for* the examination of *and decision on* travel authorisations' applications *rejected* during the automated processing of applications;

Amendment

(b) the organisation, management, operation and maintenance of the ETIAS National Units *entrusted with* the examination of travel authorisations' applications *which have triggered one or more positive responses* during the automated processing of applications, *adopting decisions on them and issuing an opinion when consulted*;

Or. fr

Amendment 1028
Marie-Christine Vergiat

Proposal for a regulation
Article 67

Text proposed by the Commission

Article 67

Responsibilities of Europol

1. Europol shall ensure processing of the queries referred to in Article 18(2)(j) and (4) and accordingly adapting its information system.

2. Europol shall be responsible for the establishment of the ETIAS watchlist pursuant to Article 29.

3. Europol shall be responsible for providing an opinion following a consultation request pursuant to Article 26.

Amendment

deleted

Or. fr

Amendment 1029
Jan Philipp Albrecht

Proposal for a regulation

Article 67 – paragraph 1

Text proposed by the Commission

1. Europol shall ensure processing of the queries referred to in Article 18(2)(j) and (4) **and** accordingly adapting its information system.

Amendment

1. Europol shall ensure processing of the queries referred to in Article 18(2)(j) and accordingly adapting its information system.

Or. en

Justification

Article 18(4) to be deleted.

Amendment 1030

Gérard Deprez, Louis Michel

Proposal for a regulation Article 67 – paragraph 1

Text proposed by the Commission

1. Europol shall ensure processing of the queries referred to in Article 18(2)(j) and (4) and accordingly adapting its information *system*.

Amendment

1. Europol shall ensure processing of the queries referred to in Article 18(2)(j) and (4) and accordingly adapting its information *systems*.

Or. fr

Amendment 1031

Jan Philipp Albrecht

Proposal for a regulation Article 67 – paragraph 2

Text proposed by the Commission

2. *Europol shall be responsible for the establishment of the ETIAS watchlist pursuant to Article 29.*

Amendment

deleted

Or. en

Justification

Article 29 to be deleted.

Amendment 1032

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 67 – paragraph 3

Text proposed by the Commission

3. Europol shall be responsible for providing an opinion following a consultation request pursuant to Article **26**.

Amendment

3. Europol shall be responsible for providing an opinion following a consultation request pursuant to Article **25**.

Or. fr

Amendment 1033

Marie-Christine Vergiat

Proposal for a regulation

Article 67 – paragraph 3

Text proposed by the Commission

3. Europol shall be responsible for providing an opinion following a consultation request pursuant to Article **26**.

Amendment

3. Europol shall be responsible for providing an opinion following a consultation request pursuant to Article **25**.

Or. fr

Amendment 1034

Monika Hohlmeier

Proposal for a regulation

Article 67 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. It shall be ensured that the Europol is equipped with the appropriate funding and staffing to exercise the

*responsibilities referred to in Article 67
(1) to (3).*

Or. en

Amendment 1035
Jan Philipp Albrecht

Proposal for a regulation
Article 70 – paragraph 1 – point 1
Regulation (EU) 2016/794
Article 4 – paragraph 1 – point (n)

Text proposed by the Commission

Amendment

1. (1) In Article 4 paragraph 1, the following point (n) is added: *deleted*

‘(n) establish, manage and update the ETIAS watchlist referred to in Article 29 of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)] in accordance with Article 18(2)(a).’

Or. en

Justification

Article 29 to be deleted.

Amendment 1036
Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

Proposal for a regulation
Article 70 – paragraph 1 – point 1
Regulation EU 2016/794
Article 4 – paragraph 1– point n

Text proposed by the Commission

Amendment

(n) establish, *manage* and update the ETIAS watchlist referred to in Article 29 of [Regulation establishing a European

(n) establish and update the ETIAS watchlist referred to in Article 29 of [Regulation establishing a European Travel

Travel Information and Authorisation System (ETIAS)] in accordance with Article 18(2)(a).

Information and Authorisation System (ETIAS)] in accordance with Article 18(2)(a).

Or. en

Justification

According with Article 63(3)(3.a).

Amendment 1037

Heinz K. Becker

Proposal for a regulation

Article 71 a (new)

Regulation (EC) 539/2001

Article 1d (new)

Text proposed by the Commission

Amendment

Article 71 a

**Amendments to Regulation (EC) No
539/2001**

**Regulation (EC) No 539/2001 is amended
as follows:**

The following Article is inserted:

**'Article 1d (new) By way of derogation
from Article 1(2), the exemption from the
visa requirement for nationals of a third
country listed in Annex II shall not apply
for applicants who have been refused a
travel authorisation in accordance with
Article 31 of Regulation XX [to be
inserted]'**

Or. en

Amendment 1038

Sergei Stanishev, Tonino Picula

Proposal for a regulation

Article 72 – paragraph 1

Text proposed by the Commission

1. For a period of **six** months from the date ETIAS commences operations, the utilisation of ETIAS shall be optional and the requirement to be in possession of a valid travel authorisation shall not apply. The Commission may adopt a delegated act in accordance with Article 78 to extend that period for a maximum of a further **six** months.

Amendment

1. For a period of **twelve** months from the date ETIAS commences operations, the utilisation of ETIAS shall be optional and the requirement to be in possession of a valid travel authorisation shall not apply. The Commission may adopt a delegated act in accordance with Article 78 to extend that period for a maximum of a further **twelve** months.

Or. en

Justification

The lack of impact assessment leaves unclear the possible impact on the traffic on external land borders, especially in cases where third country nationals arrive at border crossing points without having applied for travel authorisation. Recent experience with systematic checks on external borders has shown the potential risks of introducing additional pre-conditions for entry in the EU. The Regulation should, therefore, envisage longer transitional periods, which would provide more room for distribution of information regarding its provisions.

Amendment 1039

Sergei Stanishev, Tonino Picula

Proposal for a regulation

Article 72 – paragraph 2

Text proposed by the Commission

2. During this **six** month period, the border guards shall inform third country nationals subject to the travel authorisation requirement crossing the external borders of the requirement to have a valid travel authorisation from the expiry of the **six** month period. For this purpose, the border guards shall distribute a common leaflet to this category of travellers.

Amendment

2. During this **twelve** month period, the border guards shall inform third country nationals subject to the travel authorisation requirement crossing the external borders of the requirement to have a valid travel authorisation from the expiry of the **twelve** month period. For this purpose, the border guards shall distribute a common leaflet to this category of travellers.

Or. en

Justification

The lack of impact assessment leaves unclear the possible impact on the traffic on external land borders, especially in cases where third country nationals arrive at border crossing points without having applied for travel authorisation. Recent experience with systematic checks on external borders has shown the potential risks of introducing additional pre-conditions for entry in the EU. The Regulation should, therefore, envisage longer transitional periods, which would provide more room for distribution of information regarding its provisions.

Amendment 1040

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

Proposal for a regulation Article 72 – paragraph 3

Text proposed by the Commission

3. The common leaflet shall be drawn up and set up by the Commission. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 79(2) and shall contain at a minimum the information referred to in Article 61. The leaflet shall be clear and simple and available in *a language version the person concerned understands or is reasonably assumed to understand.*

Amendment

3. The common leaflet shall be drawn up and set up by the Commission. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 79(2) and shall contain at a minimum the information referred to in Article 61. The leaflet shall be clear and simple and available in *all the official languages of the Member States, and in at least one of the official languages of each third country whose nationals fall within the scope of this Regulation.*

Or. en

Amendment 1041

Jan Philipp Albrecht

Proposal for a regulation Article 73 – paragraph 1 – point d

Text proposed by the Commission

(d) education;

Amendment

deleted

Amendment 1042

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

Proposal for a regulation

Article 73 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) education; deleted

Or. en

Justification

Conforming with the deletion of Article (15)(2)(h).

Amendment 1043

Marie-Christine Vergiat

Proposal for a regulation

Article 73 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) education; deleted

Or. fr

Amendment 1044

Marie-Christine Vergiat

Proposal for a regulation

Article 73 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) current occupation (domain), job title; deleted

Or. fr

Amendment 1045

**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel,
Péter Niedermüller**

Proposal for a regulation

Article 73 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) *current occupation (domain), job title;* deleted

Or. en

Justification

Conforming with the deletion of Article (15)(2)(i).

Amendment 1046

Jan Philipp Albrecht

Proposal for a regulation

Article 73 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) *current occupation (domain), job title;* deleted

Or. en

Amendment 1047

Marie-Christine Vergiat

Proposal for a regulation

Article 73 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) *the type of travel authorisation and, for travel authorisation with limited territorial validity, a reference to the Member State(s) issuing the travel* deleted

authorisation with limited territorial validity;

Or. fr

Amendment 1048
Jan Philipp Albrecht

Proposal for a regulation
Article 73 – paragraph 2

Text proposed by the Commission

Amendment

2. For the purpose of paragraph 1, eu-LISA shall establish, implement and host a central repository containing the data referred to in paragraph 1 which would not allow for the identification of individuals and would allow the authorities listed in paragraph 1 to obtain customisable reports and statistics to improve the assessment of the irregular migration, security and health risks, to enhance the efficiency of border checks, to help the ETIAS Central Unit processing the travel authorisation applications and to support evidence-based Union migration policymaking. The repository shall also contain daily statistics on the data referred to in paragraph 4. Access to the central repository shall be granted by means of secured access through S-TESTA with control of access and specific user profiles solely for the purpose of reporting and statistics.

deleted

Detailed rules on the operation of the central repository and the data protection and security rules applicable to the repository shall be adopted in accordance with the examination procedure referred to in Article 79(2).

Or. en

Amendment 1049
Marie-Christine Vergiat

Proposal for a regulation
Article 73 – paragraph 2 – subparagraph 1

Text proposed by the Commission

For the purpose of paragraph 1, eu-LISA shall establish, implement and host a central repository containing the data referred to in paragraph 1 which would not allow for the identification of individuals and would allow the authorities listed in paragraph 1 to obtain customisable reports and statistics to improve the assessment of the *irregular migration*, security *and health* risks, to enhance the efficiency of border checks, to help the ETIAS Central Unit processing the travel authorisation applications *and to support evidence-based Union migration policymaking*. The repository shall also contain daily statistics on the data referred to in paragraph 4. Access to the central repository shall be granted by means of secured access through S-TESTA with control of access and specific user profiles solely for the purpose of reporting and statistics.

Amendment

For the purpose of paragraph 1, eu-LISA shall establish, implement and host a central repository containing the data referred to in paragraph 1 which would not allow for the identification of individuals and would allow the authorities listed in paragraph 1 to obtain customisable reports and statistics to improve the assessment of the security risks, to enhance the efficiency of border checks, to help the ETIAS Central Unit processing the travel authorisation applications. The repository shall also contain daily statistics on the data referred to in paragraph 4. Access to the central repository shall be granted by means of secured access through S-TESTA with control of access and specific user profiles solely for the purpose of reporting and statistics.

Or. fr

Amendment 1050
Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

Proposal for a regulation
Article 73 – paragraph 2 – subparagraph 1

Text proposed by the Commission

For the purpose of paragraph 1, eu-LISA shall establish, implement and host a central repository containing the data

Amendment

For the purpose of paragraph 1, eu-LISA shall, *according to the principles of data protection by design and by default*,

referred to in paragraph 1 which would not allow for the identification of individuals and would allow the authorities listed in paragraph 1 to obtain customisable reports and statistics to improve the assessment of the irregular migration, **security and health** risks, to enhance the efficiency of border checks, to help the ETIAS Central Unit processing the travel authorisation applications and to support evidence-based Union migration policymaking. The repository shall also contain daily statistics on the data referred to in paragraph 4. Access to the central repository shall be granted by means of secured access through S-TESTA with control of access and specific user profiles solely for the purpose of reporting and statistics.

establish, implement and host a central repository containing the data referred to in paragraph 1 which would not allow for the identification of individuals and would allow the authorities listed in paragraph 1 to obtain customisable reports and statistics to improve the assessment of the irregular migration **and security** risks, to enhance the efficiency of border checks, to help the ETIAS Central Unit processing the travel authorisation applications and to support evidence-based Union migration policymaking. The repository shall also contain daily statistics on the data referred to in paragraph 4. Access to the central repository shall be granted by means of secured access through S-TESTA with control of access and specific user profiles solely for the purpose of reporting and statistics.

Or. en

Amendment 1051

Angelika Mlinar

Proposal for a regulation **Article 73 – paragraph 2 – subparagraph 1**

Text proposed by the Commission

For the purpose of paragraph 1, eu-LISA shall establish, implement and host a central repository containing the data referred to in paragraph 1 which would not allow for the identification of individuals and would allow the authorities listed in paragraph 1 to obtain customisable reports and statistics to improve the assessment of the **irregular migration, security and health** risks, to enhance the efficiency of border checks, to help the ETIAS Central Unit processing the travel authorisation applications **and to support evidence-based Union migration policymaking**. The repository shall also contain daily statistics

Amendment

For the purpose of paragraph 1, eu-LISA shall establish, implement and host a central repository containing the data referred to in paragraph 1 which would not allow for the identification of individuals and would allow the authorities listed in paragraph 1 to obtain customisable reports and statistics to improve the assessment of the security risks, to enhance the efficiency of border checks, to help the ETIAS Central Unit processing the travel authorisation applications. The repository shall also contain daily statistics on the data referred to in paragraph 4. Access to the central repository shall be granted by

on the data referred to in paragraph 4. Access to the central repository shall be granted by means of secured access through S-TESTA with control of access and specific user profiles solely for the purpose of reporting and statistics.

means of secured access through S-TESTA with control of access and specific user profiles solely for the purpose of reporting and statistics.

Or. en

Amendment 1052
Artis Pabriks

Proposal for a regulation
Article 73 – paragraph 2 – subparagraph 1

Text proposed by the Commission

For the purpose of paragraph 1, eu-LISA shall establish, implement and host a central repository containing the data referred to in paragraph 1 which would not allow for the identification of individuals and would allow the authorities listed in paragraph 1 to obtain customisable reports and statistics to improve the assessment of the *irregular* migration, security and health risks, to enhance the efficiency of border checks, to help the ETIAS Central Unit processing the travel authorisation applications and to support evidence-based Union migration policymaking. The repository shall also contain daily statistics on the data referred to in paragraph 4. Access to the central repository shall be granted by means of secured access through S-TESTA with control of access and specific user profiles solely for the purpose of reporting and statistics.

Amendment

For the purpose of paragraph 1, eu-LISA shall establish, implement and host a central repository containing the data referred to in paragraph 1 which would not allow for the identification of individuals and would allow the authorities listed in paragraph 1 to obtain customisable reports and statistics to improve the assessment of the *illegal* migration, security and health risks, to enhance the efficiency of border checks, to help the ETIAS Central Unit processing the travel authorisation applications and to support evidence-based Union migration policymaking. The repository shall also contain daily statistics on the data referred to in paragraph 4. Access to the central repository shall be granted by means of secured access through S-TESTA with control of access and specific user profiles solely for the purpose of reporting and statistics.

Or. en

Amendment 1053
Sergei Stanishev

Proposal for a regulation

Article 73 – paragraph 2 – subparagraph 1

Text proposed by the Commission

For the purpose of paragraph 1, eu-LISA shall establish, implement and host a central repository containing the data referred to in paragraph 1 which would not allow for the identification of individuals and would allow the authorities listed in paragraph 1 to obtain customisable reports and statistics to improve the assessment of the *irregular migration*, security and health risks, to enhance the efficiency of border checks, to help the ETIAS Central Unit processing the travel authorisation applications and to support evidence-based Union migration policymaking. The repository shall also contain daily statistics on the data referred to in paragraph 4. Access to the central repository shall be granted by means of secured access through S-TESTA with control of access and specific user profiles solely for the purpose of reporting and statistics.

Amendment

For the purpose of paragraph 1, eu-LISA shall establish, implement and host a central repository containing the data referred to in paragraph 1 which would not allow for the identification of individuals and would allow the authorities listed in paragraph 1 to obtain customisable reports and statistics to improve the assessment of the security and health risks, to enhance the efficiency of border checks, to help the ETIAS Central Unit processing the travel authorisation applications and to support evidence-based Union migration policymaking. The repository shall also contain daily statistics on the data referred to in paragraph 4. Access to the central repository shall be granted by means of secured access through S-TESTA with control of access and specific user profiles solely for the purpose of reporting and statistics.

Or. en

Justification

In line with previous amendments to remove prevention of irregular migration as one of the main objectives of this Regulation.

Amendment 1054

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

Proposal for a regulation

Article 73 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Detailed rules on the operation of the central repository and the data protection and security rules applicable to the repository ***shall be adopted in accordance***

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 78 on the detailed rules on the operation of the central repository and the

with the examination procedure referred to in Article 79(2).

data protection and security rules applicable to the repository.

Or. en

Amendment 1055
Marie-Christine Vergiat

Proposal for a regulation
Article 73 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The data collected in this central repository must be processed in accordance with all the provisions of Chapter XI.

Or. fr

Amendment 1056
Marie-Christine Vergiat

Proposal for a regulation
Article 73 – paragraph 4

Text proposed by the Commission

Amendment

4. Every quarter, eu-LISA shall publish statistics on the ETIAS Information System showing in particular the number and nationality of applicants whose travel authorisation was refused, including the grounds for refusal, and of third country nationals whose travel authorisation were annulled or revoked.

4. Every quarter, eu-LISA shall publish statistics on the ETIAS Information System showing in particular the number and nationality of applicants whose travel authorisation was ***granted or*** refused, including the grounds for refusal, and of third country nationals whose travel authorisation were annulled or revoked.

Or. fr

Amendment 1057
Marie-Christine Vergiat

Proposal for a regulation
Article 73 – paragraph 6

Text proposed by the Commission

6. *At the request of* the Commission, *eu-LISA shall provide it* with statistics on specific aspects related to the implementation of this Regulation as well as the statistics pursuant to paragraph 3.

Amendment

6. *eu-LISA shall provide* the Commission *and the European Parliament* with statistics on specific aspects related to the implementation of this Regulation as well as the statistics pursuant to paragraph 3.

Or. fr

Amendment 1058
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 74 – paragraph 1

Text proposed by the Commission

The costs incurred in connection with the development of the ETIAS Information System, the integration of the existing national border infrastructure and the connection to the National Uniform Interface as well as by hosting the National Uniform Interface, the set-up of the ETIAS Central and National Units and the operation of the ETIAS shall be borne by the general budget of the Union.

Amendment

The costs incurred in connection with the development of the ETIAS Information System, the integration of the existing national border infrastructure and the connection to the National Uniform Interface as well as by hosting the National Uniform Interface, the set-up of the ETIAS Central and National Units and the operation of the ETIAS shall be borne by the general budget of the Union. *Before starting any procurement procedure, the Commission shall undertake a precise analysis of the technical requirements for the integration of existing national systems, of the technical standards of the ETIAS, and of the requirements concerning the content and accessibility of the ETIAS.*

Or. fr

Justification

Digitalisation of border controls is a growing trend at national level within the EU and in third countries. Experience with the development with large-scale IT systems at EU level, like the SIS II and VIS systems revealed that these initiatives experienced escalating costs. Therefore, it is important to clarify the costs as precisely as possible beforehand in order to minimise the risk of cost overruns.

Amendment 1059 **Monika Hohlmeier**

Proposal for a regulation **Article 74 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

Member States shall receive financial support for expenses incurred by additional responsibilities as referred to Article 66. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to define this financial support.

Or. en

Amendment 1060 **Monika Hohlmeier**

Proposal for a regulation **Article 74 – paragraph 2**

Text proposed by the Commission

Amendment

The following costs shall be excluded:

deleted

(a) Member States' project management office (meetings, missions, offices);

(b) hosting of national systems (space, implementation, electricity, cooling);

(c) operation of national systems (operators and support contracts);

(d) customisation of existing border checks;

(e) design, development, implementation, operation and maintenance of national communication networks;

Or. en

Amendment 1061
Marie-Christine Vergiat

Proposal for a regulation
Article 75

Text proposed by the Commission

Amendment

Article 75

deleted

Revenues

The revenues generated by the ETIAS shall constitute external assigned revenue in accordance with Article 21(4) of Regulation (EU, EURATOM) No 966/2012.

Or. fr

Amendment 1062
Jan Philipp Albrecht

Proposal for a regulation
Article 75

Text proposed by the Commission

Amendment

Article 75

deleted

Revenues

The revenues generated by the ETIAS shall constitute external assigned revenue in accordance with Article 21(4) of Regulation (EU, EURATOM) No 966/2012.

Or. en

Amendment 1063

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 75 – paragraph 1

Text proposed by the Commission

The revenues generated by the ETIAS shall constitute external assigned revenue in accordance with Article 21(4) of Regulation (EU, EURATOM) No 966/2012.

Amendment

The revenues generated by the ETIAS shall constitute external assigned revenue in accordance with Article 21(4) of Regulation (EU, EURATOM) No 966/2012. ***Any revenue remaining after covering the cost of the development of the ETIAS and the recurring costs of its operation and maintenance shall be assigned to cover expenditure incurred under programmes and actions in Chapter 18 02 (internal security) of the Union budget or, from 2021, under the succeeding programmes or actions.***

Or. fr

Justification

It should be specified that the costs of the ETIAS should be covered as a matter of priority, but that any surplus revenue may be used for other purposes. The legal base should specify the nature of these purposes.

Amendment 1064

Jeroen Lenaers

Proposal for a regulation

Article 75 – paragraph 1

Text proposed by the Commission

The revenues generated by the ETIAS shall constitute external assigned revenue in accordance with Article 21(4) of Regulation (EU, EURATOM) No 966/2012.

Amendment

The revenues generated by the ETIAS shall constitute external assigned revenue in accordance with Article 21(4) of Regulation (EU, EURATOM) No 966/2012.

Where revenues generated by the ETIAS exceed the costs of the ETIAS, that surplus amount shall be re-allocated to the fund to be established for the protection of European critical infrastructures that have been identified or designated as European critical infrastructures under the Council Directive 2008/114/EC.

Or. en

Amendment 1065
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 75 – paragraph 1

Text proposed by the Commission

The revenues generated by the ETIAS shall constitute *external* assigned revenue in accordance with Article 21(4) of Regulation (EU, EURATOM) No 966/2012.

Amendment

The revenues generated by the ETIAS shall constitute *internal* assigned revenue in accordance with Article 21(4) of Regulation (EU, EURATOM) No 966/2012.

Or. fr

Amendment 1066
Jan Philipp Albrecht

Proposal for a regulation
Article 76 – paragraph 3

Text proposed by the Commission

3. Member States shall notify the Commission of their designated authorities referred to in Article 43 and shall notify without delay any amendments thereto.

Amendment

deleted

Or. en

Justification

Article 43 to be deleted.

Amendment 1067

Marie-Christine Vergiat

Proposal for a regulation

Article 77 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission shall determine the date from which the ETIAS is to start operations, after the following conditions are met:

Amendment

1. The Commission **and the *European Parliament*** shall determine the date from which the ETIAS is to start operations, after the following conditions are met:

Or. fr

Amendment 1068

Angelika Mlinar

Proposal for a regulation

Article 77 – paragraph 1 – point a

Text proposed by the Commission

(a) the measures referred to in Article 15(3) and (4), Article 16(4), Article **28(3)**, **Article** 39(3), Article 40(2), Article 72(1) and (5) and Article 73(2) have been adopted;

Amendment

(a) the measures referred to in Article 15(3) and (4), Article 16(4), Article 39(3), Article 40(2), Article 72(1) and (5) and Article 73(2) have been adopted;

Or. en

Amendment 1069

Jan Philipp Albrecht

Proposal for a regulation

Article 77 – paragraph 1 – point d

Text proposed by the Commission

(d) the Member States and the ETIAS Central Unit have notified to the Commission the data concerning the various authorities referred to in Article 76(1) **and** (3).

Amendment

(d) the Member States and the ETIAS Central Unit have notified to the Commission the data concerning the various authorities referred to in Article 76(1).

Or. en

Justification

Article 76(3) to be deleted.

Amendment 1070
Jan Philipp Albrecht

Proposal for a regulation
Article 78 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article **15(3) and (4), Article 16(4), Article 28(3)** and Article 72(1) and (5) 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 Article **15(4)** and Article 72(1) and (4) shall be conferred on the Commission for an indeterminate period of time from [the date of entry into force of this Regulation].

Or. en

Justification

Articles 15(3), 16 and 28 to be deleted.

Amendment 1071
Angelika Mlinar

Proposal for a regulation
Article 78 – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 15(3) and (4), Article 16(4), **Article 28(3)** and Article 72(1) and (5) shall be conferred on the Commission for an indeterminate period of time from [the date of entry into force of this Regulation].

2. The power to adopt delegated acts referred to in Article 15(3) and (4), Article 16(4), and Article 72(1) and (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 1072

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 78 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 15(3) and (4), Article 16(4), Article 28(3) and Article 72(1) and (5) 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 Article **13 (2) (a)**, **Article 15(3) and (4)**, Article 16(4), Article 28(3) and Article 72(1) and (5) shall be conferred on the Commission for an indeterminate period of time from [the date of entry into force of this Regulation].

Or. fr

Amendment 1073

Jan Philipp Albrecht

Proposal for a regulation

Article 78 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article **15(3) and (4)**, **Article 16(4)**, **Article 28(3)** and Article 72(1) and (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

Amendment

3. The delegation of power referred to in Article **15(4)** and Article 72(1) and (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

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.

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

Justification

Articles 15(3), 16 and 28 to be deleted.

Amendment 1074
Angelika Mlinar

Proposal for a regulation
Article 78 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 15(3) and (4), Article 16(4), **Article 28(3)** and Article 72(1) and (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.

Amendment

3. The delegation of power referred to in Article 15(3) and (4), Article 16(4), and Article 72(1) and (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 1075
Jan Philipp Albrecht

Proposal for a regulation
Article 78 – paragraph 5

Text proposed by the Commission

Amendment

5. A delegated act adopted pursuant to Article 15(2) and (4), Article 16(4), Article 28(3) and Article 72(1) and (4) 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.

5. A delegated act adopted pursuant to Article 15(4) and Article 72(1) and (4) 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

Justification

Articles 15(3), 16 and 28 to be deleted.

Amendment 1076 **Angelika Mlinar**

Proposal for a regulation **Article 78 – paragraph 5**

Text proposed by the Commission

5. A delegated act adopted pursuant to Article 15(2) and (4), Article 16(4), **Article 28(3)** and Article 72(1) and (4) 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

5. A delegated act adopted pursuant to Article 15(2) and (4), Article 16(4), and Article 72(1) and (4) 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 1077

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

Proposal for a regulation

Article 78 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Article 15(2) and (4), Article 16(4), Article 28(3) **and** Article 72(1) and (4) 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

5. A delegated act adopted pursuant to Article 15(2) and (4), Article 16(4), Article 28(3), Article 72(1) and (4) **and Article 73 (2)** 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 1078

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 81 – 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 ETIAS Information System, eu-LISA shall submit a report to the European Parliament and the Council on the state of play of the development of the

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 ETIAS Information System, eu-LISA shall submit a report to the European Parliament and the Council on the state of play of the development of the

Central System, the Uniform Interfaces and the Communication Infrastructure between the Central System and the Uniform Interfaces. 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.

Central System, the Uniform Interfaces and the Communication Infrastructure between the Central System and the Uniform Interfaces. ***That report shall include an overview of the budgetary and cost developments with a detailed technical and financial assessment, precise information on cost increases and changes in design requirements and the reasons for any such increases or changes, as well as information on any risks which could impact the overall costs of the system to be borne by the Union budget in accordance with Article 74.*** 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. fr

Justification

Experience with the development of other large-scale IT systems at EU-level, like the SIS II and VIS systems, revealed that these initiatives often experience long delays and escalating costs. To ensure full parliamentary scrutiny and oversight of the process and to minimise the risk of cost overruns and delays, it is suggested that eu-LISA's reporting back to the Parliament and the Council during the development of ETIAS should include an obligatory update on budgetary and cost developments.

Amendment 1079

Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller

Proposal for a regulation Article 81 – 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

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 ETIAS Information System, eu-LISA shall submit a report to the European Parliament and the Council on the state of play of the development of the Central System, the Uniform Interfaces and the Communication Infrastructure between the Central System and the Uniform Interfaces. 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.

phase of the ETIAS Information System, eu-LISA shall submit a report to the European Parliament and the Council on the state of play of the development of the Central System, the Uniform Interfaces and the Communication Infrastructure between the Central System and the Uniform Interfaces. Once the development is finalised, a report shall be submitted to the European Parliament, *the Council* and the *EDPS* explaining in detail how the objectives, in particular relating to planning and costs, were achieved as well as justifying any divergences.

Or. en

Amendment 1080

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 81 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. No later than one year after the entry into service of ETIAS, the Commission shall assess the desirability of establishing secure access for rail carriers enabling them to send a query to the ETIAS Central System to verify, in accordance with Article 39 (1) (2), that third-country nationals subject to the travel authorisation requirement are in possession of a valid travel authorisation.

Or. fr

Amendment 1081

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 81 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission

Three years after the start of operations of the ETIAS and every **four** years thereafter, the Commission shall evaluate ETIAS and shall make any necessary recommendations to the European Parliament and the Council. This evaluation shall include:

Amendment

One year after the start of operations of the ETIAS and every **two** years thereafter, the Commission shall evaluate ETIAS and shall make any necessary recommendations to the European Parliament and the Council, **including a detailed assessment of their budgetary implications**. This evaluation shall include:

Or. fr

Justification

To ensure full parliamentary scrutiny, budgetary oversight and planning and in order to detect possible changes with a budgetary impact as early as possible, it is suggested that the overall evaluations take place after one year and then every two years and include an overview of possible budgetary implications of future operations.

Amendment 1082
Monika Hohlmeier

Proposal for a regulation
Article 81 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission

Three years after the start of operations of the ETIAS and every **four** years thereafter, the Commission shall evaluate ETIAS and shall make any necessary recommendations to the European Parliament and the Council. This evaluation shall include:

Amendment

Two years after the start of operations of the ETIAS and every **three** years thereafter, the Commission shall evaluate ETIAS and shall make any necessary recommendations to the European Parliament and the Council. This evaluation shall include:

Or. en

Amendment 1083
Monika Hohlmeier

Proposal for a regulation
Article 81 – paragraph 5 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) the impact, effectiveness and efficiency of the ETIAS performance and its working practices in relation to its objectives, mandate and tasks;

(b) the impact, effectiveness and efficiency of the ETIAS performance, ***including the ETIAS Central Unit and ETIAS National Units***, and its working practices in relation to its objectives, mandate and tasks;

Or. en

Amendment 1084

Jan Philipp Albrecht

Proposal for a regulation

Article 81 – paragraph 5 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) ***the rules of the automated application processor used for the purpose of risk assessment;***

deleted

Or. en

Amendment 1085

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 81 – paragraph 5 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) the rules of the automated application processor used for the purpose of risk assessment;

(c) the rules of the automated application processor used for the purpose of risk assessment ***and their implications for fundamental rights;***

Or. fr

Amendment 1086

Gérard Deprez, Louis Michel

Proposal for a regulation

Article 81 – paragraph 5 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the ETIAS watchlist, as defined in Article 29, and its implications for fundamental rights;

Or. fr

Amendment 1087

Jan Philipp Albrecht

Proposal for a regulation

Article 81 – paragraph 5 – subparagraph 1 – point f

Text proposed by the Commission

Amendment

(f) the impact on fundamental rights.

(f) the impact on fundamental rights,
in particular the protection of personal data and non-discrimination.

Or. en

Justification

Following the FRA opinion.

Amendment 1088

Monika Hohlmeier

Proposal for a regulation

Article 81 – paragraph 5 – subparagraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) generated revenues of the EU and expenditures incurred by the EU bodies as well as Member States.

Or. en

Amendment 1089
Gérard Deprez, Louis Michel

Proposal for a regulation
Article 81 – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

One year after the entry into service of ETIAS and every two years thereafter, the European Data Protection Supervisor shall submit to the European Parliament, the Council and the Commission a report assessing the impact, effectiveness and efficiency of the ETIAS watchlist in respect of data protection.

Or. fr

Amendment 1090
Jan Philipp Albrecht

Proposal for a regulation
Article 81 – paragraph 8

Text proposed by the Commission

Amendment

8. 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 ETIAS Central System for law enforcement purposes containing information and statistics on:

deleted

(a) the exact purpose of the consultation including the type of terrorist or serious criminal offence;

(b) reasonable grounds given for the substantiated suspicion that the suspect, perpetrator or victim is covered by this Regulation;

(c) the number of requests for access to the ETIAS Central System for law enforcement purposes;

*positive response based on the ETIAS
watchlist provided for in Article 29;*

Or. fr

Amendment 1093

**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel,
Péter Niedermüller**

Proposal for a regulation

Article 81 – paragraph 8 – subparagraph 2

Text proposed by the Commission

Member States' and Europol's annual reports shall be transmitted to the Commission by 30 June of the subsequent year.

Amendment

Member States' and Europol's annual reports shall be transmitted to the Commission *and the European Parliament* by 30 June of the subsequent year.

Or. en