

Amending ECRIS-TCN and the interoperability regulations for the purpose of screening

The Commission's proposal to introduce screening of third-country nationals at the external borders provides for identity and security checks based on the consultation of relevant national and European information systems. To implement these checks, the legal bases of the relevant EU systems for border management and security need to be amended, and Parliament is due to vote on a trilogue agreement on this in April.

Background

Regulation (EU) [2019/816](#) establishes the European criminal records information system – third-country nationals ([ECRIS-TCN](#)), which allows Member State authorities to identify which other Member States hold criminal records on the third-country nationals or stateless persons subject to a check. Regulation (EU) [2019/818](#) sets up a framework for [interoperability](#) between EU information systems in the fields of police and judicial cooperation, asylum and migration, including the ECRIS-TCN. A component of the interoperability framework, the Common Identity Repository (CIR), stores identity, travel document and biometric data from the EU information systems for border management. The Commission's [proposal](#) for a regulation introducing screening of third-country nationals at the external borders provides for identity checks based on a search of the CIR, and security checks to establish whether the persons subject to screening might pose a security threat. As the ECRIS-TCN and the interoperability framework in the fields of police and judicial cooperation are not a development of the Schengen *acquis*, the necessary amendments of these instruments require a separate regulation. Therefore, in March 2021, the Commission [proposed](#) to amend Regulation (EU) 2019/816 to allow the designated authorities in the context of screening to access and search the ECRIS-TCN database for records relating to persons who have been convicted of a terrorist offence or other serious criminal offences. It also modifies Regulation (EU) 2019/818 to enable the designated authorities in the context of screening to access data stored in the CIR.

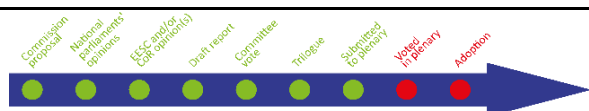
Parliament position

In its [report](#) on the proposal (rapporteur: Birgit Sippel, S&D, Germany), the Committee on Civil Liberties, Justice and Home Affairs (LIBE) excluded third-country nationals apprehended within the territory of the Member States from the scope of the checks. It introduced several amendments limiting and clarifying the competent authorities' right to consult the ECRIS-TCN for the purpose of screening (e.g. limiting the scope of searches to third-country nationals who have been convicted in the previous 25 years of a terrorist offence, or in the previous 15 years of any other specific criminal offence, and limiting the use of the search results to the sole purpose of assessing whether the person might pose a threat to internal security).

Provisional agreement

Parliament and the Council reached a provisional agreement on the proposal in December 2023. The [agreed text](#) includes some of Parliament's limitations on the purpose of security checks but brings back third-country nationals found within the territory into the scope of the regulation. The period in which national authorities should send an opinion following a hit in the database is reduced from four to two days (persons found within the territory) and three days (at the external borders). Following the Council's confirmation of the provisional agreement (8 February 2024), and approval of the text by the LIBE committee (14 February), the file has been tabled for a vote during Parliament's April plenary session.

First-reading report: [2021/0046\(COD\)](#); Committee responsible: LIBE; Rapporteur: Birgit Sippel (S&D, Germany).



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