**REPORT**


Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Javier Zarzalejos
Symbols for procedures

* Consultation procedure  
*** Consent procedure  
***I Ordinary legislative procedure (first reading)  
***II Ordinary legislative procedure (second reading)  
***III Ordinary legislative procedure (third reading)  

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in bold italics in the left-hand column. Replacements are indicated in bold italics in both columns. New text is indicated in bold italics in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in bold italics. Deletions are indicated using either the symbol or strikeout. Replacements are indicated by highlighting the new text in bold italics and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.
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The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2020)0791),

– having regard to Article 294(2) and, Articles 88(2)(a) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0394/2020),

– having regard to Rule 59 of its Rules of Procedure,

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0287/2021),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.
Amendment 1

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) The Schengen Information System (‘SIS’) constitutes an essential tool for maintaining a high level of security within the area of freedom, security and justice of the Union by supporting operational cooperation between national competent authorities, in particular border guards, the police, customs authorities, immigration authorities, and authorities responsible for the prevention, detection, investigation or prosecution of criminal offences or execution of criminal penalties. Regulation (EU) 2018/1862 of the European Parliament and of the Council constitutes the legal basis for SIS in respect of matters falling within the scope of Chapters 4 and 5 of Title V of Part Three of the Treaty on Functioning of the European Union (TFEU).

Amendment

(1) The Schengen Information System (SIS) constitutes an essential tool for maintaining a high level of security within the area of freedom, security and justice of the Union by supporting operational cooperation between competent national authorities, in particular border guards, the police, customs authorities, immigration authorities, and authorities responsible for the prevention, detection, investigation or prosecution of criminal offences or execution of criminal penalties. Regulation (EU) 2018/1862 of the European Parliament and of the Council constitutes the legal basis for SIS in respect of matters falling within the scope of Chapters 4 and 5 of Title V of Part Three of the Treaty on Functioning of the European Union (TFEU).


Amendment 2

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) Alerts on persons and objects

Amendment

(2) Alerts on persons and objects

entered in SIS are in real time made available directly to all end-users of the competent national authorities of Member States that use SIS pursuant to Regulation (EU) 2018/1862. SIS alerts contain information about a particular person or object as well as instructions for the authorities on what to do when the person or object has been found.

The European Union Agency for Law Enforcement Cooperation (Europol), established by Regulation (EU) 2016/794 of the European Parliament and of the Council, national members of the European Union Agency for Criminal Justice Cooperation (Eurojust), established by Regulation (EU) 2018/1727 of the European Parliament and of the Council, and the teams of the European Border and Coast Guard (EBCG), established by Regulation (EU) 2019/1896 of the European Parliament and of the Council, are also authorised to access and search data in SIS pursuant to their mandates, in accordance with Regulation (EU) 2018/1862. SIS alerts contain information allowing the competent national authorities and the relevant Union agencies to identify a particular person or object as well as instructions for the authorities on what to do when the person or object has been located.

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Amendment 3
Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) The European Union Agency for Law Enforcement Cooperation (Europol), established by Regulation (EU) 2016/794 of the European Parliament and of the Council, plays an important role in the use of SIS and in the exchange of supplementary information with Member States on SIS alerts. Nevertheless, according to existing rules, alerts in SIS can only be issued by Member States’ competent authorities.

Amendment

(3) Europol plays an important role in the fight against serious crime and terrorism by providing analyses and threat assessments to support the investigations of competent national authorities. Nevertheless, according to the existing rules, Europol is only able to use SIS and to exchange supplementary information with Member States on SIS alerts, while alerts in SIS can only be issued by Member States’ competent authorities.


Amendment 4
Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) Given the increasingly global nature of serious crime and terrorism brought about by growing mobility, the information that third countries and international organisations obtain about perpetrators of...
international organisations, such as the International Criminal Police Organization and the International Criminal Court, obtain about criminals and terrorists is increasingly relevant for the Union’s security. Such information should contribute to the comprehensive efforts to ensure internal security in the European Union. Some of this information is only shared with Europol. While Europol holds valuable information received from external partners on serious criminals and terrorists, it cannot issue alerts in SIS. Member States are also not always able to issue alerts in SIS on the basis of such information.

Amendment 5

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

(4a) The operational need to make verified information provided by a third-country available to frontline officers, in particular to border guards and police officers, has been widely acknowledged by the Member States. However, the relevant end-users in the Member States do not always have access to this valuable information because, inter alia, Member States do not have the capacity to verify the information or they are not able to issue alerts in SIS on the basis of such information due to national law.

Amendment 6

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) In order to bridge the gap in information sharing on serious crime and terrorism and persons suspected of serious crime and terrorism is increasingly relevant for the Union’s internal security. Some of this information, in particular where the person concerned is a third-country national, is only shared with Europol, which processes the information and shares the result of its analyses with all Member States through the Europol information system and the ETIAS watch-list.

(5) Member States have sought to bridge the gap in information sharing on foreign terrorist fighters within the Union by defining a process for evaluating and
movement is crucial – it is necessary to ensure Europol is able to make this information available directly and in real-time to front-line officers in Member States. Possibly entering information from third countries on suspected foreign terrorist fighters in SIS. However, this process is of a temporary nature and relies on the voluntary action of the Member States. This Regulation provides a permanent solution which is effective and sustainable in the long term while making the best possible use of the Europol’s resources and role as an information hub. Subject to strict conditions, Europol should be able to leverage SIS to combat serious crime and terrorism by making available verified information sourced from third countries directly and in real-time to front-line officers in the Member States.

Amendment 7
Proposal for a regulation
Recital 6

Amendment

Text proposed by the Commission

(6) Europol should therefore be authorised to enter alerts in SIS pursuant to Regulation (EU) 2018/1862, in full respect of fundamental rights and data protection rules.

Amendment

(6) Europol should therefore be authorised to enter alerts in SIS pursuant to Regulation (EU) 2018/1862, in the general interest of the Union and in full respect of fundamental rights and the Union data protection acquis and the competence of the Member States to ensure internal security.

Amendment 8
Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) To that end, a specific category of alert should be created in SIS, to be issued exclusively by Europol, in order to inform end-users carrying out a search in SIS that the person concerned is suspected of being involved in a criminal offence in respect of which Europol is competent, and in order for Europol to obtain confirmation that the person who is subject to the alert has been

Amendment

(7) To that end, a specific category of alert should be created in SIS, to be issued exclusively by Europol, in order to inform end-users authorised in the Member States to carry out a search in SIS that Europol holds information indicating that the person concerned is suspected or has been convicted of a criminal offence in respect of which Europol is competent. In the
event of a hit on an alert, the frontline officer should immediately report the hit to the national SIRENE Bureau, which should confirm to Europol that the person who is subject to the alert has been located. The relevant national authorities of the Member State concerned are to determine, on a case-by-case basis, including based on the background information provided by Europol, whether further measures need to be taken with regard to the person concerned. Such further measures would take place under the full discretion of the Member State where the hit occurred in accordance with its national law.

Amendment 9

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In order to assess whether a concrete case is adequate, relevant and important enough to warrant the entry of an alert in SIS, and in order to confirm the reliability of the source of information and the accuracy of the information on the person concerned, Europol should carry out a detailed individual assessment of each case including further consultations with the third country or international organisation that shared the data on the person concerned, as well as further analysis of the case, in particular by cross checking it against information it already holds in its databases, to confirm the accuracy of the information and complement it with other data on the basis of its own databases. The detailed individual assessment should include the analysis of whether there are sufficient grounds for considering that the person has committed or taken part in, or will commit a criminal offence in respect of which Europol is competent.

Amendment

(8) In order to assess, based on objective criteria and in line with the principles of necessity and proportionality, whether a concrete case is adequate, relevant and important enough to warrant the entry of an alert in SIS, and in order to confirm the reliability of the source of information and the accuracy of the information on the person concerned, that the information was not obtained in breach of fundamental rights of the person and that it was not communicated to Europol for unlawful purposes in violation of human rights, Europol should carry out a detailed individual assessment of each case including, where necessary, further consultations with the third country or international organisation that shared the data on the person concerned, consultations with Member States as well as further analysis of the case, in particular by cross checking it against information it already holds in its databases, to confirm the accuracy of the information and complement it with other data on the basis
of its own databases. The detailed individual assessment should include the analysis of whether there are sufficient grounds for considering that the person has committed or taken part in, or there are reasonable grounds to believe that such a person will commit a criminal offence in respect of which Europol is competent.

**Amendment 10**

**Proposal for a regulation**

**Recital 9**

*Text proposed by the Commission*

(9) Europol should only be able to enter an alert in SIS if the person concerned is not already subject to a SIS alert issued by a Member State. A further precondition for the creation of such an alert should be that Member States do not object to the alert being issued in SIS. Therefore, it is necessary to establish rules on the obligations of Europol prior to entering data in SIS, in particular the obligation to consult the Member States in line with Regulation (EU) 2016/794. It should also be possible for Member States to request the deletion of an alert by Europol, in particular if they obtain new information about the person who is the subject of the alert, if their national security requires so or when it is likely that the alert would represent a risk for official or legal inquiries, investigations or procedures.

*Amendment*

(9) Europol should only be able to enter an alert in SIS if the person concerned is not already subject to a SIS alert issued by a Member State. A further precondition for the creation of such an alert should be that no Member State expressed a reasoned objection to the alert being issued in SIS by Europol or notified its intention to enter an alert on its own behalf. Therefore, it is necessary to establish rules on the obligations of Europol prior to entering data in SIS, in particular the obligation to consult the Member States and to obtain the approval of the Executive Director of Europol in line with Regulation (EU) 2016/794. Europol should provide reasons for each proposal made to Member States for the entry of an alert in SIS and inform the Fundamental Rights Officer and the Data Protection Officer whenever it enters an alert in SIS. It should also be possible for Member States to request the deletion of an alert by Europol, where they intend to issue an alert themselves, where they obtain new information about the person who is the subject of the alert or have reasonable grounds to believe that the data included in the alert is not accurate, if their national security requires so, where it is likely that the alert would represent a risk for official or legal inquiries, investigations or procedures, or where the
alert would lead to a disproportionate interference with the fundamental rights of the person concerned.

Amendment 11
Proposal for a regulation
Recital 10

*Text proposed by the Commission*

(10) Europol should keep records of the individual assessment of each case, which should include the grounds for entering the alert, for the purposes of verifying the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security. In accordance with Regulation (EU) 2016/794, Europol should co-operate with the European Data Protection Supervisor and make these records available upon request, so that they can be used for monitoring processing operations.

*Amendment*

(10) Europol should keep detailed records of each alert, which should include the grounds for entering the alert, for the purposes of verifying the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security, while ensuring full respect for fundamental rights enshrined in the Charter of Fundamental Rights of the European Union (Charter) and applicable data protection rules. In accordance with Regulation (EU) 2016/794, Europol should make those records available to the EDPS upon request, so that they can be used for monitoring processing operations.

Amendment 12
Proposal for a regulation
Recital 11

*Text proposed by the Commission*

(11) It is necessary to establish rules concerning the deletion of alerts entered in SIS by Europol. An alert should be kept only for the time required to achieve the purpose for which it was entered. It is therefore appropriate to set out detailed criteria to determine when the alert should be deleted. An alert entered by Europol in SIS should be deleted in particular if a Member State objects, another alert is entered in SIS by a Member State, or if Europol becomes aware that the information received from the third country or international organisation was incorrect or was communicated to Europol for

*Amendment*

(11) It is necessary to establish rules concerning the deletion of alerts entered in SIS by Europol. An alert should be kept only for the time required to achieve the purpose for which it was entered. It is therefore appropriate to set out detailed criteria to determine when the alert should be deleted. An alert entered by Europol in SIS should be deleted after expiry of the alert, or where a Member State notifies its reasoned objection thereto, or where another alert is entered or about to be entered in SIS by a Member State with regard to the same person, where the person subject to the alert is no longer
unlawful purposes, for example if sharing the information on the person was motivated by political reasons. suspected of having committed or taken part in a crime or where Europol or a Member State becomes aware, based on new information, that the information received from the third country or international organisation was incorrect or was communicated to Europol for unlawful purposes in violation of human rights.

Amendment 13
Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) When entering alerts in SIS, Europol should be bound by the same requirements and obligations applicable to the Member States pursuant to Regulation (EU) 2018/1862 when they enter alerts in SIS. In particular, Europol should comply with common standards, protocols and technical procedures established to ensure the compatibility of its technical interface with Central SIS for the prompt and effective transmission of data. Requirements concerning general data processing rules, proportionality, data quality, data security, reporting and obligations related to collecting statistics applicable to Member States when entering alerts in SIS should apply to Europol as well.

Amendment

(12) When entering alerts in SIS, Europol should be bound by requirements and obligations equivalent to those that are applicable to the Member States pursuant to Regulation (EU) 2018/1862. In particular, Europol should comply with common standards, protocols and technical procedures established to ensure the compatibility of its technical interface with Central SIS for the prompt and effective transmission of data. Requirements concerning proportionality, data quality, data security, reporting and obligations related to collecting statistics applicable to Member States when entering alerts in SIS should also apply to Europol. Furthermore, personal data processed by Europol should be subject to an equivalent level of protection as that applicable to personal data processed by Member States.

Amendment 14
Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

(13a) It is intended that the preparations, subject to specific time-limits, for Europol entering, updating and deleting alerts in SIS pursuant to this
Amendment 15
Proposal for a regulation
Recital 14

Text proposed by the Commission
(14) Since the objectives of this Regulation, namely the establishment and regulation of a specific alert category issued by Europol in SIS in order to exchange information on persons who represent a threat to the internal security of the European Union, cannot be sufficiently achieved by the Member States, but can rather, by reason of their nature be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Amendment
(14) Since the objectives of this Regulation, namely the establishment and regulation of a specific category of alerts issued by Europol in SIS in order to exchange information on third-country nationals suspected of having committed or taken part in a criminal offence, on whom there are factual indications or reasonable grounds to believe that they will commit a criminal offence in respect of which Europol is competent, or who have been convicted of a criminal offence, cannot be sufficiently achieved by the Member States, but can rather, by reason of their nature be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Amendment 16
Proposal for a regulation
Recital 15

Text proposed by the Commission
(15) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Regulation fully respects the protection of

Amendment
(15) This Regulation fully respects fundamental rights and observes the principles recognised by the Treaty of the European Union (TEU) and the Charter. In particular, this Regulation fully respects the protection of personal data in
personal data in accordance with Article 8 of the Charter of Fundamental Rights of the European Union while seeking to ensure a safe environment for all persons residing on the territory of the Union.

Amendment 17

Proposal for a regulation
Article 1 – paragraph 1 – point 1
Regulation (EU) 2018/1862
Article 2 – paragraph 2

Text proposed by the Commission

2. This Regulation also lays down provisions on the technical architecture of SIS, on the responsibilities of the Member States, the European Union Agency for Law Enforcement Cooperation (‘Europol’) and of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), on data processing, on the rights of the persons concerned and on liability.

Amendment

2. This Regulation also lays down provisions on the technical architecture of SIS, on the responsibilities of the Member States, the European Union Agency for Law Enforcement Cooperation (Europol) and of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), on data processing, on the rights of the persons concerned, on liability and accountability.

Amendment 18

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EU) 2018/1862
Article 3 – point 21 a (new)

Text proposed by the Commission

(22) ‘third-country national’ means any person who is not a citizen of the Union within the meaning of Article 20(1) TFEU, with the exception of persons who are beneficiaries of the right of free movement within the Union in accordance with Directive 2004/38/EC or with an agreement between the Union or the Union and its Members States on the one hand,

Amendment

(22) ‘third-country national’ means any person who is not a citizen of the Union within the meaning of Article 20(1) TFEU, or who is a stateless person or a person whose nationality is unknown, with the exception of persons who are beneficiaries of the right of free movement within the Union in accordance with Directive 2004/38/EC or with an agreement between the Union or the Union and its Members...
and a third country on the other hand; States on the one hand, and a third country on the other hand;

Amendment 19

Proposal for a regulation  
Article 1 – paragraph 1 – point 3 – point a  
Regulation (EU) 2018/1862  
Article 24 – paragraph 1

Text proposed by the Commission  
1. Where a Member State considers that to give effect to an alert entered in accordance with Article 26, 32, 36 or 37a is incompatible with its national law, its international obligations or essential national interests, it may require that a flag be added to the alert to the effect that the action to be taken on the basis of the alert will not be taken in its territory. Flags on alerts entered in accordance with Article 26, 32 or 36 shall be added by the SIRENE Bureau of the issuing Member State, flags on alerts entered in accordance with Article 37a shall be added by Europol.

Amendment

1. Where a Member State considers that to give effect to an alert entered in accordance with Article 26, 32, 36 or 37a is incompatible with its national law, its international obligations or essential national interests, it may require, after providing reasons, that a flag be added to the alert, to the effect that the action to be taken on the basis of the alert will not be taken in its territory. Flags on alerts entered in accordance with Article 26, 32 or 36 shall be added by the SIRENE Bureau of the issuing Member State, flags on alerts entered in accordance with Article 37a shall be added by Europol.

Amendment 20

Proposal for a regulation  
Article 1 – paragraph 1 – point 4  
Regulation (EU) 2018/1862  
Article 37a – paragraph 1

Text proposed by the Commission  
1. Europol may enter alerts on persons in SIS for the purpose of informing end-users carrying out a search in SIS of the suspected involvement of those persons in a criminal offence in respect of which Europol is competent in accordance with Article 3 of Regulation (EU) 2016/794, as well as for the purpose of obtaining information in accordance with Article 37b of this Regulation that the person concerned has been located.

Amendment

1. Europol may enter alerts on third-country nationals in SIS for the purpose of informing end-users carrying out a search in SIS that those persons are suspected of being involved in or have been convicted of a criminal offence in respect of which Europol is competent in accordance with Article 3 of Regulation (EU) 2016/794, as well as for the purpose of obtaining information in accordance with Article 37b of this Regulation that the person concerned has been located. The
Fundamental Rights Officer and the Data Protection Officer shall be informed whenever Europol enters an alert in SIS.

Amendment 21

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2018/1862
Article 37a – paragraph 2 – introductory part

Text proposed by the Commission

2. Europol may only enter an alert in SIS on persons who are third-country nationals on the basis of information received from a third country or an international organisation in accordance with Article 17(1)(b) of Regulation (EU) 2016/794, where the information relates to one of the following:

Amendment

2. Europol shall enter an alert in SIS in accordance with paragraph 1 of this Article only on the basis of information received from a third country or an international organisation which fulfils one of the conditions listed in Article 25(1) of Regulation (EU) 2016/794, where, following a detailed individual assessment, it has determined that the information relates to a third-country national:

Amendment 22

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2018/1862
Article 37a – paragraph 2 – point a

Text proposed by the Commission

(a) persons who are suspected of having committed or taken part in a criminal offence in respect of which Europol is competent in accordance with Article 3 of Regulation (EU) 2016/794, or who have been convicted of such an offence;

Amendment

(a) who is suspected of having committed or taken part in a criminal offence;

Amendment 23

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2018/1862
Article 37a – paragraph 2 – point b
(b) persons regarding whom there are factual indications or reasonable grounds to believe that they will commit criminal offences in respect of which Europol is competent in accordance with Article 3 of Regulation (EU) 2016/794.

Amendment 24

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2018/1862
Article 37a – paragraph 2 1 – point b a (new)

(b) regarding whom there are factual indications or reasonable grounds to believe that he or she will commit a criminal offence, or

Amendment 25

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2018/1862
Article 37a – paragraph 3 – introductory part

3. Europol may only enter an alert in SIS after it has ensured all of the following:

(ba) who has been convicted of a criminal offence.

Without prejudice to the first subparagraph of this paragraph, Europol may enter an alert in SIS in accordance with paragraph 1 of this Article on the basis of information received from a third country which does not fulfil one of the conditions listed in Article 25(1) of Regulation (EU) 2016/794, provided that the information has been confirmed by a third country which fulfils one of those conditions or provided that the information relates to a terrorist offence or organised crime.

3. Europol may only enter an alert in SIS after it has established that this is necessary and justified, by ensuring all of the following:
Amendment 26

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2018/1862
Article 37a – paragraph 3 – point a

Text proposed by the Commission

(a) an analysis of the data provided in accordance with paragraph 2 confirmed the reliability of the source of information and the accuracy of the information on the person concerned, permitting Europol to determine that that person falls within the scope of paragraph 2, where necessary, after having carried out further exchanges of information with the data provider in accordance with Article 25 of Regulation (EU) 2016/794;

Amendment

(a) a detailed individual analysis of the data provided in accordance with paragraph 2 confirmed the reliability of the source of information and the accuracy of the information on the person concerned, permitting Europol to determine that that person falls within the scope of paragraph 2, where necessary, after having carried out further exchanges of information with the third country or the international organisation that provided the data in accordance with Article 25 of Regulation (EU) 2016/794;

Amendment 27

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2018/1862
Article 37a – paragraph 3 – point b

Text proposed by the Commission

(b) a verification confirmed that entering the alert is necessary for achieving Europol’s objectives as laid down in Article 3 of Regulation (EU) 2016/794;

Amendment

(b) a verification confirmed that the alert is strictly necessary for achieving Europol’s objectives as laid down in Article 3 of Regulation (EU) 2016/794;

Amendment 28

Proposal for a regulation
Article 1 – paragraph 1 – point 4
Regulation (EU) 2018/1862
Article 37a – paragraph 4

Text proposed by the Commission

4. Europol shall keep detailed records relating to the entry of the alert in SIS and

4. Europol shall keep detailed records relating to the entry of the alert in
the grounds for such entry to permit verification of compliance with the substantive and procedural requirements laid down in paragraphs 1, 2 and 3. Such records shall be available for the European Data Protection Supervisor on request. 

**Amendment 29**

**Proposal for a regulation**

Article 1 – paragraph 1 – point 4  
Regulation (EU) 2018/1862  
Article 37a – paragraph 6

*Text proposed by the Commission*

6. The requirements and obligations applicable to the issuing Member State in Articles 20, 21, 22, 42, 56, 59, 61, 62 and 63 shall apply to Europol when processing data in SIS.

*Amendment*

6. The requirements and obligations applicable to the issuing Member State in Articles 20, 21, 22, 42, 56, 59, 61, 62 and 63 shall apply *mutatis mutandis* to Europol when processing data in SIS.

**Amendment 30**

**Proposal for a regulation**

Article 1 – paragraph 1 – point 4  
Regulation (EU) 2018/1862  
Article 37b – paragraph 1 – point (a) – point (i)

*Text proposed by the Commission*

(i) the fact that the person who is the subject of an alert has been located;

*Amendment*

(i) the fact that the person who is the subject of the alert has been located;

**Amendment 31**

**Proposal for a regulation**

Article 1 – paragraph 1 – point 4  
Regulation (EU) 2018/1862  
Article 37b – paragraph 2

*Text proposed by the Commission*

2. The executing Member State shall communicate the information referred to in paragraph 1(a) to Europol through the exchange of supplementary information.

*Amendment*

2. The executing Member State shall *immediately* communicate the information referred to in paragraph 1(a) to Europol through the exchange of supplementary information. **The executing Member State**
may, in exceptional circumstances, decide not to communicate the information to Europol if doing so would jeopardise ongoing investigations or the safety of an individual, or would be contrary to the essential interests of the executing Member State.

Amendment 32
Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point b
Regulation (EU) 2018/1862
Article 48 – paragraph 1 – subparagraph 1

Text proposed by the Commission
Europol shall, where necessary to fulfil its mandate, have the right to access and search data in SIS and to enter, update and delete alerts pursuant to Article 37a of this Regulation. Europol shall enter, update, delete and search SIS data through a dedicated technical interface. The technical interface shall be set up and maintained by Europol in compliance with the common standards, protocols and technical procedures defined in Article 9 of this Regulation and shall allow direct connection to Central SIS.

Amendment
Europol shall, where necessary to fulfil its mandate, have the right to access and search data in SIS and to enter, update and delete alerts pursuant to Article 37a of this Regulation. Europol shall access, enter, update, delete and search SIS data through a dedicated technical interface. The technical interface shall be set up and maintained by Europol in compliance with the common standards, protocols and technical procedures defined in Article 9 of this Regulation and shall allow direct connection to Central SIS.

Amendment 33
Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point b
Regulation (EU) 2018/1862
Article 48 – paragraph 1 – subparagaph 2

Text proposed by the Commission
Europol shall exchange supplementary information in accordance with the provisions of the SIRENE Manual. To that end, Europol shall ensure availability to supplementary information related to its own alerts 24 hours a day, 7 days a week.

Amendment
Europol shall exchange and request any further supplementary information in accordance with the provisions of the SIRENE Manual. To that end, Europol shall ensure the availability and exchange of such supplementary information related to its own alerts 24 hours a day, 7 days a week.
Amendment 34

Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point d
Regulation (EU) 2018/1862
Article 48 – paragraph 7a

Text proposed by the Commission

7a. The European Data Protection Supervisor shall carry out an audit of the data processing operations of Europol under this Regulation in accordance with international auditing standards at least every four years.

Amendment

7a. The European Data Protection Supervisor shall carry out an audit of the data processing operations of Europol under this Regulation in accordance with international auditing standards at least every three years.

Amendment 35

Proposal for a regulation
Article 1 – paragraph 1 – point 6 – point a
Regulation (EU) 2018/1862
Article 53 – paragraph 5a

Text proposed by the Commission

5a. Europol may enter an alert on a person for the purposes of Article 37a (1) for a period of one year. Europol shall review the need to retain the alert within that period. Europol shall, where appropriate, set shorter review periods.

Amendment

5a. Europol may enter an alert on a third-country national for the purposes of Article 37a (1) for a period of three years. Europol shall review the need to retain the alert within that period. Europol shall, where appropriate, set shorter review periods.

Amendment 36

Proposal for a regulation
Article 1 – paragraph 1 – point 6 – point b
Regulation (EU) 2018/1862
Article 53 – paragraph 6

Text proposed by the Commission

6. Within the review period referred to in paragraphs 2, 3, 4, 5 and 5a, the issuing Member State, and in the case of personal data entered in SIS pursuant to Article 37a of this Regulation, Europol, may, following a comprehensive individual assessment, which shall be recorded,

Amendment

6. Within the review period referred to in paragraphs 2, 3, 4, 5 and 5a, the issuing Member State or Europol, as appropriate, may, following a comprehensive individual assessment, which shall be recorded, decide to retain the alert on a person for longer than the review period, where this
decide to retain the alert on a person for longer than the review period, where this proves necessary and proportionate for the purposes for which the alert was entered. In such cases paragraph 2, 3, 4, 5 or 5a of this Article shall also apply to the extension. Any such extension shall be communicated to CS-SIS.

Amendment 37

Proposal for a regulation
Article 1 – paragraph 1 – point 6 – point b
Regulation (EU) 2018/1862
Article 53 – paragraph 7

Text proposed by the Commission

7. Alerts on persons shall be deleted automatically after the review period referred to in paragraphs 2, 3, 4, 5 and 5a has expired, except where the issuing Member State or in the case of alerts entered in SIS pursuant to Article 37a of this Regulation Europol, has informed CS-SIS of an extension pursuant to paragraph 6 of this Article. CS-SIS shall automatically inform the issuing Member State or Europol of the scheduled deletion of data four months in advance.

Amendment

7. Alerts on persons shall be deleted automatically after the review period referred to in paragraphs 2, 3, 4, 5 and 5a has expired, except where the issuing Member State or Europol, as appropriate, has informed CS-SIS of an extension pursuant to paragraph 6 of this Article. CS-SIS shall automatically inform the issuing Member State or Europol of the scheduled deletion of data four months in advance.

Amendment 38

Proposal for a regulation
Article 1 – paragraph 1 – point 6 – point b
Regulation (EU) 2018/1862
Article 53 – paragraph 8

Text proposed by the Commission

8. Member States and Europol shall keep statistics on the number of alerts on persons the retention periods of which have been extended in accordance with paragraph 6 of this Article and transmit them, upon request, to the supervisory authorities referred to in Article 69.

Amendment

8. Member States and Europol shall keep statistics on the number of alerts on persons the retention periods of which have been extended in accordance with paragraph 6 of this Article. Upon request, Member States shall provide those statistics to the supervisory authorities referred to in Article 69 and Europol shall provide them to the European Data
Amendment 39

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) 2018/1862
Article 67 – paragraph 1

Text proposed by the Commission

(1) Data subjects shall be able to exercise the rights laid down in Articles 15, 16 and 17 of Regulation (EU) 2016/679, in the national provisions transposing Article 14 and Article 16 (1) and (2) of Directive (EU) 2016/680 and in Chapter IX of Regulation (EU) 2018/1725.

Amendment

(1) Data subjects shall be able to exercise the rights laid down in Articles 15, 16 and 17 of Regulation (EU) 2016/679, in the national provisions transposing Article 14 and Article 16 (1) and (2) of Directive (EU) 2016/680 and in Articles 80 and 82 of Regulation (EU) 2018/1725.

Amendment 40

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) 2018/1862
Article 67 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

(3) A Member State in accordance with its national law, including law transposing Directive (EU) 2016/680 and, in the case of personal data entered in SIS under Article 37a of this Regulation, Europol in accordance with Chapter IX of Regulation (EU) 2018/1725, shall take a decision not to provide information to the data subject, in whole or in part, to the extent that, and for as long as such a partial or complete restriction constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the data subject concerned, in order to:

Amendment

(3) A Member State in accordance with its national law, including law transposing Directive (EU) 2016/680 and, in the case of personal data entered in SIS under Article 37a of this Regulation, Europol in accordance with Article 82(4) of Regulation (EU) 2018/1725, shall take a decision not to provide information to the data subject, in whole or in part, to the extent that, and for as long as such a partial or complete restriction constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the data subject concerned, in order to:

Amendment 41

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EU) 2018/1862
Article 67 – paragraph 3 – subparagraph 2

Text proposed by the Commission

In cases referred to in the first subparagraph, the Member State or, in the case of personal data entered in SIS pursuant to Article 37a of this Regulation, Europol, shall inform the data subject in writing, without undue delay, of any refusal or restriction of access and of the reasons for the refusal or restriction. Such information may be omitted where its provision would undermine any of the reasons set out in points (a) to (e) of the first subparagraph of this paragraph. The Member State or, in the case of personal data entered in SIS pursuant to Article 37a of this Regulation, Europol, shall inform the data subject of the possibility of lodging a complaint with a supervisory authority or of seeking a judicial remedy.

Amendment

In cases referred to in the first subparagraph, the Member State or, in the case of personal data entered in SIS pursuant to Article 37a of this Regulation, Europol, shall inform the data subject in writing, without undue delay, of any refusal or restriction of access and of the reasons for the refusal or restriction. Such information may be omitted where its provision would undermine any of the reasons set out in points (a) to (e) of the first subparagraph of this paragraph. The Member State shall inform the data subject of the possibility of lodging a complaint with a supervisory authority or of seeking a judicial remedy. Where personal data is entered in SIS pursuant to Article 37a of this Regulation, Europol shall inform the data subject of the possibility of lodging a complaint with the European Data Protection Supervisor and seeking a judicial remedy from the Court of Justice of the European Union.

Amendment 42

Proposal for a regulation
Article 1 – paragraph 1 – point 11
Regulation (EU) 2018/1862
Article 68 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

(4) Member States and Europol shall report annually to the European Data Protection Board on:

Amendment

(4) Member States shall report annually to the European Data Protection Board and to the European Parliament and Europol shall report annually to the EDPS, the European Parliament and the JPSG on:

Amendment 43

Proposal for a regulation
Article 1 – paragraph 1 – point 11
Regulation (EU) 2018/1862
Article 68 – paragraph 4 – subparagraph 1 – point g a (new)

**Text proposed by the Commission**

(g a) the number of alerts on persons with regard to which the retention periods have been extended in accordance with Article 53(8).

**Amendment**

**Amendment 44**

Proposal for a regulation
Article 1 – paragraph 1 – point 11
Regulation (EU) 2018/1862
Article 68 – paragraph 5

**Text proposed by the Commission**

(5) The reports from the Member States and Europol shall be included in the joint report referred to in Article 71(4).

**Amendment**

(5) The reports from the Member States and Europol shall be included in full in the joint report referred to in Article 71(4).

**Amendment 45**

Proposal for a regulation
Article 1 – paragraph 1 – point 13
Regulation (EU) 2018/1862
Article 74 – paragraph 3

**Text proposed by the Commission**

3. eu-LISA shall produce daily, monthly and annual statistics showing the number of records per category of alerts, both for each Member State, Europol and in aggregate. eu-LISA shall also provide annual reports on the number of hits per category of alert, how many times SIS was searched and how many times SIS was accessed for the purpose of entering, updating or deleting an alert, both for each Member State, Europol and in aggregate. The statistics produced shall not contain any personal data. The annual statistical report shall be published.

**Amendment**

3. eu-LISA shall produce daily, monthly and annual statistics showing the number of records per category of alerts, for each Member State, Europol and in aggregate. eu-LISA shall also provide annual reports on the number of hits per category of alert, how many times SIS was searched and how many times SIS was accessed for the purpose of entering, updating or deleting an alert, for each Member State, Europol and in aggregate. eu-LISA shall also produce daily, monthly and annual statistics showing the number of entries of alerts proposed by Europol, against which a reasoned objection was expressed by a Member State, categorised
by Member State and by objection provided. The statistics produced shall not contain any personal data. The annual statistical report shall be published.

Amendment 46

Proposal for a regulation
Article 1 – paragraph 1 – point 13 a (new)
Regulation (EU) 2018/1862
Article 79 – paragraph 3

Text proposed by the Commission

Amendment

(13a) In Article 79, paragraph 3 is replaced by the following:

“The Commission shall closely monitor the process of gradual fulfilment of the conditions set out in paragraphs 2 and 7 and shall inform the European Parliament and the Council about the outcome of the verification referred to in those paragraphs.”

Amendment 47

Proposal for a regulation
Article 1 – paragraph 1 – point 14
Regulation (EU) 2018/1862
Article 79 – paragraph 7

Text proposed by the Commission

Amendment

(14) In Article 79, the following paragraph is inserted:

(14) In Article 79, the following paragraphs are added:

Amendment 48

Proposal for a regulation
Article 1 – paragraph 1 – point 14
Regulation (EU) 2018/1862
Article 79 – paragraph 7

Text proposed by the Commission

Amendment

7. The Commission shall adopt a decision setting the date on which Europol shall start entering, updating and deleting

7. No later than … [one year after the entry into force of this amending Regulation], the Commission shall adopt a
data in SIS pursuant to this Regulation as amended by Regulation [XXX], after verification that the following conditions have been met:

decision setting the date from which Europol may start entering, updating and deleting alerts in SIS, pursuant to this Regulation, as amended by Regulation [XXX], after verification that the following conditions have been met:

Amendment 49

Proposal for a regulation
Article 1 – paragraph 1 – point 14
Regulation (EU) 2018/1862
Article 79 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Europol shall, by ... [six months after the entry into force of this amending Regulation], notify the Commission that it has made the necessary technical and procedural arrangements to process SIS data and exchange supplementary information pursuant to this Regulation [XXX].
<table>
<thead>
<tr>
<th><strong>PROCEDURE – COMMITTEE RESPONSIBLE</strong></th>
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| **Title** | Amending Regulation (EU) 2018/1862 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters as regards the entry of alerts by Europol |
| **References** | COM(2020)0791 – C9-0394/2020 – 2020/0350(COD) |
| **Date submitted to Parliament** | 9.12.2020 |
| **Committee responsible** | LIBE |
| **Date announced in plenary** | 21.1.2021 |
| **Rapporteurs** | Javier Zarzalejos |
| **Date appointed** | 3.2.2021 |
| **Discussed in committee** | 24.2.2021 26.5.2021 11.10.2021 |
| **Date adopted** | 12.10.2021 |
| **Result of final vote** | +: 48  
   -: 15  
   0: 0 |
<p>| <strong>Members present for the final vote</strong> | Magdalena Adamowicz, Fernando Barrena Arza, Pietro Bartolo, Nicolas Bay, Vladimir Bilčik, Vasile Blaga, Ioan-Rareș Bogdan, Patrick Breyer, Saska Bricmont, Jorge Buxadé Villalba, Damien Carême, Caterina Chinnici, Clare Daly, Marcel de Graaff, Anna Júlia Donáth, Lena Düpont, Laura Ferrara, Nicolaus Fest, Maria Grapini, Sylvie Guillaume, Andzej Halicki, Evin Incir, Sophia in ‘t Veld, Patryk Jaki, Marina Kaljurand, Assita Kanko, Fabienne Keller, Peter Kofod, Moritz Körner, Jeroen Lenaers, Juan Fernando López Aguilar, Lukas Mandl, Roberta Metsola, Nadine Morano, Javier Moreno Sánchez, Maïte Pagazaurtundúa, Nicola Procaccini, Paulo Rangel, Terry Reintke, Diana Riba i Giner, Ralf Seekatz, Michal Šimečka, Birgit Sippel, Martin Sonneborn, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Tomas Tobé, Milan Uhrík, Tom Vandendriessche, Bettina Vollath, Elissavet Vozemberg-Vrionidou, Jadwiga Wiśniewska, Elena Yoncheva, Javier Zarzalejos |</p>
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<th>Substitutes under Rule 209(7) present for the final vote</th>
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<td>15.10.2021</td>
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## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

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<td>GREENS</td>
<td>Patrick Breyer, Saskia Bricmont, Damien Carême, Terry Reintke, Diana Ribi i Giner, Tineke Strik</td>
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Key to symbols:
+ : in favour
- : against
0 : abstention