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*Plenary sitting*

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**A9-0200/2023**

26.5.2023

**\*\*\*I**

## **REPORT**

on the proposal for a regulation of the European Parliament and of the Council on automated data exchange for police cooperation (“Prüm II”), amending Council Decisions 2008/615/JHA and 2008/616/JHA and Regulations (EU) 2018/1726, 2019/817 and 2019/818 of the European Parliament and of the Council  
(COM(2021)0784(COR1) – C9-0455/2021 – 2021/0410(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Paulo Rangel

### ***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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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on automated data exchange for police cooperation (“Prüm II”), amending Council Decisions 2008/615/JHA and 2008/616/JHA and Regulations (EU) 2018/1726, 2019/817 and 2019/818 of the European Parliament and of the Council (COM(2021)0784(COR1) – C9-0455/2021 – 2021/0410(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0784(COR1)),
  - having regard to Article 294(2) and Articles 16(2) and 87(2), point (a), and Article 88(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0455/2021),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - 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 (A9-0200/2023),
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 Citation 4**

*Text proposed by the Commission*

Having regard to the opinion of the European Economic and Social Committee<sup>28</sup>,

*Amendment*

Having regard to the opinion of the European Economic and Social Committee<sup>28</sup>,

## Amendment 2

### Proposal for a regulation

#### Citation 5

*Text proposed by the Commission*

*Amendment*

*Having regard to the opinion of the Committee of the Regions<sup>29</sup>,*

*deleted*

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<sup>29</sup> OJ C , , p. .

## Amendment 3

### Proposal for a regulation

#### Recital 1

*Text proposed by the Commission*

*Amendment*

(1) The Union has set itself the objective of offering its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured. That objective should be achieved by means of, among others, appropriate measures to prevent and combat crime, including organised crime and terrorism.

(1) The Union has set itself the objective of offering its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured. That objective should be achieved by means of, among others, appropriate measures to prevent and combat crime ***and other threats to public security***, including organised crime and terrorism ***in line with the EU Security Union Strategy***.

## Amendment 4

### Proposal for a regulation

#### Recital 2

*Text proposed by the Commission*

*Amendment*

(2) That objective requires that law enforcement authorities exchange data, in an efficient and timely manner, in order to effectively ***fight crime***.

(2) That objective requires that law enforcement authorities exchange data, in an efficient and timely manner, in order to effectively ***prevent, detect and investigate***

*criminal offences.*

## Amendment 5

### Proposal for a regulation

#### Recital 3

*Text proposed by the Commission*

(3) The objective of this Regulation is therefore to improve, streamline and facilitate the exchange of criminal information between Member States' law enforcement authorities, but also with the European Union Agency for Law Enforcement Cooperation established by Regulation (EU) No 2016/794 of the European Parliament and of the Council<sup>30</sup> (Europol) ***as the Union criminal information hub.***

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<sup>30</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

*Amendment*

(3) The objective of this Regulation is therefore to improve, streamline and facilitate the exchange of criminal information ***and vehicle registration data*** between Member States' ***competent*** law enforcement authorities ***for the purposes of preventing, detecting and investigating criminal offences***, but also with the European Union Agency for Law Enforcement Cooperation established by Regulation (EU) No 2016/794 of the European Parliament and of the Council<sup>30</sup> (Europol), ***in full compliance with fundamental rights and data protection rules.***

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<sup>30</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

## Amendment 6

### Proposal for a regulation

#### Recital 4

*Text proposed by the Commission*

(4) Council Decisions 2008/615/JHA<sup>31</sup> and 2008/616/JHA<sup>32</sup> laying down rules for the exchange of information between

*Amendment*

(4) Council Decisions 2008/615/JHA<sup>31</sup> and 2008/616/JHA<sup>32</sup> laying down rules for the exchange of information between

authorities responsible for the prevention and investigation of criminal offences by providing for the automated transfer of DNA profiles, dactyloscopic data and certain vehicle registration data, have proven important for tackling terrorism and cross-border crime.

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<sup>31</sup> Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1).

<sup>32</sup> Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

authorities responsible for the prevention and investigation of criminal offences by providing for the automated transfer of DNA profiles, dactyloscopic data and certain vehicle registration data, have proven important for tackling terrorism and cross-border crime, ***thereby protecting the internal security of the Union and the safety of its citizens.***

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<sup>31</sup> Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1).

<sup>32</sup> Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

## Amendment 7

### Proposal for a regulation Recital 5

#### *Text proposed by the Commission*

(5) This Regulation should lay down the conditions and procedures for the automated ***transfer*** of DNA profiles, dactyloscopic data, vehicle registration data, facial images and police records. This should be without prejudice to the processing of any of these data in the Schengen Information System (SIS) or the exchange of supplementary information related to them via the SIRENE bureaux or to the rights of individuals whose data is processed ***therein***.

#### *Amendment*

(5) This Regulation should lay down the conditions and procedures for the automated ***search and exchange*** of DNA profiles, dactyloscopic data, ***certain*** vehicle registration data, facial images and police records, ***in the context of a criminal investigation***. This should be without prejudice to the processing of any of these data in the Schengen Information System (SIS) or the exchange of supplementary information related to them via the SIRENE bureaux ***pursuant to Regulation (EU) 2018/1862 of the European Parliament and of the Council<sup>1a</sup>*** or to the rights of individuals whose data is processed.



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***<sup>1a</sup> Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56).***

## **Amendment 8**

### **Proposal for a regulation Recital 6**

*Text proposed by the Commission*

(6) ***The*** processing of personal data and the exchange of personal data for the purposes of this Regulation should not result in discrimination against persons on any grounds. It should fully respect human dignity and integrity and other fundamental rights, including the right to respect for one's private life and to the protection of personal data, in accordance with the Charter of Fundamental Rights of the European Union.

*Amendment*

(6) ***Any*** processing of personal data and the ***exchange of personal data for the purposes of this Regulation should be carried out in compliance with Chapter 6 of this Regulation and, as applicable, Directive (EU) 2016/680 of the European Parliament and the Council<sup>1a</sup>, Regulation (EU) 2018/1725 of the European Parliament and the Council<sup>1b</sup> or Regulation (EU) 2016/794. The*** processing and exchange of personal data for the purposes of this Regulation should not result in discrimination against persons on any grounds. It should fully respect human dignity and integrity and other fundamental rights, including the right to respect for one's private life and to the protection of personal data, in accordance with the Charter of Fundamental Rights of the European Union.

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***<sup>1a</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of***

*natural persons with regard to the processing of personal data by competent authorities for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).*

*<sup>1b</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).*

## Amendment 9

### Proposal for a regulation Recital 7

#### *Text proposed by the Commission*

(7) By providing for the automated search or comparison of DNA profiles, dactyloscopic data, vehicle registration data, facial images and police records, the purpose of this Regulation is also to allow for the search of missing persons and unidentified human remains. This should be without prejudice to the entry of SIS alerts on missing persons and the exchange of supplementary information on such alerts under Regulation (EU) 2018/1862 of the European Parliament and of the Council.<sup>33</sup>

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<sup>33</sup> Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment,

#### *Amendment*

(7) By providing for the automated search or comparison of DNA profiles, dactyloscopic data, **certain** vehicle registration data, facial images and police records, the purpose of this Regulation is also to allow for the search of missing persons and **the identification of** unidentified human remains **in the context of a criminal investigation**. This should be without prejudice to the entry of SIS alerts on missing persons and the exchange of supplementary information on such alerts under Regulation (EU) 2018/1862 of the European Parliament and of the Council.<sup>33</sup>

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<sup>33</sup> Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment,

operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56).

operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56).

## Amendment 10

### Proposal for a regulation Recital 8

#### *Text proposed by the Commission*

(8) The Directive (EU) .../... [on information exchange between law enforcement authorities of Member States] provides a coherent Union legal framework to ensure that law enforcement authorities have equivalent access to information held by other Member States when they need it to fight crime and terrorism. To enhance information exchange, that Directive formalises and clarifies the procedures for information sharing between Member States, in particular for investigative purposes, including the role of the ‘Single Point of Contact’ for such exchanges, and making full use of Europol’s information exchange channel SIENA. Any exchange of information beyond what is provided for in this Regulation **should be** regulated by Directive (EU) .../... [on information exchange between law enforcement authorities of Member States].

#### *Amendment*

(8) The Directive (EU) .../... [on information exchange between law enforcement authorities of Member States] provides a coherent Union legal framework to ensure that **competent** law enforcement authorities have equivalent access to information held by other Member States when they need it to fight crime and terrorism. To enhance information exchange, that Directive formalises and clarifies the **rules and** procedures for information sharing between Member **States’ competent law enforcement authorities**, in particular for investigative purposes, including the role of the ‘Single Point of Contact’ for such exchanges, and making full use of Europol’s information exchange channel SIENA. Any exchange of information **between competent law enforcement authorities** beyond what is provided for in this Regulation **is** regulated by Directive (EU) .../... [on information exchange between law enforcement authorities of Member States].

## Amendment 11

### Proposal for a regulation Recital 8 a (new)

*Text proposed by the Commission*

*Amendment*

**(8a) Member States should designate one or more national contact points for the exchanges under this Regulation, depending on their national organisation structures. However, in order to streamline those exchanges, Member States should seek to have only one national contact point, if at all possible.**

## **Amendment 12**

### **Proposal for a regulation Recital 9**

*Text proposed by the Commission*

*Amendment*

(9) For the automated searching of vehicle registration data, Member States should use the European Vehicle and Driving Licence Information System (Eucaris) set up by the Treaty concerning a European Vehicle and Driving Licence Information System (EUCARIS) designed for this purpose. ***Eucaris should connect*** all participating Member States in a network. There is no central component needed for the communication to be established as each Member State communicates directly to the other connected Member States.

(9) For the automated searching of ***certain*** vehicle registration data, Member States ***and Europol*** should use the European Vehicle and Driving Licence Information System (Eucaris) set up by the Treaty concerning a European Vehicle and Driving Licence Information System (EUCARIS) designed for this purpose ***which connects*** all participating Member States in a network. There is no central component needed for the communication to be established as each Member State communicates directly to the other connected Member States, ***and Europol communicates directly with the connected databases. The automated search and exchange of driving licence data is excluded from the scope of this Regulation.***

## **Amendment 13**

### **Proposal for a regulation Recital 10**

*Text proposed by the Commission*

(10) The identification of a criminal is essential for a successful criminal investigation and prosecution. The automated searching of facial images of ***suspects and*** convicted ***criminals*** should provide for additional information for successfully identifying criminals and fighting crime.

*Amendment*

(10) The identification of a criminal is essential for a successful criminal investigation and prosecution. The automated searching of facial images of ***persons*** convicted ***or suspected of having committed a criminal offence collected in accordance with national law*** should provide for additional information for successfully identifying criminals and fighting crime. ***Given the sensitivity of the data concerned, it should only be possible to conduct automated searches for the purpose of preventing, detecting or investigating a serious criminal offence. In addition, a human review of the list of candidates by two forensic experts should be ensured in order to determine the existence of a confirmed match.***

**Amendment 14**

**Proposal for a regulation  
Recital 11**

*Text proposed by the Commission*

(11) The automated search or comparison of biometric data (***DNA profiles, dactyloscopic data and facial images***) between authorities responsible for the prevention, detection and investigation of criminal offences under this Regulation should only concern data contained in databases established for the prevention, detection and investigation of criminal offences.

*Amendment*

(11) The automated search or comparison of biometric data between authorities responsible for the prevention, detection and investigation of criminal offences under this Regulation should only concern data contained in ***Union's or Member States'*** databases established for the prevention, detection and investigation of criminal offences, ***in accordance with this Regulation.***

**Amendment 15**

**Proposal for a regulation  
Recital 12**

*Text proposed by the Commission*

(12) Participation in the exchange of police **records** should remain voluntary. Where Member States decide to participate, in the spirit of reciprocity, it should not be possible for them to query other Member States' databases if they do not make their own data available for queries by other Member States.

*Amendment*

(12) Participation in the **automated search and** exchange of police **record indexes** should remain voluntary. Where Member States decide to participate, in the spirit of reciprocity, it should not be possible for them to query other Member States' databases if they do not make their own data available for queries by other Member States. ***Given the sensitivity of the data concerned, exchanges of police record indexes under this Regulation should only concern data of persons convicted or suspected of having committed a serious criminal offence. In addition, it should only be possible to conduct automated searches for the purpose of investigating a serious criminal offence.***

**Amendment 16**

**Proposal for a regulation  
Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***(12a) Member States should ensure that data included in their national police record indexes are accurate, complete and up to date and should implement safeguards, in particular pseudonymisation, to protect queried personal data.***

**Amendment 17**

**Proposal for a regulation  
Recital 12 b (new)**

*Text proposed by the Commission*

*Amendment*

***(12b) The exchange of police record indexes under this Regulation is without***

*prejudice to the exchange of criminal records through the existing European Criminal Records Information System (ECRIS) framework.*

## Amendment 18

### Proposal for a regulation Recital 13

#### *Text proposed by the Commission*

(13) In recent years, Europol has received a large amount of biometric data of ***suspected and convicted terrorists and criminals*** from several ***third countries***. Including third country-sourced data stored at Europol in the Prüm framework and thus making this data available to law enforcement authorities is necessary for better prevention and investigation of criminal offences. It also contributes to building synergies between different law enforcement tools.

#### *Amendment*

(13) In recent years, Europol has received a large amount of biometric data of ***suspects and persons convicted for terrorism and criminal offences*** from several ***third-country authorities in accordance with Regulation(EU) 2016/794, in particular battlefield information from war zones. It has often not been possible to make full use of such data because they are not always available to the competent law enforcement authorities of the Member States.*** Including third country-sourced data stored at Europol in the Prüm framework and thus making this data available to ***competent*** law enforcement authorities ***in line with Europol's role as the Union central criminal information hub*** is necessary for better prevention and investigation of ***serious*** criminal offences. It also contributes to building synergies between different law enforcement tools, ***and ensures that data is used in the most efficient manner.***

## Amendment 19

### Proposal for a regulation Recital 14

#### *Text proposed by the Commission*

(14) Europol should be able to search Member States' databases under the Prüm

#### *Amendment*

(14) Europol should be able to search Member States' databases under the Prüm



framework with data received from *third countries* in order to establish cross-border links between criminal cases. Being able to use Prüm data, next to other databases available to Europol, should **allow establishing** more complete and informed analysis **on the criminal investigations and should allow** Europol to provide better support to Member States' law enforcement authorities. In case of a match between data used for the search and data held in Member States' databases, Member States may supply Europol with the information necessary for it to fulfil its tasks.

framework with data received from *third-country authorities, in full respect of the rules and conditions provided for in Regulation (EU) 2016/794*, in order to establish cross-border links between criminal cases **in respect of which Europol is competent**. Being able to use Prüm data, next to other databases available to Europol, should **enable a** more complete and informed analysis **to be carried out, thereby allowing** Europol to provide better support to Member States' **competent** law enforcement authorities **when conducting criminal investigations**. In case of a **confirmed** match between data used for the search and data held in Member States' databases, Member States may supply Europol with the information necessary for it to fulfil its tasks.

## Amendment 20

### Proposal for a regulation Recital 15

#### *Text proposed by the Commission*

(15) Decisions 2008/615/JHA and 2008/616/JHA provide for a network of bilateral connections between the national databases of Member States. As a consequence of this technical architecture, each Member State **should** establish at least 26 connections, that means a connection with each Member State, per data category. The router and the European Police Records Index System (EPRIS) established by this Regulation **should** simplify the technical architecture of the Prüm framework and serve as connecting points between all Member States. The router should require a single connection per Member State in relation to biometric data and EPRIS should require a single connection per Member State in relation to police records.

#### *Amendment*

(15) Decisions 2008/615/JHA and 2008/616/JHA provide for a network of bilateral connections between the national databases of Member States. As a consequence of this technical architecture, each Member State **had to** establish at least 26 connections, that means a connection with each Member State **participating in the exchanges**, per data category. The router and the European Police Records Index System (EPRIS) established by this Regulation **will** simplify the technical architecture of the Prüm framework and serve as connecting points between all Member States. The router should require a single connection per Member State in relation to biometric data and EPRIS should require a single connection per **participating** Member State in relation to police records.



## Amendment 21

### Proposal for a regulation Recital 16

#### *Text proposed by the Commission*

(16) The router should be connected to the European Search Portal established by Article 6 of Regulation (EU) 2019/817 of the European Parliament and of the Council<sup>34</sup> and Article 6 of Regulation (EU) 2019/818 of the European Parliament and of the Council<sup>35</sup> to allow Member States' authorities and Europol to launch queries to national databases under this Regulation simultaneously to queries to the Common Identity Repository established by Article 17 of Regulation (EU) 2019/817 and Article 17 of Regulation (EU) 2019/818 for law enforcement purposes.

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<sup>34</sup> Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA (OJ L 135, 22.5.2019, p. 27).

<sup>35</sup> Regulation (EU) 2019/818 of the European Parliament and of the Council of

#### *Amendment*

(16) The router should be connected to the European Search Portal established by Article 6 of Regulation (EU) 2019/817 of the European Parliament and of the Council<sup>34</sup> and Article 6 of Regulation (EU) 2019/818 of the European Parliament and of the Council<sup>35</sup> to allow Member States' **competent law enforcement** authorities and Europol to launch queries to national databases under this Regulation simultaneously to queries to the Common Identity Repository established by Article 17 of Regulation (EU) 2019/817 and Article 17 of Regulation (EU) 2019/818 for law enforcement purposes **in accordance with Regulation (EU) 2019/817 and Regulation (EU) 2019/818. Those two Regulations should therefore be amended accordingly. Moreover, Regulation (EU) 2019/818 should be amended with a view to enabling the storage of reports and statistics of the router in the Common Repository for Reporting and Statistics.**

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<sup>34</sup> Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA (OJ L 135, 22.5.2019, p. 27).

<sup>35</sup> Regulation (EU) 2019/818 of the European Parliament and of the Council of

20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, p. 85).

20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135, 22.5.2019, p. 85).

## Amendment 22

### Proposal for a regulation

#### Recital 17

##### *Text proposed by the Commission*

(17) In case of a match between the data used for the search or comparison and data held in the national database of the requested Member State(s), and upon confirmation of this match by the requesting Member State, the requested Member State should return a limited set of core data via the router within 24 hours. The deadline *would* ensure fast communication exchange between Member States' authorities. Member States should retain control over the release of this limited set of core data. *A certain degree of* human intervention should be maintained at key points in the process, including for the decision to release personal data to the requesting Member State in order to ensure that there would be no automated exchange of core data.

##### *Amendment*

(17) In case of a match between the data used for the search or comparison and data held in the national database of the requested Member State(s), and upon *human* confirmation of this match by *qualified staff of* the requesting Member State, the requested Member State should return a limited set of core data, *to the extent that such core data are available*, via the router within 24 hours. *Where the requested Member State needs to obtain a judicial authorisation prior to the transmission of the core data, the 24-hour deadline should not apply and, instead, the Member State should ensure that the core data are returned within 72 hours.* The deadline *will* ensure fast communication exchange between Member States' *competent law enforcement* authorities. Member States should retain control over the release of this limited set of core data. *In exceptional circumstances it might be objectively justified for Member States to refuse sharing the set of core data. Such refusal and its justification should be provided promptly to the requesting Member State within time limits established under this Regulation.* Human intervention should be maintained at key points in the process, including for the decision to *launch a query, the decision to confirm a match, the decision to launch a request to receive*

*core data following a confirmed match and the decision to* release personal data to the requesting Member State, in order to ensure that there would be no automated exchange of core data.

## Amendment 23

### Proposal for a regulation Recital 18

*Text proposed by the Commission*

*(18) Any exchange between Member States' authorities or with Europol at any stage of one of the processes described under this Regulation, which is not explicitly described in this Regulation, should take place via SIENA to ensure that a common, secure and reliable channel of communication is used by all Member States.*

*Amendment*

*deleted*

## Amendment 24

### Proposal for a regulation Recital 19

*Text proposed by the Commission*

(19) The universal message format (UMF) standard should be used in the development of the router and EPRIS. Any automated exchange of data in accordance with this Regulation should use the UMF standard. Member States' authorities and Europol are encouraged to use the UMF standard also in relation to any further exchange of data between them in the context of the Prüm II framework. The UMF standard should serve as a standard for structured, cross-border information exchange between information systems, authorities or organisations in the field of Justice and Home Affairs.

*Amendment*

(19) The universal message format (UMF) standard should be used in the development of the router and EPRIS. Any automated exchange of data in accordance with this Regulation should use the UMF standard. Member States' ***competent law enforcement*** authorities and Europol are encouraged to use the UMF standard also in relation to any further exchange of data between them in the context of the Prüm II framework. The UMF standard should serve as a standard for structured, cross-border information exchange between information systems, authorities or organisations in the field of Justice and Home Affairs.

## Amendment 25

### Proposal for a regulation Recital 21

#### *Text proposed by the Commission*

(21) Certain aspects of the Prüm II framework cannot be covered exhaustively by this Regulation given their technical, highly detailed and frequently changing nature. Those aspects include, for example, technical arrangements and specifications for automated searching procedures, the standards for data exchange and the data elements to be exchanged. In order to ensure uniform conditions for the implementation of this Regulation implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.<sup>36</sup>

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<sup>36</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

#### *Amendment*

(21) Certain aspects of the Prüm II framework cannot be covered exhaustively by this Regulation given their technical, highly detailed and frequently changing nature. Those aspects include, for example, technical arrangements and specifications for automated searching procedures, the standards for data exchange, ***including minimum quality standards***, and the data elements to be exchanged. In order to ensure uniform conditions for the implementation of this Regulation implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.<sup>36</sup>

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<sup>36</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

## Amendment 26

### Proposal for a regulation Recital 21 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(21a) Data quality in the context of automated comparison is an essential prerequisite to ensure the efficiency of this Regulation and reduce the risk of***

*false matches. Adequate standards for data exchanged in the framework of this Regulation should be determined at Union level by means of implementing acts.*

## **Amendment 27**

### **Proposal for a regulation Recital 21 b (new)**

*Text proposed by the Commission*

*Amendment*

*(21b) Given the scale and sensitivity of the personal data exchanged for the purposes of this Regulation, and the existence of different national rules for storing information on individuals in national databases, it is important to ensure that the databases used for the automated searching of DNA profiles, dactyloscopic data, facial images, police records and certain vehicle registration data are established in accordance with national law and, as applicable, Directive (EU) 2016/680, Regulation (EU) 2018/1725 and Regulation (EU) 2016/794. Therefore, prior to connecting their national databases to the router, EPRIS or Eucaris, Member States should conduct a data protection impact assessment as referred to in Directive (EU) 2016/680 and consult the supervisory authority as referred to in that Directive, in order to ensure that data in the national databases has been stored in accordance with the applicable law.*

## **Amendment 28**

### **Proposal for a regulation Recital 21 c (new)**

*Text proposed by the Commission*

*Amendment*

*(21c) Member States and Europol*

*should ensure that data exchanged in the framework of this Regulation are accurate and up-to-date. In accordance with the principles of data protection, Member States and Europol should make sure that any data transmitted that are found to be incorrect, inaccurate or outdated are corrected or deleted, as appropriate, and that any correction or deletion is communicated to all recipients without delay.*

#### **Amendment 29**

##### **Proposal for a regulation Recital 21 d (new)**

*Text proposed by the Commission*

*Amendment*

*(21d) Strong monitoring of the implementation of this Regulation is of utmost importance. In particular, compliance with rules for processing personal data should be subject to effective safeguards, and regular monitoring and audits by data controllers, supervisory authorities and the European Data Protection Supervisor should be ensured. Provisions allowing for a regular checking of the admissibility of queries and the lawfulness of data processing should also be in place. Member States and Europol should ensure adequate human, technical and financial resources for those purposes.*

#### **Amendment 30**

##### **Proposal for a regulation Recital 21 e (new)**

*Text proposed by the Commission*

*Amendment*

*(21e) Supervisory authorities and the European Data Protection Supervisor should ensure coordinated supervision of*

*the application of this Regulation within the framework of their responsibilities, in particular where they find major discrepancies between Member State's practices, potentially unlawful transfers or potential politically-motivated requests.*

#### **Amendment 31**

##### **Proposal for a regulation Recital 21 f (new)**

*Text proposed by the Commission*

*Amendment*

***(21f) When implementing this Regulation, it is crucial that Member States and Europol take note of the developing case law from the European Court of Justice in relation to the use of biometric databases.***

#### **Amendment 32**

##### **Proposal for a regulation Recital 21 g (new)**

*Text proposed by the Commission*

*Amendment*

***(21g) Member States and third countries who are permitted access to the Prüm II framework should be full members of the Council of Europe with full rights of representation therein and signatories to the European Convention for the Protection of Human Rights and Fundamental Freedoms and, thus, subject to the jurisdiction of the European Court of Human Rights.***

#### **Amendment 33**

##### **Proposal for a regulation Recital 21 h (new)**



***(21h) Two years following the start of operations of the router and EPRIS, and every four years thereafter, the European Commission should produce an evaluation report that includes an assessment of the application of this Regulation by the Member States and Europol, in particular of their compliance with the relevant data protection safeguards, paying due attention to any Member State subject to a procedure referred to in Article 7 of the Treaty of the European Union. The report should also include an examination of the results achieved against the objectives of this Regulation and its impact on fundamental rights, while also evaluating its impact, performance, effectiveness, efficiency, security and working practices.***

#### Amendment 34

##### Proposal for a regulation Recital 23

(23) As the router should be developed and managed by the European Union Agency for the Operational Management of Large-Scale Information Systems in the Area of Freedom, Security and Justice established by Regulation (EU) 2018/1726 of the European Parliament and of the Council<sup>37</sup> (eu-LISA), it is ***therefore*** necessary to amend Regulation (EU) 2018/1726 by adding that to the tasks of eu-LISA. ***In order to allow for the router to be connected to the European Search Portal to carry out simultaneous searches of the router and the Common Identity Repository it is therefore necessary to amend Regulation (EU) 2019/817. In order to allow for the router to be connected to the European Search Portal***

(23) As the router should be developed and managed by the European Union Agency for the Operational Management of Large-Scale Information Systems in the Area of Freedom, Security and Justice established by Regulation (EU) 2018/1726 of the European Parliament and of the Council<sup>37</sup> (eu-LISA), it is necessary to amend Regulation (EU) 2018/1726 by adding that to the tasks of eu-LISA.



*to carry out simultaneous searches of the router and the Common Identity Repository and in order to store reports and statistics of the router on the Common Repository for Reporting and Statistics it is therefore necessary to amend Regulation (EU) 2019/818. Those Regulations should therefore be amended accordingly.*

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<sup>37</sup> Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 (OJ L 295, 21.11.2018, p. 99).

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<sup>37</sup> Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 (OJ L 295, 21.11.2018, p. 99).

## **Amendment 35**

### **Proposal for a regulation Recital 23 a (new)**

*Text proposed by the Commission*

*Amendment*

*(23a) Since the objectives of this Regulation, namely to step up cross-border police cooperation and to allow Member States' competent law enforcement authorities to search for missing persons and identify unidentified human remains, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, 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. 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 36

### Proposal for a regulation

#### Recital 26

*Text proposed by the Commission*

(26) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>38</sup> and delivered an opinion on *[XX]*<sup>39</sup>.

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<sup>38</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

<sup>39</sup> *[OJ C ...]*.

*Amendment*

(26) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>38</sup> and delivered an opinion on **2 March 2022**<sup>39</sup>.

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<sup>38</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

<sup>39</sup> **OJ C 225, 9.6.2022, p.6.**

## Amendment 37

### Proposal for a regulation

#### Article 1 – paragraph 1

*Text proposed by the Commission*

This Regulation establishes a framework for the exchange of information between authorities ***responsible for the prevention, detection and investigation of criminal offences*** (Prüm II).

*Amendment*

This Regulation establishes a framework for the exchange of information between ***Member States' competent law enforcement*** authorities (Prüm II).

## Amendment 38

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

*Text proposed by the Commission*

This Regulation lays down the conditions and procedures for the automated searching of DNA profiles, dactyloscopic data, facial images, police records and certain vehicle registration data and the rules regarding the exchange of core data following a match.

*Amendment*

This Regulation lays down the conditions and procedures for the automated searching of DNA profiles, dactyloscopic data, facial images, police records and certain vehicle registration data and the rules regarding the exchange of core data following a ***confirmed*** match.

**Amendment 39**

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

*Text proposed by the Commission*

The purpose of Prüm II shall be to step up cross-border cooperation in matters covered by Part III, Title V, Chapter 5 of the Treaty on the Functioning of the European Union, particularly the exchange of information between authorities ***responsible*** for the ***prevention, detection and investigation of criminal offences***.

*Amendment*

The purpose of Prüm II shall be to step up cross-border cooperation in matters covered by Part III, Title V, Chapter 5 of the Treaty on the Functioning of the European Union, particularly ***by facilitating*** the exchange of information between ***Member States' competent law enforcement*** authorities, ***in full respect*** for the ***fundamental rights of natural persons, including the right to respect for one's private life, and for the protection of personal data, in accordance with the Charter of Fundamental Rights of the European Union***.

**Amendment 40**

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

*Text proposed by the Commission*

The purpose of Prüm II shall also be to allow for the search for missing persons and unidentified human remains by authorities ***responsible for the prevention,***

*Amendment*

The purpose of Prüm II shall also be to allow for the search for missing persons and ***the identification of*** unidentified human remains by ***Member States'***

***detection and investigation of criminal offences.***

***competent law enforcement authorities in the context of a criminal investigation, provided that those authorities are empowered to conduct such searches and to carry out such identification under national law.***

#### **Amendment 41**

##### **Proposal for a regulation Article 3 – paragraph 1**

*Text proposed by the Commission*

This Regulation applies to the ***national*** databases used for the automated transfer of the categories of DNA profiles, dactyloscopic data, facial images, police records and certain vehicle registration data.

*Amendment*

This Regulation applies to the databases, ***established in accordance with national law and in compliance with, as applicable, Directive (EU) 2016/680, Regulation (EU) 2018/1725 or Regulation (EU) 2016/794,*** used for the automated transfer of the categories of DNA profiles, dactyloscopic data, facial images, police records and certain vehicle registration data.

#### **Amendment 42**

##### **Proposal for a regulation Article 4 – paragraph 1 – point 1**

*Text proposed by the Commission*

(1) ‘loci’ means ***the particular molecular structure at the various*** DNA locations;

*Amendment*

(1) ‘loci’ means DNA locations ***which contain identification characteristics of an analysed human DNA sample;***

#### **Amendment 43**

##### **Proposal for a regulation Article 4 – paragraph 1 – point 2**

*Text proposed by the Commission*

(2) ‘DNA profile’ means a letter or number code which represents a set of ***identification characteristics of the non-***

*Amendment*

(2) ‘DNA profile’ means a letter or number code which represents a set of ***loci,*** or the particular molecular structure at the

*coding part of an analysed human DNA sample*, the particular molecular structure at the various *DNA locations*;

various *loci*;

#### Amendment 44

##### Proposal for a regulation

##### Article 4 – paragraph 1 – point 3

*Text proposed by the Commission*

*Amendment*

(3) *‘non-coding part of DNA’ means chromosome regions not genetically expressed, i.e. not known to provide for any functional properties of an organism;*

*deleted*

#### Amendment 45

##### Proposal for a regulation

##### Article 4 – paragraph 1 – point 5

*Text proposed by the Commission*

*Amendment*

(5) *‘reference DNA profile’ means the DNA profile of an identified person;*

(5) *‘identified DNA profile’ means the DNA profile of an identified person;*

#### Amendment 46

##### Proposal for a regulation

##### Article 4 – paragraph 1 – point 8 a (new)

*Text proposed by the Commission*

*Amendment*

(8a) *‘unidentified dactyloscopic data’ means the dactyloscopic data obtained from traces collected during the investigation of a criminal offence which belong to a person not yet identified;*

#### Amendment 47

##### Proposal for a regulation

##### Article 4 – paragraph 1 – point 10 a (new)

*Text proposed by the Commission*

*Amendment*

**(10a) ‘facial image reference data’ means a facial image and its reference number referred to in Article 23;**

#### **Amendment 48**

##### **Proposal for a regulation**

##### **Article 4 – paragraph 1 – point 10 b (new)**

*Text proposed by the Commission*

*Amendment*

**(10b) ‘unidentified facial image’ means a facial image collected during the investigation of a criminal offence which belongs to a person not yet identified;**

#### **Amendment 49**

##### **Proposal for a regulation**

##### **Article 4 – paragraph 1 – point 11 a (new)**

*Text proposed by the Commission*

*Amendment*

**(11a) ‘alphanumeric data’ means data represented by letters, digits, special characters, spaces and punctuation marks;**

#### **Amendment 50**

##### **Proposal for a regulation**

##### **Article 4 – paragraph 1 – point 12**

*Text proposed by the Commission*

*Amendment*

(12) ‘match’ means the existence of a correspondence as a result of an automated comparison between personal data **recorded or being recorded in an information system or** database;

(12) ‘match’ means the existence of a correspondence as a result of an automated comparison between personal data **held by the requesting Member State and personal data** recorded in **a database of the requested Member State;**

## Amendment 51

### Proposal for a regulation

#### Article 4 – paragraph 1 – point 15

*Text proposed by the Commission*

(15) ‘requested Member State’ means the Member State in **which** databases the search is conducted through Prüm II by the requesting Member State;

*Amendment*

(15) ‘requested Member State’ means the Member State in **whose** databases the search is conducted through Prüm II by the requesting Member State;

## Amendment 52

### Proposal for a regulation

#### Article 4 – paragraph 1 – point 16

*Text proposed by the Commission*

(16) ‘police records’ means **any** information available in the national **register or registers recording data of competent authorities**, for the prevention, detection and investigation of criminal offences;

*Amendment*

(16) ‘police records’ means **biographical** information **regarding persons convicted or suspected of having committed a serious criminal offence** available in the national **databases established** for the prevention, detection and investigation of criminal offences;

## Amendment 53

### Proposal for a regulation

#### Article 4 – paragraph 1 – point 17

*Text proposed by the Commission*

(17) ‘pseudonymisation’ means **the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person**;

*Amendment*

(17) ‘pseudonymisation’ means **pseudonymisation as defined in Article 3, point (5), of Directive (EU) 2016/680**;

## **Amendment 54**

### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point 17 a (new)**

*Text proposed by the Commission*

*Amendment*

**(17a) ‘suspect’ means a person referred to in Article 6, point (a), of Directive (EU) 2016/680;**

## **Amendment 55**

### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point 17 b (new)**

*Text proposed by the Commission*

*Amendment*

**(17b) ‘serious criminal offence’ means an offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA<sup>1a</sup> or in Article 3 of Regulation (EU) 2016/794, which is punishable in the requesting Member State by a custodial sentence or a detention order for a maximum period of at least three years;**

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<sup>1a</sup> **Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).**

## **Amendment 56**

### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point 17 c (new)**

*Text proposed by the Commission*

*Amendment*

**(17c) ‘victim of serious crime or terrorism’ means a person that is adversely affected by an offence which corresponds or is equivalent to one of the offences referred to in Article 2(2) of**



***Framework Decision 2002/584/JHA, if that offence is punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years or an offence under national law which corresponds or is equivalent to one of the offences referred to in Directive (EU) 2017/541 of the European Parliament and of the Council<sup>1a</sup>;***

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***<sup>1a</sup> Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).***

#### **Amendment 57**

##### **Proposal for a regulation**

##### **Article 4 – paragraph 1 – point 17 d (new)**

*Text proposed by the Commission*

*Amendment*

***(17d) ‘personal data’ means personal data as defined in Article 3, point (1), of Directive (EU) 2016/680;***

#### **Amendment 58**

##### **Proposal for a regulation**

##### **Article 4 – paragraph 1 – point 17 e (new)**

*Text proposed by the Commission*

*Amendment*

***(17e) ‘designated authorities’ means designated authorities as defined in Article 3(1), point (26), of Regulation (EU) 2017/2226 of the European Parliament and of the Council<sup>1a</sup>, Article 2(1), point (e), of Council Decision 2008/633/JHA<sup>1b</sup>, or Article 3(1), point (21), of Regulation (EU) 2018/1240 of the European Parliament and of the***

Council<sup>1c</sup>;

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*<sup>1a</sup> Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).*

*<sup>1b</sup> Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, 13.8.2008, p. 129).*

*<sup>1c</sup> Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1).*

## Amendment 59

### Proposal for a regulation

#### Article 4 – paragraph 1 – point 18

*Text proposed by the Commission*

(18) ‘Europol data’ means any personal data processed by Europol in accordance with Regulation (EU) 2016/794;

*Amendment*

(18) ‘Europol data’ means any **operational** personal data processed by Europol in accordance with Regulation

## Amendment 60

### Proposal for a regulation

#### Article 4 – paragraph 1 – point 18 a (new)

*Text proposed by the Commission*

*Amendment*

**(18a) 'competent law enforcement authority' means any police, customs or other authority of the Member States competent under national law to exercise authority and to take coercive measures for the purpose of preventing, detecting or investigating criminal offences;**

## Amendment 61

### Proposal for a regulation

#### Article 4 – paragraph 1 – point 20

*Text proposed by the Commission*

*Amendment*

(20) 'SIENA' means the secure information exchange network application, managed by Europol, aimed at facilitating the exchange **of** information between Member States and Europol;

(20) 'SIENA' means the secure information exchange network application, managed by Europol **in accordance with Regulation (EU) 2016/794**, aimed at facilitating the exchange **and ensuring the secure transmission of operational and strategic crime-related** information between Member States and Europol;

## Amendment 62

### Proposal for a regulation

#### Article 4 – paragraph 1 – point 21

*Text proposed by the Commission*

*Amendment*

(21) 'significant incident' means **any** incident **unless it has a limited impact and is likely to be already well understood in terms of method or technology**;

(21) 'significant incident' means **significant** incident **as defined in Article 3, point (7), of Regulation (EU) .../... of the European Parliament and of the Council<sup>1a</sup> [2022/0085(COD)]**;

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*<sup>1a</sup> Regulation (EU) .../... of the European Parliament and of the Council laying down measures for a high common level of cybersecurity at the institutions, bodies, offices and agencies of the Union (OJ...).*

#### **Amendment 63**

##### **Proposal for a regulation**

##### **Article 4 – paragraph 1 – point 22**

*Text proposed by the Commission*

(22) ‘significant cyber threat’ means *a* cyber threat ***with the intention, opportunity and capability to cause a significant incident;***

*Amendment*

(22) ‘significant cyber threat’ means ***significant*** cyber threat ***as defined in Article 3, point (11), of Regulation (EU) .../... [2022/0085(COD)];***

#### **Amendment 64**

##### **Proposal for a regulation**

##### **Article 4 – paragraph 1 – point 23**

*Text proposed by the Commission*

(23) ‘significant vulnerability’ means *a* vulnerability ***that will likely lead to a significant incident if it is exploited;***

*Amendment*

(23) ‘significant vulnerability’ means ***significant*** vulnerability ***as defined in Article 3, point (13) of Regulation (EU) .../... [2022/0085(COD)];***

#### **Amendment 65**

##### **Proposal for a regulation**

##### **Article 5 – title**

*Text proposed by the Commission*

Establishment of national DNA ***analysis files***

*Amendment*

Establishment of national DNA ***databases***

#### **Amendment 66**

## **Proposal for a regulation**

### **Article 5 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

1. Member States shall open and keep national DNA **analysis files** for the investigation of criminal offences.

*Amendment*

1. Member States shall open and keep national DNA **databases** for the investigation of criminal offences.

## **Amendment 67**

## **Proposal for a regulation**

### **Article 5 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Processing of data kept in those **files**, under this Regulation, shall be carried out in accordance with this Regulation, in compliance with the national law of the Member States applicable to the processing of those data.

*Amendment*

Processing of data kept in those **databases**, under this Regulation, shall be carried out in accordance with this Regulation **and** in compliance with the national law of the Member States applicable to the processing of those data.

## **Amendment 68**

## **Proposal for a regulation**

### **Article 5 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

2. Member States shall ensure the availability of DNA reference data from their national DNA **analysis files** as referred to in paragraph 1.

*Amendment*

2. Member States shall ensure the availability of DNA reference data from their national DNA **databases** as referred to in paragraph 1 **for the purposes of automated searches by other Member States pursuant to this Regulation.**

## **Amendment 69**

## **Proposal for a regulation**

### **Article 5 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

DNA reference data shall not contain any

*Amendment*

DNA reference data shall not contain any

data from which an individual can be directly identified.

***additional*** data from which an individual can be directly identified.

## Amendment 70

### Proposal for a regulation

#### Article 5 – paragraph 2 – subparagraph 3

*Text proposed by the Commission*

***DNA reference data which is not attributed to any individual*** (unidentified DNA profiles) shall be recognisable as such.

*Amendment*

Unidentified DNA profiles shall be recognisable as such.

## Amendment 71

### Proposal for a regulation

#### Article 5 – paragraph 2a (new)

*Text proposed by the Commission*

*Amendment*

***The Commission shall adopt an implementing act to specify the identification characteristics of a DNA profile which is to be exchanged and the minimum requirements for a match, taking into account international and European standards. That implementing act shall be adopted in accordance with the procedure referred to in Article 75(2).***

## Amendment 72

### Proposal for a regulation

#### Article 6 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

Member States shall allow national contact points ***referred to in Article 29*** and Europol access to the DNA reference data in their DNA ***analysis files***, to conduct automated searches ***by comparing*** DNA profiles ***for the investigation of criminal***

*Amendment*

***For the investigation of criminal offences,*** Member States shall allow national contact points ***of other Member States*** and Europol access to the DNA reference data in their DNA ***databases established for that purpose in order*** to conduct

*offences.*

automated searches *of the* DNA profiles *in those databases and to compare those DNA profiles with their DNA profiles.*

## **Amendment 73**

### **Proposal for a regulation**

#### **Article 6 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Searches *may* be conducted *only* in individual cases and in compliance with the national law of the requesting Member State.

*Amendment*

Searches *shall only* be conducted in individual cases, *where they are proportionate and necessary for the investigation of a criminal offence*, and in compliance with the national law of the requesting Member State.

## **Amendment 74**

### **Proposal for a regulation**

#### **Article 6 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Should an automated search show that a supplied DNA profile matches DNA profiles *entered* in the requested Member State's searched *file*, the national contact point of the requesting Member State shall receive in an automated way the DNA reference data with which a match has been found.

*Amendment*

Should an automated search show that a supplied DNA profile matches DNA profiles *stored* in the requested Member State's searched *database or databases*, the national contact point of the requesting Member State shall receive in an automated way the DNA reference data with which a match has been found.

## **Amendment 75**

### **Proposal for a regulation**

#### **Article 6 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*If there is no match, the requesting Member State shall be notified about it in an automated manner.*

*Amendment*

*deleted*

## Amendment 76

### Proposal for a regulation Article 6 – paragraph 3

#### *Text proposed by the Commission*

3. The national contact point of the requesting Member State shall confirm a match of DNA **profiles** data with DNA reference data held by the requested Member State following the automated supply of the DNA reference data required for confirming a match.

#### *Amendment*

3. The national contact point of the requesting Member State shall ***ensure that a human review by a forensic expert is conducted in order to*** confirm a match of DNA **profile** data with DNA reference data held by the requested Member State following the automated supply of the DNA reference data required for confirming a match.

## Amendment 77

### Proposal for a regulation Article 7 – paragraph 1

#### *Text proposed by the Commission*

1. Member States may, via their national contact points, compare the DNA profiles of their unidentified DNA profiles with all DNA profiles from other national DNA **analysis files** for the investigation of criminal offences. Profiles shall be supplied and compared in an automated manner.

#### *Amendment*

1. Member States may, via their national contact points, compare the DNA profiles of their unidentified DNA profiles with all DNA profiles from other national DNA **databases** for the investigation of criminal offences. Profiles shall be supplied and compared in an automated manner.

## Amendment 78

### Proposal for a regulation Article 7 – paragraph 2

#### *Text proposed by the Commission*

2. Should a requested Member State, as a result of the comparison referred to in paragraph 1, find that any DNA profiles supplied match any of those in its DNA **analysis files**, it shall, without delay, supply the national contact point of the

#### *Amendment*

2. Should a requested Member State, as a result of the comparison referred to in paragraph 1, find that any DNA profiles supplied match any of those in its DNA **databases**, it shall, without delay, supply the national contact point of the requesting



requesting Member State with the DNA reference data with which a match has been found.

Member State with the DNA reference data with which a match has been found.

## **Amendment 79**

### **Proposal for a regulation Article 7 – paragraph 3**

*Text proposed by the Commission*

3. ***The confirmation of*** a match of DNA profiles with DNA reference data held by the requested Member State shall be carried out by the national contact point of the requesting Member State following the automated supply of the DNA reference data required for confirming a match.

*Amendment*

3. ***A human review by a forensic expert to confirm*** a match of DNA profiles with DNA reference data held by the requested Member State shall be carried out by the national contact point of the requesting Member State following the automated supply of the DNA reference data required for confirming a match.

## **Amendment 80**

### **Proposal for a regulation Article 8 – paragraph 1**

*Text proposed by the Commission*

#### ***Article 8***

#### ***Reporting about DNA analysis files***

***Each Member State shall inform the Commission and eu-LISA of the national DNA analysis files, to which Articles 5 to 7 apply, in accordance with Article 73.***

*Amendment*

***deleted***

## **Amendment 81**

### **Proposal for a regulation Article 9 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) a reference number allowing Member States, in case of a match, to retrieve further data and other information

*Amendment*

(a) a reference number allowing Member States, in case of a match, to retrieve further data and other information

in their databases referred to in Article 5 in order to supply it to one, several or all of the other Member States in accordance with *Articles 47 and 48*;

in their databases referred to in Article 5 in order to supply it to one, several or all of the other Member States in accordance with *Article 47 or to Europol in accordance with Article 50(6)*;

## Amendment 82

### Proposal for a regulation

#### Article 9 – paragraph 1 – point a a (new)

*Text proposed by the Commission*

*Amendment*

*(aa) a reference number allowing Europol, in case of a match, to retrieve further data and other information for the purposes of Article 49(1) of this Regulation in order to supply them or it to one, several or all Member States in accordance with Regulation (EU) 2016/794;*

## Amendment 83

### Proposal for a regulation

#### Article 9 – paragraph 1 – point c

*Text proposed by the Commission*

*Amendment*

(c) a code to indicate the type of DNA profile (*reference* DNA profiles or unidentified DNA profiles).

(c) a code to indicate the type of DNA profile (*identified* DNA profiles or unidentified DNA profiles).

## Amendment 84

### Proposal for a regulation

#### Article 10 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. Appropriate measures *shall be taken* to ensure confidentiality and integrity for DNA reference data being sent to other Member States, including their encryption.

1. *Member States and, where applicable, Europol shall take all* appropriate measures to ensure confidentiality and integrity for DNA reference data being sent to other Member

States **or Europol**, including their encryption.

## Amendment 85

### Proposal for a regulation Article 10 – paragraph 2

*Text proposed by the Commission*

2. Member States shall take the necessary measures to guarantee the integrity of the DNA profiles made available or sent for comparison to the other Member States and to ensure that those measures comply with the relevant international standards for DNA data exchange.

*Amendment*

2. Member States **and Europol** shall take the necessary measures to guarantee the integrity **and minimum quality standards** of the DNA profiles made available or sent for comparison to the other Member States and to ensure that those measures comply with the relevant **European or** international standards for DNA data exchange.

## Amendment 86

### Proposal for a regulation Article 10 – paragraph 3

*Text proposed by the Commission*

3. The Commission shall adopt implementing acts **to specify** the relevant international standards that are to be used by Member States for DNA reference data exchange. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 75(2).

*Amendment*

3. The Commission shall adopt implementing acts **specifying** the relevant **European or** international standards that are to be used by Member States **and Europol** for DNA reference data exchange, **including the minimum quality standard to be met by DNA profiles**. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 75(2).

## Amendment 87

### Proposal for a regulation Article 11 – paragraph 1 – point d

*Text proposed by the Commission*

(d) the types of DNA profiles transmitted (unidentified DNA profiles or *reference* DNA profiles).

*Amendment*

(d) the types of DNA profiles transmitted (unidentified DNA profiles or ***identified*** DNA profiles).

**Amendment 88**

**Proposal for a regulation**

**Article 11 – paragraph 2 – point f**

*Text proposed by the Commission*

(f) the type of DNA profiles transmitted (unidentified DNA profiles or *reference* DNA profiles);

*Amendment*

(f) the type of DNA profiles transmitted (unidentified DNA profiles or ***identified*** DNA profiles);

**Amendment 89**

**Proposal for a regulation**

**Article 11 – paragraph 3**

*Text proposed by the Commission*

3. Automated notification of a match shall only be provided if the automated search or comparison has resulted in a match of a minimum number of loci. The Commission shall adopt implementing acts to specify this minimum number of loci, in accordance with the procedure referred to in Article 75(2).

*Amendment*

3. Automated notification of a match shall only be provided if the automated search or comparison has resulted in a match of a minimum number of loci. The Commission, ***after consulting the European Data Protection Board in accordance with Article 42(2) of Regulation (EU) 2018/1725***, shall adopt implementing acts to specify this minimum number of loci, in accordance with the procedure referred to in Article 75(2) ***of this Regulation***.

**Amendment 90**

**Proposal for a regulation**

**Article 11 – paragraph 5**

*Text proposed by the Commission*

5. Member States shall ensure that requests are consistent with ***declarations*** sent pursuant to Article 8. Those ***declarations*** shall be reproduced in the practical handbook referred to in Article 78.

*Amendment*

5. Member States shall ensure that requests are consistent with ***notifications*** sent pursuant to Article 72(2a). Those ***notifications*** shall be reproduced in the practical handbook referred to in Article 77.

**Amendment 91**

**Proposal for a regulation  
Article 12 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure the availability of dactyloscopic reference data from ***the file for the national automated fingerprint identification systems*** established for the prevention, detection and investigation of criminal offences.

*Amendment*

1. Member States shall ensure the availability of dactyloscopic reference data from ***their national database or databases*** established for the prevention, detection and investigation of criminal offences.

**Amendment 92**

**Proposal for a regulation  
Article 12 – paragraph 2**

*Text proposed by the Commission*

2. Dactyloscopic reference data shall not contain any data from which an individual can be directly identified.

*Amendment*

2. Dactyloscopic reference data shall not contain any ***additional*** data from which an individual can be directly identified.

**Amendment 93**

**Proposal for a regulation  
Article 12 – paragraph 3**

*Text proposed by the Commission*

3. ***Dactyloscopic reference data which is not attributed to any individual*** (unidentified dactyloscopic data) shall be

*Amendment*

3. Unidentified dactyloscopic data shall be recognisable as such

recognisable as such.

#### Amendment 94

##### Proposal for a regulation

##### Article 13 – paragraph 1 – subparagraph 1

###### *Text proposed by the Commission*

For the prevention, detection and investigation of criminal offences, Member States shall allow national contact points of other Member States and Europol access to the dactyloscopic reference data in ***the automated fingerprint identification systems which they have*** established for that purpose, to conduct automated searches by comparing dactyloscopic reference data.

###### *Amendment*

For the prevention, detection and investigation of criminal offences, Member States shall allow national contact points of other Member States and Europol access to the dactyloscopic reference data in ***their national databases*** established for that purpose, to conduct automated searches by comparing dactyloscopic reference data.

#### Amendment 95

##### Proposal for a regulation

##### Article 13 – paragraph 1 – subparagraph 2

###### *Text proposed by the Commission*

Searches ***may*** be conducted ***only*** in individual cases and in compliance with the national law of the requesting Member State.

###### *Amendment*

Searches ***shall only*** be conducted in individual cases, ***where they are proportionate and necessary for the purposes of preventing, detecting or investigating a criminal offence,*** and in compliance with the national law of the requesting Member State.

#### Amendment 96

##### Proposal for a regulation

##### Article 13 – paragraph 2

###### *Text proposed by the Commission*

2. The national contact point of the requesting Member State shall confirm a match of dactyloscopic data with

###### *Amendment*

2. The national contact point of the requesting Member State shall ***ensure that a human review by a forensic expert is***

dactyloscopic reference data held by the requested Member State following the automated supply of the dactyloscopic reference data required for confirming a match.

***conducted in order to*** confirm a match of dactyloscopic data with dactyloscopic reference data held by the requested Member State following the automated supply of the dactyloscopic reference data required for confirming a match.

## **Amendment 97**

### **Proposal for a regulation**

#### **Article 14 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) a reference number allowing Member States, in the case of a match, to retrieve further data and other information in their databases referred to in Article 12 in order to supply it to one, several or all of the other Member States in accordance with ***Articles 47 and 48***;

*Amendment*

(a) a reference number allowing Member States, in the case of a match, to retrieve further data and other information in their databases referred to in Article 12 in order to supply it to one, several or all of the other Member States in accordance with ***Article 47 or to Europol in accordance with Article 50(6)***;

## **Amendment 98**

### **Proposal for a regulation**

#### **Article 14 – paragraph 1 – point a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) a reference number allowing Europol, in case of a match, to retrieve further data and other information for the purposes of Article 49(1) of this Regulation in order to supply them or it to one, several or all Member States in accordance with Regulation (EU) 2016/794;***

## **Amendment 99**

### **Proposal for a regulation**

#### **Article 15 – paragraph 1**

*Text proposed by the Commission*

1. The digitalisation of dactyloscopic data and their transmission to the other Member States shall be carried out in accordance with a uniform data format. The Commission shall adopt implementing acts to specify the uniform data format in accordance with the procedure referred to in Article 75(2).

*Amendment*

1. The digitalisation of dactyloscopic data and their transmission to the other Member States ***or Europol*** shall be carried out in accordance with a uniform data format. The Commission shall adopt implementing acts to specify the uniform data format in accordance with the procedure referred to in Article 75(2).

**Amendment 100**

**Proposal for a regulation  
Article 15 – paragraph 2**

*Text proposed by the Commission*

2. Each Member State shall ensure that the dactyloscopic data it transmits are of sufficient quality for ***a comparison by the automated fingerprint identification systems.***

*Amendment*

2. Each Member State ***and Europol*** shall ensure that the dactyloscopic data it transmits are of sufficient quality for ***automated*** comparison.

**Amendment 101**

**Proposal for a regulation  
Article 15 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall take appropriate measures to ensure the confidentiality and integrity of dactyloscopic data being sent to other Member States, including their encryption.

*Amendment*

3. Member States ***and Europol*** shall take ***all*** appropriate measures to ensure the confidentiality and integrity of dactyloscopic data being sent to other Member States, including their encryption.

**Amendment 102**

**Proposal for a regulation  
Article 15 – paragraph 4**



*Text proposed by the Commission*

4. The Commission shall adopt implementing acts ***to specify*** the relevant existing standards for dactyloscopic data exchange that are to be used by Member States. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 75(2).

*Amendment*

4. The Commission shall adopt implementing ***acts specifying*** the relevant existing ***European or international*** standards for dactyloscopic data exchange that are to be used by Member States, ***including the minimum quality standard for the automated comparison of dactyloscopic data***. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 75(2).

**Amendment 103**

**Proposal for a regulation**

**Article 16 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

***Each*** Member ***State*** shall ensure that ***its*** search requests do not exceed the search capacities specified by the requested Member State.

*Amendment*

Member ***States and Europol*** shall ensure that ***their*** search requests do not exceed the search capacities specified by the requested Member State.

**Amendment 104**

**Proposal for a regulation**

**Article 16 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Member States shall inform the Commission and eu-LISA ***in accordance with Article 79(8) and (10)*** about their maximum search capacities per day for dactyloscopic data of identified persons and for dactyloscopic data of persons not yet identified.

*Amendment*

Member States shall inform ***other Member States, Europol,*** the Commission and eu-LISA about their maximum search capacities per day for dactyloscopic data of identified persons and for dactyloscopic data of persons not yet identified. ***Member States may raise those maximum search capacities. Where a Member State raises those maximum search capacities, it shall notify the other Member States, Europol, the Commission and eu-LISA of the new maximum search capacities.***

## Amendment 105

### Proposal for a regulation

#### Article 18 – paragraph 1 – point a

*Text proposed by the Commission*

(a) data relating to owners or **operators**;

*Amendment*

(a) data relating to owners or **keepers**;

## Amendment 106

### Proposal for a regulation

#### Article 18 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. The data referred to in paragraph 1, points (a) and (b), of this Article shall not go beyond the data elements specified in the implementing act adopted pursuant to Article 19(3).**

## Amendment 107

### Proposal for a regulation

#### Article 19 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. The Commission shall adopt implementing acts to specify the data elements of the vehicle registration data **to** be exchanged. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 75(2).

3. The Commission shall adopt implementing acts to specify the data elements of the vehicle registration data **which may** be exchanged. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 75(2).

## Amendment 108

### Proposal for a regulation

#### Article 20 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

Each Member State shall keep logs of queries that the staff of its authorities duly authorised to exchange vehicle registration data make as well as logs of queries requested by other Member States. Europol shall keep logs of queries that its duly authorised staff make.

*Amendment*

Each Member State shall keep logs of queries that the staff of its ***competent law enforcement*** authorities duly authorised to exchange vehicle registration data make as well as logs of queries requested by other Member States. Europol shall keep logs of queries that its duly authorised staff make.

**Amendment 109**

**Proposal for a regulation**

**Article 20 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

Those logs shall be protected by appropriate measures against unauthorised access and erased ***one year*** after their creation. If, however, they are required for monitoring procedures that have already begun, they shall be erased once the monitoring procedures no longer require the logs.

*Amendment*

Those logs shall be protected by ***all*** appropriate measures against unauthorised access and erased ***three years*** after their creation. If, however, they are required for monitoring procedures that have already begun, they shall be erased once the monitoring procedures no longer require the logs.

**Amendment 110**

**Proposal for a regulation**

**Article 21 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Member States shall ensure the availability of facial images from their national databases established for the prevention, detection and investigation of criminal offences. Those data shall only include facial images and the reference number referred to in Article 23, and shall indicate whether the facial images are attributed to an individual or not.

*Amendment*

Member States shall ensure the availability of facial images ***of persons convicted or suspected of having committed a criminal offence collected in accordance with their national law*** from their national databases established for the prevention, detection and investigation of criminal offences. Those data shall only include facial images and the reference number referred to in Article 23, and shall indicate whether the facial images are attributed to an individual or not.

## Amendment 111

### Proposal for a regulation

#### Article 21 – paragraph 1 – subparagraph 2

##### *Text proposed by the Commission*

Member States shall not make available in this context any data from which an individual can be directly identified.

##### *Amendment*

Member States shall not make available in this context any **additional** data from which an individual can be directly identified.

## Amendment 112

### Proposal for a regulation

#### Article 21 – paragraph 2

##### *Text proposed by the Commission*

2. **Facial images which are not attributed to any individual** (unidentified facial images) must be recognisable as such.

##### *Amendment*

2. Unidentified facial images must be recognisable as such.

## Amendment 113

### Proposal for a regulation

#### Article 22 – paragraph 1 – subparagraph 1

##### *Text proposed by the Commission*

1. For the prevention, detection and investigation of criminal offences, Member States shall allow national contact points of other Member States and Europol access to facial images stored in their national databases, to conduct automated searches.

##### *Amendment*

1. For the prevention, detection and investigation of criminal offences, Member States shall allow national contact points of other Member States and Europol access to **the** facial images stored in their national databases **referred to in Article 21(1)**, to conduct automated searches.

## Amendment 114

### Proposal for a regulation

#### Article 22 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

Searches **may** be conducted **only** in individual cases and in compliance with the national law of the requesting Member State.

*Amendment*

Searches **shall only** be conducted in individual cases, **where they are proportionate and necessary for the purpose of preventing, detecting or investigating a serious criminal offence**, and in compliance with the national law of the requesting Member State. **Searches for the purpose of profiling shall be prohibited.**

**Amendment 115**

**Proposal for a regulation  
Article 22 – paragraph 2**

*Text proposed by the Commission*

2. The requesting Member State shall receive a list composed of matches concerning likely candidates. That Member State shall review the list to determine the existence of a confirmed match.

*Amendment*

2. The requesting Member State shall receive a list composed of matches concerning likely candidates. That Member State shall **ensure that a human review of the list is conducted by two forensic experts in order** to determine the existence of a confirmed match.

**Amendment 116**

**Proposal for a regulation  
Article 22 – paragraph 3**

*Text proposed by the Commission*

3. **A minimum quality standard shall be established to allow for search and comparison of facial images. The Commission shall adopt implementing acts to specify that minimum quality standard. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 76(2).**

*Amendment*

**deleted**

**Amendment 117**

**Proposal for a regulation**  
**Article 23 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) a reference number allowing Member States, in case of a match, to retrieve further data and other information in their databases referred to in Article 21 in order to supply it to one, several or all of the other Member States in accordance with **Articles 47 and 48**;

*Amendment*

(a) a reference number allowing Member States, in case of a match, to retrieve further data and other information in their databases referred to in Article 21 in order to supply it to one, several or all of the other Member States in accordance with **Article 47 or Europol in accordance with Article 50(6)**;

**Amendment 118**

**Proposal for a regulation**  
**Article 23 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 23a**

***Principles for the exchange of facial images***

- 1. Each Member State and Europol shall ensure that the facial images in their databases are of sufficient quality for the purpose of this Regulation, in particular for automated comparison.***
- 2. Member States shall take appropriate measures to ensure the confidentiality and integrity of facial images being sent to other Member States, and Europol of facial images being sent to Member States, including the encryption of such facial images.***
- 3. The Commission shall adopt implementing acts specifying the relevant European or international standards for facial image exchange that are to be used by Member States and Europol, including the minimum quality standard for the automated comparison of facial images. Those implementing acts shall be adopted in accordance with the procedure referred***

*to in Article 75(2).*

## **Amendment 119**

### **Proposal for a regulation Article 25 – title**

*Text proposed by the Commission*

Police records

*Amendment*

**National** Police records *indexes*

## **Amendment 120**

### **Proposal for a regulation Article 25 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Member States may decide to participate in the automated exchange of police records. **Member States** participating ***in the automated exchange of police records*** shall ensure the availability of ***biographical data of suspects and criminals from their*** national police records indexes established for the investigation of criminal offences. ***This set*** of data, ***if*** available, ***shall*** contain the following data:

*Amendment*

1. Member States may decide to participate in the automated exchange of police records ***indexes***. ***For the purposes of such exchanges***, participating ***Member States*** shall ensure the availability of national police records indexes ***which contain sets of biographical data of persons convicted or suspected of having committed a serious criminal offence from their national databases*** established for the investigation of criminal offences. ***Those sets of data shall, if applicable and to the extent that they are*** available, contain ***only*** the following data:

## **Amendment 121**

### **Proposal for a regulation Article 25 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) alias(es);

*Amendment*

(c) alias(es) ***and previously used name or names***;

## **Amendment 122**

**Proposal for a regulation**  
**Article 25 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. Member States shall, in accordance with Article 7(2) of Directive (EU) 2016/680, ensure that the data included in the national police records indexes as listed in paragraph 1 of this Article are accurate, complete and up to date.**

**Amendment 123**

**Proposal for a regulation**  
**Article 26 – title**

*Text proposed by the Commission*

*Amendment*

Automated searching of police records

Automated searching of police records  
***indexes***

**Amendment 124**

**Proposal for a regulation**  
**Article 26 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

1. For the investigation of criminal offences, Member States shall allow national contact points of other Member States and Europol access to data ***from*** their national police records indexes, to conduct automated searches.

1. For the investigation of criminal offences, Member States ***participating in the automated exchange of police records indexes*** shall allow national contact points of other Member States ***participating in such exchanges*** and Europol access to data ***in*** their national police records indexes, to conduct automated searches.

**Amendment 125**

**Proposal for a regulation**  
**Article 26 – paragraph 1 – subparagraph 2**



*Text proposed by the Commission*

Searches **may** be conducted **only** in individual cases and in compliance with the national law of the requesting Member State.

*Amendment*

Searches **shall only** be conducted in individual cases, **where they are proportionate and necessary for the investigation of a serious criminal offence**, and in compliance with the national law of the requesting Member State.

**Amendment 126**

**Proposal for a regulation  
Article 26 – paragraph 2**

*Text proposed by the Commission*

**2. The requesting Member State shall receive the list of matches with an indication of the quality of the matches.**

**The requesting Member State shall also be informed about the Member State whose database contains data that resulted in the match.**

*Amendment*

**deleted**

**Amendment 127**

**Proposal for a regulation  
Article 27 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) a reference number allowing Member States, in the case of a match, to retrieve personal data and other information in their indexes referred to in Article 25 in order to supply it to one, several or all of the Member States in accordance with **Articles 47 and 48**;

*Amendment*

(a) a reference number allowing Member States, in the case of a match, to retrieve personal data and other information in their **national police records** indexes referred to in Article 25 in order to supply it to one, several or all of the Member States in accordance with **Article 44**;

**Amendment 128**

**Proposal for a regulation  
Article 28 – title**

*Text proposed by the Commission*

Rules for requests and answers regarding police records

*Amendment*

Rules for requests and answers regarding police records ***indexes***

**Amendment 129**

**Proposal for a regulation**

**Article 28 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. A request for an automated search shall include only the following information:

*Amendment*

1. A request for an automated search ***of police records indexes*** shall include only the following information:

**Amendment 130**

**Proposal for a regulation**

**Article 28 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) the ***police records and their reference numbers*** referred to in Article 27.

*Amendment*

(c) the ***data*** referred to in Article 25(1), ***where available, and pseudonymised in accordance with Article 25(2).***

**Amendment 131**

**Proposal for a regulation**

**Article 28 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) an indication as to ***whether there were one or more matches or no*** matches;

*Amendment*

(a) an indication as to ***the number of*** matches;

**Amendment 132**

**Proposal for a regulation**

**Article 29 – paragraph 1**

*Text proposed by the Commission*

Each Member State shall designate **a** national contact point.

*Amendment*

Each Member State shall designate **at least one** national contact point.

**Amendment 133**

**Proposal for a regulation**

**Article 29 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Member States shall ensure that their national contact points are provided with adequate human, technical and financial resources, including qualified staff, to carry out their tasks under this Regulation in an adequate, effective and rapid manner.**

**Amendment 134**

**Proposal for a regulation**

**Article 30 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

The Commission shall adopt implementing acts to specify the technical arrangements **for** the procedures set out in Articles 6, 7, 13, 18, 22 and 26. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 75(2).

The Commission shall adopt implementing acts to specify the technical arrangements **to be made by the Member States with respect to** the procedures set out in Articles 6, 7, 13, 18, 22 and 26. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 75(2).

**Amendment 135**

**Proposal for a regulation**

**Article 31 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**Member States and Europol shall observe**

**deleted**

*common technical specifications in connection with all requests and answers related to searches and comparisons of DNA profiles, dactyloscopic data, vehicle registration data, facial images and police records. The Commission shall adopt implementing acts to specify these technical specifications in accordance with the procedure referred to in Article 75(2).*

#### **Amendment 136**

##### **Proposal for a regulation Article 32 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

National contact points shall immediately inform each other, the Commission, Europol and eu-LISA of technical ***fault*** causing unavailability of the automated data exchange.

*Amendment*

National contact points shall immediately inform each other, the Commission, Europol and eu-LISA of technical ***faults*** causing unavailability of the automated data exchange.

#### **Amendment 137**

##### **Proposal for a regulation Article 32 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

National contact points shall agree on temporary alternative information exchange arrangements in accordance with the applicable Union ***law*** and national ***legislation***.

*Amendment*

National contact points shall agree on temporary alternative information exchange arrangements in accordance with the applicable Union and national ***law to be used in cases where automated data exchange is unavailable***.

#### **Amendment 138**

##### **Proposal for a regulation Article 32 – paragraph 3**

*Text proposed by the Commission*

3. National contact points shall **re-establish the automated data exchange** without delay.

*Amendment*

3. **Where automated data exchange is unavailable**, national contact points shall **ensure that it is re-established** without delay.

**Amendment 139**

**Proposal for a regulation**

**Article 33 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

1. Each Member State shall keep a justification of the queries that its competent authorities make.

*Amendment*

1. Each Member State shall keep a justification of the queries that its competent **law enforcement** authorities make.

**Amendment 140**

**Proposal for a regulation**

**Article 33 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) the purpose of the query, including a reference to the specific case or investigation;

*Amendment*

(a) the purpose of the query, including a reference to the specific case or investigation **and the criminal offence, where applicable**;

**Amendment 141**

**Proposal for a regulation**

**Article 33 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) an indication on whether the query concerns a suspect or a **perpetrator** of a criminal offence;

*Amendment*

(b) an indication on whether the query concerns a suspect or a **person convicted** of a criminal offence, **a victim of serious crime or terrorism, a missing person or unidentified human remains**;

## Amendment 142

### Proposal for a regulation

#### Article 33 – paragraph 2 – point c

##### *Text proposed by the Commission*

(c) an indication on whether the query aims to identify **an unknown** person or obtain more data on a known person.

##### *Amendment*

(c) an indication on whether the query aims to identify **a** person or obtain more data on a known person.

## Amendment 143

### Proposal for a regulation

#### Article 33 – paragraph 3 – subparagraph 1

##### *Text proposed by the Commission*

The justifications referred to in paragraph 2 shall only be used for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security and integrity.

##### *Amendment*

The justifications referred to in paragraph 2 shall only be used for **fundamental rights** and data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security and integrity.

## Amendment 144

### Proposal for a regulation

#### Article 33 – paragraph 3 – subparagraph 2

##### *Text proposed by the Commission*

Those justifications shall be protected by appropriate measures against unauthorised access and erased **one year** after their creation. If, however, they are required for monitoring procedures that have already begun, they shall be erased once the monitoring procedures no longer require the justification.

##### *Amendment*

Those justifications shall be protected by appropriate measures against unauthorised access and erased **three years** after their creation. If, however, they are required for monitoring procedures that have already begun, they shall be erased once the monitoring procedures no longer require the justification.

## Amendment 145

### Proposal for a regulation

#### Article 33 – paragraph 4

*Text proposed by the Commission*

4. For the purposes of data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, the data controllers shall have access to those justifications for self-monitoring as referred to in Article 56.

*Amendment*

4. For the purposes of ***fundamental rights and*** data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, the data controllers shall have ***unrestricted*** access to those justifications for self-monitoring as referred to in Article 56.

**Amendment 146**

**Proposal for a regulation  
Article 34 – paragraph 1**

*Text proposed by the Commission*

1. The universal message format (UMF) standard shall be used in the development of the router referred to in Article 35 and EPRIS.

*Amendment*

1. The universal message format (UMF) standard ***established under Article 38 of Regulation (EU)2019/818*** shall be used in the development of the router referred to in Article 35 ***of this Regulation*** and EPRIS, ***to the extent it is applicable.***

**Amendment 147**

**Proposal for a regulation  
Article 35 – paragraph 1**

*Text proposed by the Commission*

1. A router is established for the purposes of facilitating the establishment of connections between Member States ***and with*** Europol for querying with, retrieving and scoring biometric data in accordance with this Regulation.

*Amendment*

1. A router is established for the purposes of facilitating the establishment of connections between Member States, ***and between Member States and*** Europol, for querying with, retrieving and scoring biometric data ***and for retrieving alphanumeric data*** in accordance with this Regulation.

**Amendment 148**

**Proposal for a regulation**  
**Article 35 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) a central infrastructure, including a search tool enabling the simultaneous querying of Member States' databases referred to in Articles 5, 12 and 21 ***as well as of*** Europol data;

*Amendment*

(a) a central infrastructure, including a search tool enabling the simultaneous querying of Member States' databases referred to in Articles 5, 12 and 21 ***and*** Europol data;

**Amendment 149**

**Proposal for a regulation**  
**Article 35 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) a secure communication channel between the central infrastructure Member States ***and Union agencies that are entitled*** to use the router;

*Amendment*

(b) a secure communication channel between the central infrastructure, Member States' ***competent law enforcement authorities authorised*** to use the router ***in accordance with Article 36, and Europol;***

**Amendment 150**

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

*Text proposed by the Commission*

The use of the router shall be reserved to the Member States' authorities that ***have*** access ***to the*** exchange ***of*** DNA profiles, dactyloscopic data and facial images, and Europol in accordance with this Regulation and Regulation (EU) 2016/794.

*Amendment*

The use of the router shall be reserved to the Member States' ***competent law enforcement*** authorities that ***are authorised to*** access ***and*** exchange DNA profiles, dactyloscopic data and facial images ***in accordance with this Regulation,*** and Europol in accordance with this Regulation and Regulation (EU) 2016/794 ***where they have a demonstrable need for such access. Member States and Europol shall ensure that their authorised staff have completed relevant training, including on data protection, confidentiality, detection of biases, as well as the accurate review of matches under***



*the relevant data category.*

## Amendment 151

### Proposal for a regulation Article 37 – paragraph 1

*Text proposed by the Commission*

1. The router ***users referred to in*** Article 36 shall request a query by submitting biometric data to the router. The router shall dispatch the request for a query to the Member States' ***databases*** and Europol data simultaneously with the data submitted by the user ***and*** in accordance with ***their*** access rights.

*Amendment*

1. ***The competent law enforcement authorities authorised to access*** the router ***pursuant to*** Article 36 shall request a query by submitting biometric data to the router. The router shall dispatch the request for a query to the ***databases of the requested*** Member States and Europol data simultaneously with the data submitted by the user in accordance with ***his or her*** access rights.

## Amendment 152

### Proposal for a regulation Article 37 – paragraph 2

*Text proposed by the Commission*

2. ***On receiving the*** request for a query from the router, each requested Member State and Europol shall launch a query of their databases in an automated manner and without delay.

*Amendment*

2. ***Upon receipt of a*** request for a query from the router, each requested Member State and Europol shall launch a query of their databases in an automated manner and without delay.

## Amendment 153

### Proposal for a regulation Article 37 – paragraph 3

*Text proposed by the Commission*

3. Any ***matches*** resulting from ***the query in each Member States' databases and Europol data*** shall be sent back in an automated manner to the router.

*Amendment*

3. Any ***candidates*** resulting from ***queries referred to in paragraph 2*** shall be sent back in an automated manner to the router. ***The requesting Member State shall be notified in an automated manner***

*where there is no match.*

#### Amendment 154

##### Proposal for a regulation Article 37 – paragraph 4

*Text proposed by the Commission*

4. The router shall rank the replies in accordance with the score of the correspondence between the biometric data used for querying and the biometric data **stored in the** Member States' databases and Europol data.

*Amendment*

4. The router shall rank the replies in accordance with the score of the correspondence between the biometric data used for querying and the biometric data **supplied by the requested** Member States' databases and Europol data.

#### Amendment 155

##### Proposal for a regulation Article 37 – paragraph 5

*Text proposed by the Commission*

5. The list of matching biometric data and their scores **shall be returned** to the router user **by the router**.

*Amendment*

5. **The router shall return** the list of matching biometric data and their scores to the router user. **That list shall be limited to the maximum number of candidates set out in the implementing act adopted pursuant to paragraph 6.**

#### Amendment 156

##### Proposal for a regulation Article 37 – paragraph 6

*Text proposed by the Commission*

6. The Commission shall adopt implementing acts to specify the technical procedure for the router to query Member States' databases and Europol data, the format of the router replies **and** the technical rules for scoring the correspondence between biometric data. **These** implementing acts shall be adopted

*Amendment*

6. The Commission, **after consulting the European Data Protection Board in accordance with Article 42(2) of Regulation 2018/1725**, shall adopt implementing acts to specify the technical procedure for the router to query Member States' databases and Europol data, the format of the router replies, the technical

in accordance with the procedure referred to in Article 75(2).

rules for scoring the correspondence between biometric data ***and the relevant thresholds, as well as the maximum number of candidates that can be returned per search, with a view to ensuring accuracy, minimising the risk of misidentification and preventing discrimination.*** Those implementing acts shall be adopted in accordance with the procedure referred to in Article 75(2).

#### Amendment 157

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

*Text proposed by the Commission*

The requested Member State shall check the quality of the transmitted data by means of ***a fully*** automated procedure.

*Amendment*

The requested Member State shall check the quality of the transmitted data by means of ***an*** automated procedure.

#### Amendment 158

##### Proposal for a regulation Article 38 – paragraph 2

*Text proposed by the Commission*

***Should the data be unsuitable for an automated comparison,*** the requested Member State shall inform the requesting Member State ***about it*** via the router ***without delay.***

*Amendment*

The requested Member State shall, ***without delay,*** inform the requesting Member State via the router ***where the data are unsuitable for an automated comparison.***

#### Amendment 159

##### Proposal for a regulation Article 39 – paragraph 1

*Text proposed by the Commission*

1. The router ***users referred to in*** Article 36 may launch a query to Member States' databases and Europol data

*Amendment*

1. ***Where designated authorities are authorised to use*** the router ***pursuant to*** Article 36, ***they*** may launch a query to

simultaneously with a query to the Common Identity Repository *where* the relevant conditions under Union law are fulfilled and in accordance with their access rights. For this purpose, the router shall query the Common Identity Repository via the European Search Portal.

Member States' databases and Europol data simultaneously with a query to the Common Identity Repository, ***provided that*** the relevant conditions under Union law are fulfilled and ***that the query is launched*** in accordance with their access rights. For this purpose, the router shall query the Common Identity Repository via the European Search Portal.

#### Amendment 160

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

*Text proposed by the Commission*

***Only designated authorities defined in Article 4, point 20, of Regulation (EU) 2019/817 and Article 4, point 20, of Regulation (EU) 2019/818 may launch these simultaneous queries.***

*Amendment*

***deleted***

#### Amendment 161

##### Proposal for a regulation Article 39 – paragraph 2 – subparagraph 3

*Text proposed by the Commission*

Simultaneous queries of the Member States' databases and Europol data and the Common Identity Repository may only be launched ***in cases*** where ***it is likely*** that data on a suspect, perpetrator or victim of a terrorist offence or other serious criminal offences as defined respectively in Article 4, points 21 and 22, of Regulation (EU) 2019/817 and Article 4, points 21 and 22, of Regulation (EU) 2019/818 are stored in the Common Identity Repository.

*Amendment*

Simultaneous queries of the Member States' databases and Europol data and the Common Identity Repository may only be launched where ***there are reasonable grounds to believe*** that data on a suspect, perpetrator or victim of a terrorist offence or other serious criminal offences as defined respectively in Article 4, points 21 and 22, of Regulation (EU) 2019/817 and Article 4, points 21 and 22, of Regulation (EU) 2019/818 are stored in the Common Identity Repository.

#### Amendment 162

**Proposal for a regulation**  
**Article 40 – title**

*Text proposed by the Commission*

Keeping of logs

*Amendment*

Keeping of logs ***of all data processing operations in the router***

**Amendment 163**

**Proposal for a regulation**  
**Article 40 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Each Member State shall keep logs of queries that its competent ***authorities and the staff of those*** authorities duly authorised to use the router make as well as logs of queries requested by other Member States.

*Amendment*

Each Member State shall keep logs of queries that ***the staff of*** its competent ***law enforcement*** authorities duly authorised to use the router make as well as logs of queries requested by other Member States.

**Amendment 164**

**Proposal for a regulation**  
**Article 40 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

Those logs shall be protected by appropriate measures against unauthorised access and erased ***one year*** after their creation. If, however, they are required for monitoring procedures that have already begun, they shall be erased once the monitoring procedures no longer require the logs.

*Amendment*

Those logs shall be protected by appropriate measures against unauthorised access and erased ***three years*** after their creation. If, however, they are required for monitoring procedures that have already begun, they shall be erased once the monitoring procedures no longer require the logs.

**Amendment 165**

**Proposal for a regulation**  
**Article 41 – paragraph 1**

*Text proposed by the Commission*

1. Where it is technically impossible to use the router to query one or several national databases or Europol data because of a failure of the router, the **router users** shall be notified in an automated manner by eu-LISA. eu-LISA shall take measures to address the technical impossibility to use the router without delay.

*Amendment*

1. Where it is technically impossible to use the router to query one or several national databases or Europol data because of a failure of the router, the **competent law enforcement authorities referred to in Article 36, and Europol** shall be notified in an automated manner by eu-LISA. eu-LISA shall take measures to address the technical impossibility to use the router without delay.

**Amendment 166**

**Proposal for a regulation  
Article 41 – paragraph 2**

*Text proposed by the Commission*

2. Where it is technically impossible to use the router to query one or several national databases **or Europol data** because of a failure of the national infrastructure in a Member State, that Member State shall notify the other Member States, eu-LISA and the Commission in an automated manner. Member **States** shall take measures to address the technical impossibility to use the router without delay.

*Amendment*

2. Where it is technically impossible to use the router to query one or several national databases because of a failure of the national infrastructure in a Member State, that Member State shall notify the other Member States, **Europol**, eu-LISA and the Commission in an automated manner. **The Member State concerned** shall take **appropriate** measures to address the technical impossibility to use the router without delay.

**Amendment 167**

**Proposal for a regulation  
Article 41 – paragraph 3**

*Text proposed by the Commission*

3. Where it is technically impossible to use the router to query **one or several national databases or** Europol data because of a failure of the infrastructure of Europol, Europol shall notify the Member States, eu-LISA and the Commission in an

*Amendment*

3. Where it is technically impossible to use the router to query Europol data because of a failure of the infrastructure of Europol, Europol shall notify the Member States, eu-LISA and the Commission in an automated manner. Europol shall take

automated manner. Europol shall take measures to address the technical impossibility to use the router without delay.

**appropriate** measures to address the technical impossibility to use the router without delay.

#### Amendment 168

##### Proposal for a regulation Article 42 – paragraph 1

###### *Text proposed by the Commission*

1. For the automated searching of police records referred to in Article 26, Member States and Europol shall use the European Police Records Index System (EPRIS).

###### *Amendment*

1. For the automated searching of **national** police records **indexes** referred to in Article 26, Member States and Europol shall use the European Police Records Index System (EPRIS).

#### Amendment 169

##### Proposal for a regulation Article 43 – paragraph 1 – introductory part

###### *Text proposed by the Commission*

1. For the purposes of searching police records via EPRIS, the following sets of data shall be used:

###### *Amendment*

1. For the purposes of searching **national** police records **indexes** via EPRIS, **at least two of** the following sets of data shall be used:

#### Amendment 170

##### Proposal for a regulation Article 43 – paragraph 2 – point a

###### *Text proposed by the Commission*

(a) alias(es);

###### *Amendment*

(a) alias(es) **and previously used name or names**;

#### Amendment 171

##### Proposal for a regulation Article 44 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

EPRIS shall dispatch the request for a query to the Member States' **databases** with the data submitted by the requesting Member State and in accordance with this Regulation.

*Amendment*

EPRIS shall dispatch the request for a query to the Member States' **national police records indexes** with the data submitted by the requesting Member State **or Europol** and in accordance with this Regulation.

**Amendment 172**

**Proposal for a regulation**  
**Article 44 – paragraph 3**

*Text proposed by the Commission*

3. Any matches resulting from the query in each Member State's **database** shall be sent back in an automated manner to EPRIS.

*Amendment*

3. Any matches resulting from the query in each **requested** Member State's **police records indexes** shall be sent back in an automated manner to EPRIS.

**Amendment 173**

**Proposal for a regulation**  
**Article 44 – paragraph 4**

*Text proposed by the Commission*

4. The list of matches shall be returned to the requesting Member State by EPRIS. The list of matches shall indicate the quality of the match as well as the Member State whose database **contains** data that resulted in the match.

*Amendment*

4. The list of matches shall be returned to the requesting Member State **and Europol** by EPRIS. The list of matches shall indicate the quality of the match as well as the Member State **or States** whose database **or databases contain** data that resulted in the match **or matchees**.

**Amendment 174**

**Proposal for a regulation**  
**Article 44 – paragraph 6 – subparagraph 2**



*Text proposed by the Commission*

Upon confirmation, the requested Member State(s) shall share the data referred to in Article 43 where available. This exchange of **information** shall take place via SIENA.

*Amendment*

Upon confirmation, the requested Member State(s) shall share the data referred to in Article 43 where available. This exchange of **data** shall take place via SIENA.

**Amendment 175**

**Proposal for a regulation**

**Article 45 – paragraph 2**

*Text proposed by the Commission*

2. Each Member State shall keep logs of the requests for queries that its competent **authorities and the staff of those** authorities duly authorised to use EPRIS make. Europol shall keep logs of requests for queries that its duly authorised staff make.

*Amendment*

2. Each **participating** Member State shall keep logs of the requests for queries that **the staff of** its competent **law enforcement** authorities duly authorised to use EPRIS make. Europol shall keep logs of requests for queries that its duly authorised staff make.

**Amendment 176**

**Proposal for a regulation**

**Article 45 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

Those logs shall be protected by appropriate measures against unauthorised access and erased **one year** after their creation.

*Amendment*

Those logs shall be protected by appropriate measures against unauthorised access and erased **three years** after their creation.

**Amendment 177**

**Proposal for a regulation**

**Article 46 – paragraph 1**

*Text proposed by the Commission*

1. Where it is technically impossible to use EPRIS to query one or several national **databases** because of a failure of

*Amendment*

1. Where it is technically impossible to use EPRIS to query one or several national **police records indexes** because of

the infrastructure of Europol, Member States shall be notified in an automated manner by Europol. Europol shall take measures to address the technical impossibility to use EPRIS *without delay*.

a failure of the infrastructure of Europol, Member States shall be notified in an automated manner by Europol. Europol shall take measures to address the technical impossibility to use EPRIS *in a timely manner*.

## Amendment 178

### Proposal for a regulation Article 46 – paragraph 2

#### *Text proposed by the Commission*

2. Where it is technically impossible to use EPRIS to query one or several national databases because of a failure of the national infrastructure in a Member State, that Member State shall notify Europol and the Commission in an automated manner. Member States shall take measures to address the technical impossibility to use EPRIS *without delay*.

#### *Amendment*

2. Where it is technically impossible to use EPRIS to query one or several national databases because of a failure of the national infrastructure in a Member State, that Member State shall notify Europol and the Commission in an automated manner. Member States shall take measures to address the technical impossibility to use EPRIS *in a timely manner*.

## Amendment 179

### Proposal for a regulation Article 47 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

Where the procedures referred to in **Articles 6, 7, 13 or 22** show a match between the data used for the search or comparison and data held in the database of the requested Member State(s), and upon confirmation of this match by the requesting Member State, the requested Member State shall return a set of core data via the router within 24 hours. *That* set of core data, *if available*, shall *contain the following data*:

#### *Amendment*

Where the procedures referred to in **Article 6, 7, 13 or 22** show a match between the data used for the search or comparison and data held in the database of the requested Member State(s), and upon *manual* confirmation of this match by *qualified staff of* the requesting Member State, the requested Member State shall return a set of core data via the router within 24 hours. *Where a judicial authorisation is required under national law, the* set of core data shall *be returned within 72 hours*.

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

*Amendment*

## Amendment 181

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

*Amendment*

(b) family name(s); deleted

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

*Amendment*

(c) *date of birth;* *deleted*

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

*Amendment*

(d) *nationality or nationalities;* *deleted*

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

*Amendment*

(e) *place and country of birth;* *deleted*

## Amendment 185

### Proposal for a regulation

#### Article 47 – paragraph 1 – point f

*Text proposed by the Commission*

**(f) gender.**

*Amendment*

***deleted***

## Amendment 186

### Proposal for a regulation

#### Article 47 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***Where the confirmed match concerns identified data of a person, the set of core data referred to in paragraph 1 shall, to the extent available, contain the following data:***

- (a) first name or names;***
- (b) family name or names;***
- (c) alias or aliases and previously used name or names;***
- (d) date of birth;***
- (e) nationality or nationalities;***
- (f) place and country of birth;***
- (g) gender;***
- (h) the date on which and the place where the biometric data were acquired;***
- (i) the criminal offence for which the biometric data were acquired;***
- (j) the criminal case number;***
- (k) the competent law enforcement authority responsible for the criminal case.***

## Amendment 187

**Proposal for a regulation**  
**Article 47 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

*Where the confirmed match concerns unidentified data or traces, the set of core data referred to in paragraph 1 shall, to the extent available, contain the following data:*

- (a) the date on which and the place where the biometric data were acquired;*
- (b) the criminal offence for which the biometric data were acquired;*
- (c) the criminal case number;*
- (d) the competent law enforcement authority responsible for the criminal case.*

**Amendment 188**

**Proposal for a regulation**  
**Article 47 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

*The release of core data by the requested Member State shall be subject to the decision of a human.*

**Amendment 189**

**Proposal for a regulation**  
**Article 47 – paragraph 1 d (new)**

*Text proposed by the Commission*

*Amendment*

*The requested Member State or States shall only refuse to share the core data where:*

- (a) the judicial authorisation required under the national law of the requested Member State was refused;*

*(b) there are objective reasons to believe sharing core data would disproportionately infringe the fundamental rights of the data subject; or*

*(c) there are objective reasons to believe sharing core data would jeopardise the success of an ongoing investigation of a criminal offence.*

*The justification for such refusals shall be provided promptly to the requesting Member State and in any event within the time limits provided in paragraph 1.*

## **Amendment 190**

### **Proposal for a regulation Article 48**

*Text proposed by the Commission*

#### **Article 48**

#### **Use of SIENA**

*Any exchange which is not explicitly provided for in this Regulation between Member States' competent authorities or with Europol, at any stage of one of the procedures under this Regulation, shall take place via SIENA.*

*Amendment*

*deleted*

## **Amendment 191**

### **Proposal for a regulation Article 49 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall, in accordance with Regulation (EU) 2016/794, have access to, and be able to search via the router, biometric data which has been provided to Europol by third countries for the purposes of Article 18(2), points (a), (b) and (c), of Regulation (EU) 2016/794.

*Amendment*

1. ***Without prejudice to any restrictions indicated by the provider of the information to Europol in accordance with Article 19(2) of Regulation (EU) 2016/794,*** Member States shall, in accordance with Regulation (EU) 2016/794, have access to, and be able to search via the router, biometric data which has been provided to Europol by third

countries for the purposes of Article 18(2), points (a), (b) and (c), of Regulation (EU) 2016/794.

## Amendment 192

### Proposal for a regulation Article 49 – paragraph 2

#### *Text proposed by the Commission*

2. Where **this procedure** results in a match between the data used for the search and Europol **data**, the follow-up shall take place in accordance with Regulation (EU) 2016/794.

#### *Amendment*

2. Where **the search referred to in paragraph 1** results in a match between the data used for the search and **third-country-sourced data held by** Europol, the follow-up shall take place in accordance with Regulation (EU) 2016/794.

## Amendment 193

### Proposal for a regulation Article 50 – paragraph 1

#### *Text proposed by the Commission*

1. Europol shall, in accordance with Regulation (EU) 2016/794, have access to data, which are stored by Member States in their national databases in accordance with this Regulation.

#### *Amendment*

1. **Where necessary to achieve the objectives set out in Article 3 of Regulation (EU) 2016/794**, Europol shall, in accordance with Regulation (EU) 2016/794, have access to data which are stored by Member States in their national databases in accordance with this Regulation.

## Amendment 194

### Proposal for a regulation Article 50 – paragraph 4

#### *Text proposed by the Commission*

4. Europol queries performed with **police records** as a search criterion shall be carried out using EPRIS.

#### *Amendment*

4. Europol queries performed with **biographical data referred to in Article 25** as a search criterion shall be carried out using EPRIS.

## Amendment 195

### Proposal for a regulation Article 50 – paragraph 5

#### *Text proposed by the Commission*

5. Europol shall carry out the searches in accordance with paragraph 1 only when carrying out its tasks referred to in Regulation (EU) 2016/794.

#### *Amendment*

5. Europol shall carry out the searches in accordance with paragraph 1 ***of this Article only for the purpose of Article 18(2), point (a), of Regulation (EU) 2016/794***, when carrying out its tasks referred to in Regulation (EU) 2016/794.

## Amendment 196

### Proposal for a regulation Article 50 – paragraph 6 – introductory part

#### *Text proposed by the Commission*

6. Where the procedures referred to in ***Articles*** 6, 7, 13 or 22 show a match between the data used for the search or comparison and data held in the national database of the requested Member State(s), and upon ***confirmation*** of that match by Europol, the requested Member State shall decide whether to return a set of core data via the router within 24 hours. That set of core data, if available, shall contain the following data:

#### *Amendment*

6. Where the procedures referred to in ***Article*** 6, 7, 13 or 22 show a match between the data used for the search or comparison and data held in the national database of the requested Member State(s), and upon ***human review*** of that match by ***qualified staff of Europol in accordance with this Regulation and the transmission of the name of the third country which provided the data***, the requested Member State shall decide whether to return a set of core data via the router within 24 hours. ***Where a judicial authorisation is required under national law, the core data shall be returned within 72 hours.*** That set of core data, if available, shall contain the following data:

## Amendment 197

### Proposal for a regulation Article 50 – paragraph 7



*Text proposed by the Commission*

7. Europol's use of information obtained from a search made in accordance with **paragraph 1** and from the exchange of core data in accordance with paragraph 6 shall be subject to the consent of the Member State in **which** database the match occurred. If the Member State allows the use of such information, its handling by Europol shall be governed by Regulation (EU) 2016/794.

**Amendment 198**

**Proposal for a regulation**  
**Article 51 – title**

*Text proposed by the Commission*

Purpose of the data

*Amendment*

7. Europol's use of information obtained from a search made in accordance with **paragraphs 1 and 5, and** from the exchange of core data in accordance with paragraph 6, shall be subject to the consent of the Member State in **whose** database the match occurred. If the Member State allows the use of such information, its handling by Europol shall be governed by Regulation (EU) 2016/794.

*Amendment*

Purpose of the data **processing**

**Amendment 199**

**Proposal for a regulation**  
**Article 51 – paragraph 1**

*Text proposed by the Commission*

1. Processing of personal data by the requesting Member State or Europol shall be permitted solely for the purposes for which the data have been supplied by the requested Member State in accordance with this Regulation. Processing for other purposes shall be permitted solely with the prior authorisation of the requested Member State.

*Amendment*

1. Processing of personal data **received** by the requesting Member State or Europol shall be permitted solely for the purposes for which the data have been supplied by the requested Member State in accordance with this Regulation. **Without prejudice to Directive (EU) 2016/680 or Regulation (EU) 2018/1725, as applicable,** processing for other purposes shall be permitted solely with the prior authorisation of the requested Member State **or Europol, as relevant.**

**Amendment 200**

**Proposal for a regulation**  
**Article 51 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. Processing of data supplied pursuant to **Articles** 6, 7, 13, 18 **or 22** by the **searching or comparing** Member State shall be permitted solely in order to:

*Amendment*

2. Processing of data supplied pursuant to **Article** 6, 7, 13, 18, **22 or 26** by the **requesting** Member State **or Europol** shall be permitted solely **where necessary** in order to:

**Amendment 201**

**Proposal for a regulation**  
**Article 51 – paragraph 2 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

**(aa) exchange a set of core data pursuant to Article 47;**

**Amendment 202**

**Proposal for a regulation**  
**Article 51 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) prepare and submit a police request for legal assistance if those data match;

(b) prepare and submit a police **or judicial** request for legal assistance if those data match;

**Amendment 203**

**Proposal for a regulation**  
**Article 51 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) logging within the meaning of Articles 40 and 45.

(c) logging within the meaning of Articles **20**, 40 and 45.

**Amendment 204**

**Proposal for a regulation**  
**Article 51 – paragraph 3**

*Text proposed by the Commission*

3. The requesting Member State *may process the data supplied to it in accordance with Articles 6, 7, 13 or 22 solely where this is necessary for the purposes of this Regulation. The supplied data* shall be deleted immediately following data comparison or automated replies to searches unless further processing *is necessary* by the requesting Member State for the purposes of the prevention, detection and investigation of criminal offences.

*Amendment*

3. ***The personal data received by*** the requesting Member State ***or Europol*** shall be deleted immediately following data comparison or automated replies to searches unless further processing by the requesting Member State ***is strictly necessary and proportionate*** for the purposes of the prevention, detection and investigation of criminal offences.

**Amendment 205**

**Proposal for a regulation**  
**Article 51 – paragraph 4**

*Text proposed by the Commission*

4. Data supplied in accordance with Article 18 may be used by the requesting Member State solely where this is necessary ***for*** the purposes of this Regulation. The data supplied shall be deleted immediately following automated replies to searches unless further processing is necessary for recording pursuant to Article 20. The requesting Member State shall use the data received in a reply solely for the procedure for which the search was made.

*Amendment*

4. Data supplied in accordance with Article 18 may be used by the requesting Member State solely where this is ***strictly necessary and proportionate to achieve*** the purposes of this Regulation. The data supplied shall be deleted immediately following automated replies to searches unless further processing is necessary for recording pursuant to Article 20. The requesting Member State shall use the data received in a reply solely for the procedure for which the search was made.

**Amendment 206**

**Proposal for a regulation**  
**Article 51 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Prior to connecting their national***

*databases to the router, EPRIS or Eucaris, Member States shall conduct a data protection impact assessment as referred to in Article 27 of Directive (EU) 2016/680 and consult the supervisory authority as referred to in Article 28 of that Directive. The supervisory authority may use any of its powers referred to in Article 47 of Directive (EU) 2016/680, in accordance with paragraph 5 of Article 28 of that Directive.*

#### **Amendment 207**

##### **Proposal for a regulation Article 51 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**4b. Member States shall ensure that data subjects are provided with information pursuant to Article 13 of Directive (EU) 2016/680 to allow them to exercise their rights.**

#### **Amendment 208**

##### **Proposal for a regulation Article 51 – paragraph 4 c (new)**

*Text proposed by the Commission*

*Amendment*

**4c. The European Data Protection Board shall issue guidelines on the implementation of Directive (EU) 2016/680 concerning the criminal databases and cross-border exchanges of personal data, in particular concerning accuracy, strict necessity and how to ensure respect for the right to data protection.**

#### **Amendment 209**

**Proposal for a regulation**  
**Article 52 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure the accuracy and current relevance of personal data. Should a requested Member State become aware that incorrect **data** or data which should not have been supplied have been supplied, this shall be notified without delay to any requesting Member State. All requesting Member States concerned shall be obliged to correct or delete the data accordingly. Moreover, personal data supplied shall be corrected if they are found to be incorrect. If the requesting Member State has reason to believe that the supplied data are incorrect or should be deleted the requested Member State shall be informed.

*Amendment*

1. Member States **and Europol** shall ensure the accuracy and current relevance of personal data ***which are processed pursuant to this Regulation***. Should a requested Member State **or Europol** become aware that ***data that are*** incorrect ***or no longer up to date*** or data which should not have been supplied have been supplied, this shall be notified without delay to any requesting Member State. All requesting Member States concerned shall be obliged to correct or delete the data accordingly ***without delay***. Moreover, personal data supplied shall be corrected if they are found to be incorrect. If the requesting Member State **or Europol** has reason to believe that the supplied data are incorrect or should be deleted the requested Member State shall be informed ***without delay***.

**Amendment 210**

**Proposal for a regulation**  
**Article 52 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States and Europol shall put in place appropriate measures for updating their databases, including as regards acquittals of persons whose personal data are in the databases.***

**Amendment 211**

**Proposal for a regulation**  
**Article 52 – paragraph 2**

*Text proposed by the Commission*

2. Where a data subject contested the accuracy of data in possession of a Member State, where the accuracy cannot be reliably established by the Member State concerned and where it is requested by the data subject, the data concerned shall be marked with a flag. Where such a flag exists, Member States may remove it only with the permission of the data subject or based on a decision of the competent court or ***independent*** data protection ***authority***.

*Amendment*

2. Where a data subject contested the accuracy of data in possession of a Member State ***or Europol***, where the accuracy cannot be reliably established by the Member State concerned ***or Europol*** and where it is requested by the data subject, the data concerned shall be marked with a flag. Where such a flag exists, Member States ***or Europol*** may remove it only with the permission of the data subject or based on a decision of the competent court or ***national supervisory authority or the European Data Protection Supervisor, as relevant***.

**Amendment 212**

**Proposal for a regulation**

**Article 52 – paragraph 3 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) following the expiry of the maximum period for keeping data laid down under the national law of the requested Member State where the requested Member State informed the requesting Member State of that maximum period at the time of supplying the data.

*Amendment*

(b) following the expiry of the maximum period for keeping data laid down under the national law of the requested Member State where the requested Member State ***or Europol*** informed the requesting Member State of that maximum period at the time of supplying the data;

**Amendment 213**

**Proposal for a regulation**

**Article 52 – paragraph 3 – subparagraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) following the expiry of the maximum period for keeping data laid down in Regulation (EU) 2016/794.***

## Amendment 214

### Proposal for a regulation

#### Article 52 – paragraph 3 – subparagraph 2

##### *Text proposed by the Commission*

Where there is reason to believe that the deletion of data would prejudice the interests of the data subject, the data shall be ***blocked*** instead of being deleted.

***Blocked*** data ***may*** be ***supplied or used*** solely for the purpose which prevented their deletion.

##### *Amendment*

Where there is reason to believe that the deletion of data would prejudice the interests of the data subject, the data shall be ***restricted*** instead of being deleted.

***Restricted*** data ***shall*** be ***processed*** solely for the purpose which prevented their deletion.

## Amendment 215

### Proposal for a regulation

#### Article 53 – paragraph 2 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***2a. Member States shall be the processors for the processing of personal data via Eucaris.***

## Amendment 216

### Proposal for a regulation

#### Article 54 – paragraph 1

##### *Text proposed by the Commission*

##### *Amendment*

1. Europol, eu-LISA and Member States' authorities shall ensure the security of the processing of personal data that takes place pursuant to this Regulation. Europol, eu-LISA and Member States' authorities shall cooperate on security-related tasks.

1. Europol, eu-LISA and Member States' ***competent law enforcement*** authorities shall ensure the security of the processing of personal data that takes place pursuant to this Regulation. Europol, eu-LISA and Member States' ***competent law enforcement*** authorities shall cooperate on security-related tasks.

## Amendment 217

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

*Text proposed by the Commission*

2. Without prejudice to Article 33 of Regulation (EU) 2018/1725 and Article 32 of Regulation (EU) 2016/794, eu-LISA and Europol shall take the necessary measures to ensure the security of the router and EPRIS respectively as well as their related communication infrastructure.

*Amendment*

2. Without prejudice to Article **91** of Regulation (EU) 2018/1725 and Article 32 of Regulation (EU) 2016/794, eu-LISA and Europol shall take the necessary measures to ensure the security of the router and EPRIS respectively as well as their related communication infrastructure.

**Amendment 218**

**Proposal for a regulation**  
**Article 55 – paragraph 2**

*Text proposed by the Commission*

2. Security incidents shall be managed so as to ensure a quick, effective and proper response.

*Amendment*

2. Security incidents shall be managed ***in close cooperation between the Member States concerned or Europol and eu-LISA, as relevant,*** so as to ensure a quick, effective and proper response.

**Amendment 219**

**Proposal for a regulation**  
**Article 55 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

Without prejudice to Article 34 of Regulation (EU) 2016/794, Europol shall notify CERT-EU of significant cyber threats, significant vulnerabilities and significant incidents without undue delay and in any event no later than 24 hours after becoming aware of them. Actionable and appropriate technical details of cyber threats, vulnerabilities and incidents that enable proactive detection, incident response or mitigating measures shall be disclosed to CERT-EU without undue delay.

*Amendment*

Without prejudice to Article 34 of Regulation (EU) 2016/794 ***and Article 92 of Regulation (EU) 2018/1725,*** Europol shall notify CERT-EU of significant cyber threats, significant vulnerabilities and significant incidents without undue delay and in any event no later than 24 hours after becoming aware of them. Actionable and appropriate technical details of cyber threats, vulnerabilities and incidents that enable proactive detection, incident response or mitigating measures shall be disclosed to CERT-EU without undue



delay.

## Amendment 220

### Proposal for a regulation

#### Article 55 – paragraph 3 – subparagraph 3

##### *Text proposed by the Commission*

In the event of a security incident in relation to the central infrastructure of the router, eu-LISA shall notify CERT-EU of significant cyber threats, significant vulnerabilities and significant incidents without undue delay and in any event no later than 24 hours after becoming aware of them. Actionable and appropriate technical details of cyber threats, vulnerabilities and incidents that enable proactive detection, incident response or mitigating measures shall be disclosed to CERT-EU without undue delay.

##### *Amendment*

In the event of a security incident in relation to the central infrastructure of the router ***and without prejudice to Article 92 of Regulation (EU) 2018/1725***, eu-LISA shall notify CERT-EU of significant cyber threats, significant vulnerabilities and significant incidents without undue delay and in any event no later than 24 hours after becoming aware of them. Actionable and appropriate technical details of cyber threats, vulnerabilities and incidents that enable proactive detection, incident response or mitigating measures shall be disclosed to CERT-EU without undue delay.

## Amendment 221

### Proposal for a regulation

#### Article 55 – paragraph 5 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***5a. This Article is without prejudice to the reporting obligations pursuant to Articles 92 and 93 of Regulation (EU) 2018/1725 and Articles 30 and 31 of Directive (EU) 2016/680.***

## Amendment 222

### Proposal for a regulation

#### Article 56 – paragraph 1

*Text proposed by the Commission*

1. Member States **and the relevant Union agencies** shall ensure that each authority entitled to use Prüm II takes the measures necessary to monitor its compliance with this Regulation and cooperates, where necessary, with the supervisory authority.

*Amendment*

1. Member States shall ensure that each authority entitled to use Prüm II takes the measures necessary to monitor its compliance with this Regulation and cooperates, where necessary, with the supervisory authority. ***Europol shall take the measures necessary to monitor its compliance with this Regulation and shall cooperate, where necessary, with the European Data Protection Supervisor.***

**Amendment 223**

**Proposal for a regulation  
Article 56 – paragraph 2**

*Text proposed by the Commission*

2. The data controllers shall **take** the necessary measures to monitor the compliance of data processing pursuant to this Regulation, including through frequent verification of the logs referred to in Articles 40 and 45, and cooperate, where necessary, with the supervisory authorities and with the European Data Protection Supervisor.

*Amendment*

2. The data controllers shall ***implement*** the necessary ***technical and organisational*** measures to ***ensure effective supervision and*** monitor the compliance of data processing pursuant to this Regulation, including through frequent verification of the logs referred to in Articles ***20***, 40 and 45 ***concerning the admissibility of queries, the lawfulness of data processing and data security and integrity***, and cooperate, where necessary ***and as appropriate***, with the supervisory authorities and with the European Data Protection Supervisor.

**Amendment 224**

**Proposal for a regulation  
Article 56 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The data controllers and Europol shall be provided with adequate human, financial and technical resources to fulfil***

*their tasks pursuant to this Article.*

## Amendment 225

### Proposal for a regulation Article 58 – paragraph 1

*Text proposed by the Commission*

If any failure of a Member State to comply with its obligations under this Regulation causes damage to the router or EPRIS, that Member State shall be liable for such damage, unless and *insofar* as eu-LISA, Europol or another Member State bound by this Regulation failed to take reasonable measures to prevent the damage from occurring or to minimise *its* impact.

*Amendment*

If any failure of a Member State to comply with its obligations under this Regulation causes damage to the router or EPRIS, that Member State shall be liable for such damage, unless and *in so far* as eu-LISA, Europol or another Member State bound by this Regulation failed to take reasonable measures to prevent the damage from occurring or to minimise *the* impact.

## Amendment 226

### Proposal for a regulation Article 59 – paragraph 2

*Text proposed by the Commission*

2. eu-LISA and Europol shall supply information requested by the European Data Protection Supervisor to it, grant the European Data Protection Supervisor access to all the documents it requests and to their logs referred to in Articles 40 and 45 and allow the European Data Protection Supervisor access to all their premises at any time.

*Amendment*

2. ***Without prejudice to Article 43(3) of Regulation (EU) 2016/794***, eu-LISA and Europol shall supply information requested by the European Data Protection Supervisor to it, grant the European Data Protection Supervisor access to all the documents it requests and to their logs referred to in Articles 40 and 45 and allow the European Data Protection Supervisor access to all their premises at any time. ***This paragraph is without prejudice to the powers of the European Data Protection Supervisor pursuant to Article 58 of Regulation (EU) 2018/1725.***

## Amendment 227

### Proposal for a regulation Article 59 – paragraph 2 a (new)

**2a.     *The European Data Protection Supervisor shall be provided with the staff and financial resources necessary to carry out the audits referred to in paragraph 1.***

## **Amendment 228**

### **Proposal for a regulation Article 60 – paragraph 1**

*Text proposed by the Commission*

1.     The supervisory authorities and the European Data Protection Supervisor shall, each acting within the scope of their respective competences, cooperate actively within the framework of their respective responsibilities **and** ensure coordinated supervision of the application of this Regulation, in particular if the European Data Protection Supervisor or a supervisory authority finds major discrepancies between practices of Member States or finds potentially unlawful transfers using the Prüm II communication channels.

*Amendment*

1.     The supervisory authorities and the European Data Protection Supervisor shall, each acting within the scope of their respective competences, cooperate actively within the framework of their respective responsibilities **to** ensure **the** coordinated supervision of the application of this Regulation, in particular if the European Data Protection Supervisor or a supervisory authority finds major discrepancies between practices of Member States or finds potentially unlawful transfers using the Prüm II communication channels.

## **Amendment 229**

### **Proposal for a regulation Article 60 – paragraph 3**

*Text proposed by the Commission*

3.     The European Data Protection Board shall send a joint report of its activities under this Article to the European Parliament, to the Council, to the Commission, to Europol and to eu-LISA by **/2** years after entry into operation of the router and EPRIS/ and every two years thereafter. That report shall include a chapter on each Member State prepared by

*Amendment*

3.     ***The European Data Protection Supervisor and*** the European Data Protection Board shall send a joint report of its activities under this Article to the European Parliament, to the Council, to the Commission, to Europol and to eu-LISA by 2 years after entry into operation of the router and EPRIS and every two years thereafter. That report shall include a

the supervisory authority of the Member State concerned.

chapter on each Member State prepared by the supervisory authority of the Member State concerned.

#### **Amendment 230**

##### **Proposal for a regulation Article 61 – title**

*Text proposed by the Commission*

***Communication*** of personal data to third countries and international organisations

*Amendment*

***Transfer*** of personal data to third countries and international organisations

#### **Amendment 231**

##### **Proposal for a regulation Article 61 – paragraph 1**

*Text proposed by the Commission*

***Data processed*** in accordance with this Regulation ***shall not be transferred or made available*** to third ***countries or to international organisations in an automated manner***.

*Amendment*

***A requesting Member State shall transfer personal data it has obtained*** in accordance with this Regulation to ***a third country or an international organisation only in accordance with Chapter V of Directive (EU) 2016/680 and where the requested Member State has granted its authorisation prior to the transfer.***

#### **Amendment 232**

##### **Proposal for a regulation Article 61 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Europol shall transfer personal any data it has obtained in accordance with this Regulation to a third country or an international organisation only where the conditions laid down in Article 25 of Regulation (EU) 2016/794 are fulfilled and the requested Member State has granted its authorisation prior to the***

*transfer.*

#### **Amendment 233**

##### **Proposal for a regulation Article 61 a (new)**

*Text proposed by the Commission*

*Amendment*

##### **Article 61 a**

##### ***Relation to other legal acts on data protection***

***Any processing of personal data for the purposes of this Regulation shall be carried out in compliance with this Chapter and with Directive (EU) 2016/680, Regulation (EU) 2018/1725 or Regulation (EU) 2016/794, as applicable.***

#### **Amendment 234**

##### **Proposal for a regulation Article 62 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

(g) the management of, and arrangements for, access by the duly authorised staff of the competent national authorities to the router in accordance with this Regulation and the creation and regular update of a list of those staff and their profiles;

(g) the management of, and arrangements for, access by the duly authorised staff of the competent national ***law enforcement*** authorities to the router in accordance with this Regulation and the creation and regular update of a list of those staff and their profiles;

#### **Amendment 235**

##### **Proposal for a regulation Article 62 – paragraph 1 – point h**

*Text proposed by the Commission*

*Amendment*

(h) the management of, and arrangements for, access by the duly authorised staff of the competent national

(h) the management of, and arrangements for, access by the duly authorised staff of the competent national

authorities to EPRIS in accordance with this Regulation and the creation and regular update of a list of those staff and their profiles;

**law enforcement** authorities to EPRIS in accordance with this Regulation and the creation and regular update of a list of those staff and their profiles;

#### Amendment 236

##### Proposal for a regulation

##### Article 62 – paragraph 1 – point i

###### *Text proposed by the Commission*

(i) the management of, and arrangements for, access by the duly authorised staff of the competent national authorities to Eucaris in accordance with this Regulation and the creation and regular update of a list of those staff and their profiles;

###### *Amendment*

(i) the management of, and arrangements for, access by the duly authorised staff of the competent national **law enforcement** authorities to Eucaris in accordance with this Regulation and the creation and regular update of a list of those staff and their profiles;

#### Amendment 237

##### Proposal for a regulation

##### Article 62 – paragraph 1 – point j

###### *Text proposed by the Commission*

(j) the **manual** confirmation of a match as referred to in Article 6(3), Article 7(3), Article 13(2), Article 22(2) **and Article 26(2)**;

###### *Amendment*

(j) the **human** confirmation **by qualified staff** of a match as referred to in Article 6(3), Article 7(3), Article 13(2) **and** Article 22(2);

#### Amendment 238

##### Proposal for a regulation

##### Article 62 – paragraph 1 – point m

###### *Text proposed by the Commission*

(m) deleting any data received from a requested Member State within **48** hours following the notification from the requested Member State that the personal data submitted was incorrect, no longer up-to-date or was unlawfully transmitted.

###### *Amendment*

(m) **correcting, updating or** deleting any data received from a requested Member State within **24** hours following the notification from the requested Member State that the personal data submitted was incorrect, **is** no longer up-to-date or was

unlawfully transmitted.

## Amendment 239

### Proposal for a regulation Article 62 – paragraph 2

*Text proposed by the Commission*

2. Each Member State shall be responsible for connecting their competent national authorities to the router, EPRIS and Eucaris.

*Amendment*

2. Each Member State shall be responsible for connecting their competent national **law enforcement** authorities to the router, EPRIS and Eucaris.

## Amendment 240

### Proposal for a regulation Article 63 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. Without prejudice to Article 26(6c) of Regulation (EU) 2016/794 and Europol's searches pursuant to Article 50(4) of this Regulation, Europol shall not have access to any of the personal data processed through EPRIS.**

## Amendment 241

### Proposal for a regulation Article 65 – paragraph 1 – subparagraph 3

*Text proposed by the Commission*

The router shall be developed and managed in such a way as to ensure fast, efficient and controlled access, full and uninterrupted availability of the router, and a response time in line with the operational needs of the competent authorities of the Member States and Europol.

*Amendment*

The router shall be developed and managed in such a way as to ensure fast, efficient and controlled access, full and uninterrupted availability of the router, and a response time in line with the operational needs of the competent **law enforcement** authorities of the Member States and Europol.



## **Amendment 242**

### **Proposal for a regulation**

#### **Article 65 – paragraph 1 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***eu-LISA shall make publicly available information on technology supplied by private parties, including the supplier, for the purposes of its tasks referred to in paragraph 1.***

## **Amendment 243**

### **Proposal for a regulation**

#### **Article 67 – paragraph 1 – point 2 a (new)**

Regulation (EU) 2018/1726

#### **Article 19 – paragraph 1 – point ee a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) in Article 19(1), the following point is added after point (ee):***

***‘(eea) adopt the reports on the state of play of the development of the router referred to in Article 35 of Regulation (EU) ... of the European Parliament and of the Council [2021/0410(COD)] pursuant to Article 78(2) of that Regulation;’***

## **Amendment 244**

### **Proposal for a regulation**

#### **Article 67 – paragraph 1 – point 2 b (new)**

Regulation (EU) 2018/1726

#### **Article 19 – paragraph 1 – point ff**

*Present text*

*Amendment*

(ff) adopt the reports on the technical functioning of SIS II pursuant to Article 50(4) of Regulation (EC) No 1987/2006

***(2b) in Article 19(1), point (ff) is replaced by the following:***

***‘(ff) adopt the reports on the technical functioning of SIS II pursuant to Article 50(4) of Regulation (EC) No 1987/2006***

and Article 66(4) of Decision 2007/533/JHA respectively, of the VIS pursuant to Article 50(3) of Regulation (EC) No 767/2008 and Article 17(3) of Decision 2008/633/JHA, of the EES pursuant to Article 72(4) of Regulation (EU) 2017/2226 **and** of ETIAS pursuant to Article 92(4) of Regulation (EU) 2018/1240;

and Article 66(4) of Decision 2007/533/JHA respectively, of the VIS pursuant to Article 50(3) of Regulation (EC) No 767/2008 and Article 17(3) of Decision 2008/633/JHA, of the EES pursuant to Article 72(4) of Regulation (EU) 2017/2226, of ETIAS pursuant to Article 92(4) of Regulation (EU) 2018/1240 **and of the router referred to in Article 35 of Regulation (EU) ... [2021/0410(COD)] pursuant to Article 78(5) of that Regulation (EU) ...;**

## **Amendment 245**

### **Proposal for a regulation**

#### **Article 67 – paragraph 1 – point 2 c (new)**

Regulation (EU) 2018/1726

Article 19 – paragraph 1 – point hh

#### *Present text*

(hh) adopt formal comments on the European Data Protection Supervisor's reports on the audits carried out pursuant to **Article 45(2) of Regulation (EC) No 1987/2006**, Article 42(2) of Regulation (EC) No 767/2008 **and** Article 31(2) of Regulation (EU) No 603/2013, Article 56(2) of Regulation (EU) 2017/2226 **and** Article 67 of Regulation (EU) 2018/1240 and ensure appropriate follow-up of those audits;

#### *Amendment*

**(2c) in Article 19(1), point (hh) is replaced by the following:**

“(hh) adopt formal comments on the European Data Protection Supervisor's reports on its audits carried out pursuant to **Article 56(2) of Regulation (EU) 2018/1861**, Article 42(2) of Regulation (EC) No 767/2008, Article 31(2) of Regulation (EU) No 603/2013, Article 56(2) of Regulation (EU) 2017/2226, Article 67 of Regulation (EU) 2018/1240, **Article 29(2) of Regulation (EU) 2019/816, Article 52 of Regulations (EU) 2019/817 and (EU) 2019/818 and Article 59(1) of Regulation (EU) ... [2021/0410(COD)]** and ensure appropriate follow-up of those audits;”

## **Amendment 246**

### **Proposal for a regulation**

#### **Article 69 – paragraph 1 – point 2**

Regulation (EU) 2019/818

Article 39 – paragraph 1

*Text proposed by the Commission*

1. A central repository for reporting and statistics (CRRS) is established for the purposes of supporting the objectives of the SIS, Eurodac, ECRIS-TCN, in accordance with the respective legal instruments governing those systems, and to provide cross-system statistical data and analytical reporting for policy, operational and data quality purposes. The CRRS shall also support the objectives of ***Prüm II***.”

*Amendment*

1. A central repository for reporting and statistics (CRRS) is established for the purposes of supporting the objectives of the SIS, Eurodac, ECRIS-TCN, in accordance with the respective legal instruments governing those systems, and to provide cross-system statistical data and analytical reporting for policy, operational and data quality purposes. The CRRS shall also support the objectives of ***Regulation (EU) .../... of the European Parliament and of the Council\* [2021/0410(COD)]***.”

**Amendment 247**

**Proposal for a regulation**

**Article 69 – paragraph 1 – point 2**

Regulation (EU) 2019/818

Article 39 – paragraph 2

*Text proposed by the Commission*

“2. eu-LISA shall establish, implement and host in its technical sites the CRRS containing the data and statistics referred to in Article 74 of Regulation (EU) 2018/1862 and Article 32 of Regulation (EU) 2019/816 logically separated by EU information system. eu-LISA shall also collect the data and statistics from the router referred to in Article **65(1)** of Regulation (EU) .../... \* [this Regulation ]. Access to the CRRS shall be granted by means of controlled, secured access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in Article 74 of Regulation (EU) 2018/1862, Article 32 of Regulation (EU) 2019/816 and Article **65(1)** of Regulation (EU) .../... \* [this Regulation ].”

*Amendment*

“2. eu-LISA shall establish, implement and host in its technical sites the CRRS containing the data and statistics referred to in Article 74 of Regulation (EU) 2018/1862 and Article 32 of Regulation (EU) 2019/816 logically separated by EU information system. eu-LISA shall also collect the data and statistics from the router referred to in Article **70(1)** of Regulation (EU) .../... \* [this Regulation ]. Access to the CRRS shall be granted by means of controlled, secured access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in Article 74 of Regulation (EU) 2018/1862, Article 32 of Regulation (EU) 2019/816 and Article **64(1)** of Regulation (EU) .../... \* [this Regulation ].”

**Amendment 248**

**Proposal for a regulation**

**Article 70 – paragraph 1 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

The duly authorised staff of the competent authorities of Member States, the Commission, Europol and eu-LISA shall have access to **consult** the following data related to the router, solely for the purposes of reporting and statistics:

*Amendment*

The duly authorised staff of the competent **law enforcement** authorities of Member States, the Commission, Europol and eu-LISA shall have access to the following data related to the router, **as relevant**, solely for the purposes of reporting and statistics:

**Amendment 249**

**Proposal for a regulation**

**Article 70 – paragraph 1 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) number of queries per Member State and by Europol;

*Amendment*

(a) number of queries per Member State and by Europol, **per category of data**;

**Amendment 250**

**Proposal for a regulation**

**Article 70 – paragraph 1 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) **number of queries per category of data;** **deleted**

*Amendment*

**Amendment 251**

**Proposal for a regulation**

**Article 70 – paragraph 1 – subparagraph 1 – point f**

*Text proposed by the Commission*

(f) number of confirmed matches where there were exchanges of core data; **and**

*Amendment*

(f) number of confirmed matches where there were exchanges of core data;

## Amendment 252

### Proposal for a regulation

#### Article 70 – paragraph 1 – subparagraph 1 – point f a (new)

*Text proposed by the Commission*

*Amendment*

**(f a) number of confirmed matches where there were no exchanges of core data;**

## Amendment 253

### Proposal for a regulation

#### Article 70 – paragraph 1 – subparagraph 1 – point f b (new)

*Text proposed by the Commission*

*Amendment*

**(f b) number of unconfirmed matches; and**

## Amendment 254

### Proposal for a regulation

#### Article 70 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

It shall not be possible to identify individuals from the data.

***The data shall be aggregated.*** It shall not be possible to identify individuals from the data.

## Amendment 255

### Proposal for a regulation

#### Article 70 – paragraph 2 – subparagraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

The duly authorised staff of the competent authorities of Member States, Europol and the Commission shall have access to consult the following data related to Eucaris, solely for the purposes of reporting and statistics:

The duly authorised staff of the competent ***law enforcement*** authorities of Member States, Europol and the Commission shall have access to consult the following data related to Eucaris, solely for the purposes of reporting and statistics:

## Amendment 256

### Proposal for a regulation

#### Article 70 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

It shall not be possible to identify individuals from the data.

*Amendment*

***The data shall be aggregated.*** It shall not be possible to identify individuals from the data

## Amendment 257

### Proposal for a regulation

#### Article 70 – paragraph 3 – subparagraph 1 – introductory part

*Text proposed by the Commission*

The duly authorised staff of the competent authorities of Member States, the Commission and Europol shall have access to consult the following data related to EPRIS, solely for the purposes of reporting and statistics:

*Amendment*

The duly authorised staff of the competent ***law enforcement*** authorities of Member States, the Commission and Europol shall have access to consult the following data related to EPRIS, solely for the purposes of reporting and statistics:

## Amendment 258

### Proposal for a regulation

#### Article 70 – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

eu-LISA shall store the data referred to in ***those paragraphs***.

*Amendment*

eu-LISA shall store the data referred to in ***paragraph 1 of this Article in the central repository for reporting and statistics established pursuant to Article 39 of Regulation (EU) 2019/818.***

## Amendment 259

### Proposal for a regulation

#### Article 70 – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

The data shall allow the authorities ***referred to in paragraph 1*** to obtain customisable reports and statistics to enhance the efficiency of law enforcement cooperation.

*Amendment*

The data shall allow the ***competent law enforcement authorities of the Member States, Europol, eu-LISA and the Commission*** to obtain customisable reports and statistics to enhance the efficiency of law enforcement cooperation.

**Amendment 260**

**Proposal for a regulation  
Article 72 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall notify eu-LISA of the authorities referred to in Article 36, which may use or have access to the router.

*Amendment*

1. Member States shall notify eu-LISA of the ***competent law enforcement*** authorities referred to in Article 36, which may use or have access to the router.

**Amendment 261**

**Proposal for a regulation  
Article 72 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Each Member State shall notify the other Member States, the Commission, eu-LISA and Europol of the content of its national DNA databases to which Articles 5, 6 and 7 apply.***

**Amendment 262**

**Proposal for a regulation  
Article 72 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. Each Member States shall inform the other Member States, the Commission, eu-LISA and Europol of the content of its***

*national dactyloscopic databases to which Articles 12 and 13 apply.*

#### **Amendment 263**

##### **Proposal for a regulation Article 72 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2c. Each Member States shall inform the other Member States, the Commission, eu-LISA and Europol of the content of its national facial images databases to which Articles 21 and 22 apply.**

#### **Amendment 264**

##### **Proposal for a regulation Article 72 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

**2d. Member States participating in automated exchanges of police records pursuant to Articles 25 and 26 shall notify the other Member States, the Commission and Europol of the content of its national police records indexes, the national databases used for the establishment of those indexes and the conditions for automated searches.**

#### **Amendment 265**

##### **Proposal for a regulation Article 72 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Member States shall notify the Commission, Europol and eu-LISA of the national contact points.

3. Member States shall notify the Commission, Europol and eu-LISA of **their national contact point designated pursuant to Article 29. The Commission shall compile a list of** the national contact



points *of which it has been notified and make it available to all Member States.*

## Amendment 266

### Proposal for a regulation

#### Article 73 – paragraph 1 – subparagraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

1. The Commission shall determine the date from which the Member States and **the Union agencies** may start using router by means of an implementing act once the following conditions have been met:

1. The Commission shall determine the date from which the Member States and **Europol** may start using **the** router by means of an implementing act once the following conditions have been met:

## Amendment 267

### Proposal for a regulation

#### Article 73 – paragraph 1 – subparagraph 1 – point a

*Text proposed by the Commission*

*Amendment*

(a) the measures referred to in Article 37(6) have been adopted;

(a) the measures referred to in **Article 5(2c), Article 10(3), Article 15(4), Article 19(3), Article 23a(3), Article 30 and Article 37(6)** have been adopted;

## Amendment 268

### Proposal for a regulation

#### Article 73 – paragraph 1 – subparagraph 1 – point b

*Text proposed by the Commission*

*Amendment*

(b) eu-LISA has declared the successful completion of a comprehensive test of the router, which it has conducted in cooperation with the Member States authorities' and Europol.

(b) eu-LISA has declared the successful completion of a comprehensive test of the router, which it has conducted in cooperation with the Member States' **competent law enforcement** authorities and Europol.

## Amendment 269

## Proposal for a regulation

### Article 73 – paragraph 1 – subparagraph 2

#### *Text proposed by the Commission*

In that implementing act the Commission shall also determine the date from which the Member States and ***the Union agencies must*** start using router. That date shall be one year after the date determined in accordance with the first subparagraph.

#### *Amendment*

In that implementing act the Commission shall also determine the date from which the Member States and ***Europol shall*** start using ***the*** router. That date shall be one year after the date determined in accordance with the first subparagraph.

## Amendment 270

## Proposal for a regulation

### Article 73 – paragraph 1 – subparagraph 3

#### *Text proposed by the Commission*

The Commission may postpone the date from which the Member States and the Union agencies ***must*** start using router by one year at most where an assessment of the implementation of the router has shown that such a postponement is necessary. ***That implementing act shall be adopted in accordance with the procedure referred to in Article 75(2).***

#### *Amendment*

The Commission may postpone the date from which the Member States and the Union agencies ***are to*** start using ***the*** router by one year at most where an assessment of the implementation of the router has shown that such a postponement is necessary.

## Amendment 271

## Proposal for a regulation

### Article 73 – paragraph 2 – introductory part

#### *Text proposed by the Commission*

2. The Commission shall determine the date from which the Member States and ***the Union agencies*** are to start using EPRIS by means of an implementing act once the following conditions have been met:

#### *Amendment*

2. The Commission shall determine the date from which the Member States and ***Europol*** are to start using EPRIS by means of an implementing act once the following conditions have been met:

## Amendment 272

**Proposal for a regulation**  
**Article 73 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) Europol has declared the successful completion of a comprehensive test of EPRIS, which it has conducted in cooperation with the Member States' authorities.

*Amendment*

(b) Europol has declared the successful completion of a comprehensive test of EPRIS, which it has conducted in cooperation with the Member States' ***competent law enforcement*** authorities.

**Amendment 273**

**Proposal for a regulation**  
**Article 73 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) Europol has declared the successful completion of a comprehensive test of the connection, which it has conducted in cooperation with the Member States authorities' and eu-LISA.

*Amendment*

(b) Europol has declared the successful completion of a comprehensive test of the connection, which it has conducted in cooperation with the Member States ***competent law enforcement*** authorities' and eu-LISA.

**Amendment 274**

**Proposal for a regulation**  
**Article 73 – paragraph 4 – point b**

*Text proposed by the Commission*

(b) Europol has declared the successful completion of a comprehensive test of the connection, which it has conducted in cooperation with the Member States authorities' and eu-LISA.

*Amendment*

(b) Europol has declared the successful completion of a comprehensive test of the connection, which it has conducted in cooperation with the Member States' ***competent law enforcement*** authorities and eu-LISA.

**Amendment 275**

**Proposal for a regulation**  
**Article 73 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. The implementing acts referred to in this Article shall be adopted in accordance with the procedure referred to in Article 75(2).**

## **Amendment 276**

### **Proposal for a regulation Article 77 – paragraph 1**

*Text proposed by the Commission*

The Commission shall, in close cooperation with the Member States, Europol **and eu-LISA**, make available a practical handbook for the implementation and management of this Regulation. The practical handbook shall provide technical and operational guidelines, recommendations and best practices. The Commission shall adopt the practical handbook in the form of a recommendation.

*Amendment*

The Commission shall, in close cooperation with the Member States, Europol, **eu-LISA, the European Data Protection Board, the European Data Protection Supervisor and the European Union Agency for Fundamental Rights** make available a practical handbook for the implementation and management of this Regulation. The practical handbook shall provide technical and operational guidelines, recommendations and best practices. The Commission shall adopt the practical handbook in the form of a recommendation **by ... [six months after entry into force of this Regulation]. The Commission shall regularly and where necessary update the practical handbook.**

## **Amendment 277**

### **Proposal for a regulation Article 78 – paragraph 1**

*Text proposed by the Commission*

1. eu-LISA and Europol shall, respectively, ensure that procedures are in place to monitor the development of the router and of EPRIS in light of objectives relating to planning and costs and to monitor **the functioning of the router and**

*Amendment*

1. eu-LISA and Europol shall, respectively, ensure that procedures are in place to monitor the development of the router and of EPRIS in light of objectives relating to planning and costs and to monitor **their** functioning in light of

*of EPRI*S in light of objectives relating to the technical output, cost-effectiveness, security and quality of service.

objectives relating to the technical output, cost-effectiveness, security and quality of service.

## Amendment 278

### Proposal for a regulation

#### Article 78 – paragraph 2 – subparagraph 1

##### *Text proposed by the Commission*

By [one year after entry into force of this Regulation] and every year thereafter during the development phase of the router, eu-LISA shall **respectively** submit a report to the European Parliament and to the Council on the state of play of the development of the router. That report shall contain detailed information about the costs incurred and information as to any risks which may impact the overall costs to be borne by the general budget of the Union in accordance with Article 72.

##### *Amendment*

By [one year after entry into force of this Regulation] and every year thereafter during the development phase of the router, eu-LISA shall submit a report to the European Parliament and to the Council on the state of play of the development of the router. That report shall contain detailed information about the costs incurred and information as to any risks which may impact the overall costs to be borne by the general budget of the Union in accordance with Article 71.

## Amendment 279

### Proposal for a regulation

#### Article 78 – paragraph 3 – subparagraph 1

##### *Text proposed by the Commission*

By [one year after entry into force of this Regulation] and every year thereafter during the development phase of EPRIS, Europol shall submit a report to the European Parliament and to the Council **on the state of preparation for the implementation of this Regulation and** on the state of play of the development of EPRIS including detailed information about the costs incurred and information as to any risks which may impact the overall costs to be borne by the general budget of the Union in accordance with Article 72.

##### *Amendment*

By [one year after entry into force of this Regulation] and every year thereafter during the development phase of EPRIS, Europol shall submit a report to the European Parliament and to the Council on the state of play of the development of EPRIS including detailed information about the costs incurred and information as to any risks which may impact the overall costs to be borne by the general budget of the Union in accordance with Article 71.

## Amendment 280

### Proposal for a regulation Article 78 – paragraph 4

*Text proposed by the Commission*

4. For the purposes of technical maintenance, eu-LISA and Europol shall have access to the necessary information relating to the data processing operations performed in the router and EPRIS respectively.

*Amendment*

4. For the purposes of technical maintenance, eu-LISA and Europol shall have access to the necessary information relating to the data processing operations performed in the router and EPRIS respectively. ***That access shall exclude access to any personal data.***

## Amendment 281

### Proposal for a regulation Article 78 – paragraph 7 – subparagraph 1 – introductory part

*Text proposed by the Commission*

***Three*** years after the start of operations of the router and EPRIS as referred to in Article 74 and every four years thereafter, the Commission shall produce an overall evaluation of Prüm II, including:

*Amendment*

***Two*** years after the start of operations of the router and EPRIS as referred to in Article 73 and every four years thereafter, the Commission shall produce an overall evaluation of Prüm II, including:

## Amendment 282

### Proposal for a regulation Article 78 – paragraph 7 – subparagraph 1 – point a

*Text proposed by the Commission*

(a) an assessment of the application of this Regulation;

*Amendment*

(a) an assessment of the application of this Regulation ***for each Member State and Europol;***

## Amendment 283

### Proposal for a regulation Article 78 – paragraph 7 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***The Commission shall pay due attention to any Member State subject to a procedure referred to in Article 7 of the Treaty on the European Union***

#### **Amendment 284**

##### **Proposal for a regulation Article 78 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

8. The Member States and Europol shall provide eu-LISA and the Commission with the information necessary to draft the reports referred to in paragraphs 2 and 5. This information shall not jeopardise working methods or include information that reveals sources, staff members or investigations of the ***designated*** authorities.

8. The Member States and Europol shall provide eu-LISA and the Commission with the information necessary to draft the reports referred to in paragraphs 2 and 5. This information shall not jeopardise working methods or include information that reveals sources, staff members or investigations of the ***competent law enforcement*** authorities.

#### **Amendment 285**

##### **Proposal for a regulation Article 78 – paragraph 9**

*Text proposed by the Commission*

*Amendment*

9. The Member States shall provide Europol and the Commission with the information necessary to draft the reports referred to in paragraphs 3 and 6. This information shall not jeopardise working methods or include information that reveals sources, staff members or investigations of the ***designated*** authorities.

9. The Member States shall provide Europol and the Commission with the information necessary to draft the reports referred to in paragraphs 3 and 6. This information shall not jeopardise working methods or include information that reveals sources, staff members or investigations of the ***competent law enforcement*** authorities.

#### **Amendment 286**

**Proposal for a regulation**  
**Article 78 – paragraph 10**

*Text proposed by the Commission*

10. Member States, eu-LISA and Europol shall provide the Commission with the information necessary to produce the evaluations referred to in paragraph 7. Member States shall also provide the Commission with the number of confirmed matches against each Member State's database per category of data.

*Amendment*

10. ***Without prejudice to confidentiality requirements and the protection of ongoing investigations,*** Member States, eu-LISA and Europol shall provide the Commission with the information necessary to produce the evaluations referred to in paragraph 7. Member States shall also provide the Commission with the number of confirmed matches against each Member State's database per category of data.



## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	Automated data exchange for police cooperation (“Prüm II”), amending Council Decisions 2008/615/JHA and 2008/616/JHA and Regulations (EU) 2018/1726, 2019/817 and 2019/818 of the European Parliament and of the Council						
<b>References</b>	COM(2021)0784 – C9-0455/2021 – 2021/0410(COD)						
<b>Date submitted to Parliament</b>	9.12.2021						
<b>Committee responsible</b> Date announced in plenary	LIBE 27.1.2022						
<b>Committees asked for opinions</b> Date announced in plenary	BUDG 27.1.2022						
<b>Not delivering opinions</b> Date of decision	BUDG 13.1.2022						
<b>Rapporteurs</b> Date appointed	Paulo Rangel 31.3.2022						
<b>Discussed in committee</b>	10.10.2022						
<b>Date adopted</b>	23.5.2023						
<b>Result of final vote</b>	<table> <tr> <td>+: </td><td>42</td></tr> <tr> <td>–: </td><td>10</td></tr> <tr> <td>0: </td><td>1</td></tr> </table>	+:	42	–:	10	0:	1
+:	42						
–:	10						
0:	1						
<b>Members present for the final vote</b>	Abir Al-Sahlani, Malik Azmani, Pietro Bartolo, Malin Björk, Vasile Blaga, Karolin Braunsberger-Reinhold, Patrick Breyer, Saskia Bricmont, Annika Bruna, Damien Carême, Clare Daly, Lena Düpont, Lucia Ďuriš Nicholsonová, Laura Ferrara, Nicolaus Fest, Andrzej Halicki, Sophia in ‘t Veld, Patryk Jaki, Marina Kaljurand, Assita Kanko, Moritz Körner, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Nuno Melo, Javier Moreno Sánchez, Maite Pagazaurtundúa, Emil Radev, Paulo Rangel, Isabel Santos, Birgit Sippel, Sara Skytvedal, Vincenzo Sofo, Tineke Strik, Ramona Strugariu, Tomas Tobé, Milan Uhrik, Tom Vandendriessche, Elena Yoncheva						
<b>Substitutes present for the final vote</b>	Susanna Ceccardi, Gwendoline Delbos-Corfield, Loucas Fourlas, José Gusmão, Alessandra Mussolini, Matjaž Nemec, Carina Ohlsson, Thijs Reuten, Paul Tang, Róza Thun und Hohenstein, Loránt Vincze, Tomáš Zdechovský						
<b>Substitutes under Rule 209(7) present for the final vote</b>	Marie Dauchy, Vlad Gheorghe						
<b>Date tabled</b>	26.5.2023						

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

42	+
ECR	Patryk Jaki, Assita Kanko, Vincenzo Sofo
ID	Annika Bruna, Susanna Ceccardi, Marie Dauchy, Tom Vandendriessche
NI	Laura Ferrara
PPE	Vasile Blaga, Karolin Braunsberger-Reinhold, Lena Düpont, Loucas Fourlas, Andrzej Halicki, Jeroen Lenaers, Nuno Melo, Alessandra Mussolini, Emil Radev, Paulo Rangel, Sara Skytvedal, Tomas Tobé, Loránt Vincze, Tomáš Zdechovský
Renew	Abir Al-Sahlani, Malik Azmani, Lucia Ďuriš Nicholsonová, Vlad Gheorghe, Sophia in 't Veld, Moritz Körner, Maite Pagazaurtundúa, Ramona Strugariu, Róza Thun und Hohenstein
S&D	Pietro Bartolo, Marina Kaljurand, Juan Fernando López Aguilar, Javier Moreno Sánchez, Matjaž Nemec, Carina Ohlsson, Thijs Reuten, Isabel Santos, Birgit Sippel, Paul Tang, Elena Yoncheva

10	-
NI	Milan Uhrík
The Left	Malin Björk, Clare Daly, José Gusmão
Verts/ALE	Patrick Breyer, Saskia Briemont, Damien Carême, Gwendoline Delbos-Corfield, Alice Kuhnke, Tineke Strik

1	0
ID	Nicolaus Fest

Key to symbols:

+ : in favour

- : against

0 : abstention