



**2016/0357A(COD)**

4.10.2017

# **AMENDMENTS 145 - 407**

**Draft report**

**Kinga Gál**

(PE605.985v02-00)

on the proposal for a regulation of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 515/2014, (EU) 2016/399 and (EU) 2016/1624

Proposal for a regulation

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



**Amendment 145**  
**Marie-Christine Vergiat**

**Proposal for a regulation**

—

*Proposal for rejection*

***The European Parliament rejects the  
Commission proposal.***

Or. fr

**Amendment 146**  
**Sophia in 't Veld**

**Proposal for a regulation**

—

*Proposal for rejection*

***The European Parliament rejects the  
Commission proposal.***

Or. en

**Amendment 147**  
**Jan Philipp Albrecht**

**Proposal for a regulation**

—

*Proposal for rejection*

***The European Parliament rejects the  
Commission proposal.***

Or. en

*Justification*

*The EDPS, the Article 29 WP, the FRA, the study conducted for the European Parliament, and the Meijers Committee all have pointed out that there is a lack of evidence for the necessity and proportionality of such a sweeping measure. The added value compared to the existing or agreed mechanisms such as SIS, VIS, Europol database, EES, PNR and API is*

*unclear. ETIAS would also constitute a visa in disguise for citizens from visa-waiver countries.*

**Amendment 148**  
**Marie-Christine Vergiat**

**Draft legislative resolution**  
**Citation 4 a (new)**

*Draft legislative resolution*

*Amendment*

- ***having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data,***

Or. fr

**Amendment 149**  
**Marie-Christine Vergiat**

**Draft legislative resolution**  
**Citation 4 b (new)**

*Draft legislative resolution*

*Amendment*

- ***having regard to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, and in particular Articles 28(2), 41(2) and 46(d) thereof,***

Or. fr

**Amendment 150**  
**Marie-Christine Vergiat**

**Draft legislative resolution**

**Citation 5 a (new)**

*Draft legislative resolution*

*Amendment*

- ***having regard to the opinion of the European Data Protection Supervisor on the second set of ‘Smart Borders’ measures of the European Union (Opinion 06/2016),***

Or. fr

**Amendment 151**

**Marie-Christine Vergiat**

**Draft legislative resolution**

**Citation 5 b (new)**

*Draft legislative resolution*

*Amendment*

- ***having regard to the opinion of the European Data Protection Supervisor on the proposal for a regulation establishing a European Travel Information and Authorisation System (ETIAS) (Opinion 3/2017),***

Or. fr

**Amendment 152**

**Marie-Christine Vergiat**

**Draft legislative resolution**

**Citation 5 c (new)**

*Draft legislative resolution*

*Amendment*

- ***having regard to the letter of the ‘Article 29 Data Protection Working Party’ of 10 April 2017 and the Appendix thereto,***

Or. fr

**Amendment 153**  
**Marie-Christine Vergiat**

**Draft legislative resolution**  
**Citation 5 d (new)**

*Draft legislative resolution*

*Amendment*

- *having regard to the opinion of the European Union Agency for Fundamental Rights on ‘The impact on fundamental rights of the proposed Regulation on the European Travel Information and Authorisation System (ETIAS)’ (FRA Opinion 2/2017),*

Or. fr

**Amendment 154**  
**Marie-Christine Vergiat**

**Draft legislative resolution**  
**Citation 5 e (new)**

*Draft legislative resolution*

*Amendment*

- *having regard to the ‘Survey in the framework of the eu-LISA Smart Borders pilot project’ by the European Union Agency for Fundamental Rights,*

Or. fr

**Amendment 155**  
**Marie-Christine Vergiat**

**Draft legislative resolution**  
**Citation 5 f (new)**

*Draft legislative resolution*

*Amendment*

- *having regard to the Charter of Fundamental Rights of the European Union of 7 December 2000 (‘the Charter’), which was proclaimed on 12 December 2007 in Strasbourg and entered*

*into force with the Treaty of Lisbon in  
December 2009,*

Or. fr

**Amendment 156**  
**Marie-Christine Vergiat**

**Draft legislative resolution**  
**Citation 5 g (new)**

*Draft legislative resolution*

*Amendment*

- *having regard to the Universal  
Declaration of Human Rights, adopted by  
the UN General Assembly in 1948,*

Or. fr

**Amendment 157**  
**Marie-Christine Vergiat**

**Draft legislative resolution**  
**Citation 5 h (new)**

*Draft legislative resolution*

*Amendment*

- *having regard to the 1951 UN  
Convention on the Status of Refugees  
(Geneva Convention) and its Protocol of  
31 January 1967,*

Or. fr

**Amendment 158**  
**Marie-Christine Vergiat**

**Draft legislative resolution**  
**Citation 5 i (new)**

*Draft legislative resolution*

*Amendment*

- *in view of the lack of any analysis of the impact in general and on fundamental rights, privacy and data protection in particular, in accordance with either the Interinstitutional Agreement of 13 April 2016 on Better Law-Making or the European Commission's Better Regulation Guidelines;*

Or. fr

**Amendment 159**  
**Heinz K. Becker**

**Proposal for a regulation**  
**Citation 1**

*Text proposed by the Commission*

Having regard to the Treaty of the Functioning of the European Union, and in particular, Article 77(2)(b) and (d), Article 87(2)(a) and Article 88(2)(a) thereof,

*Amendment*

Having regard to the Treaty of the Functioning of the European Union, and in particular, Article 77(2)(a), (b) and (d), Article 87(2)(a) and Article 88(2)(a) thereof,

Or. en

**Amendment 160**  
**Maria Grapini**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

(1) The Communication of the Commission of 6 April 2016 entitled 'Stronger and Smarter Information Systems for Borders and Security'<sup>20</sup> outlined the need for the EU to strengthen and improve its IT systems, data architecture and information exchange in the area of border management, law enforcement and counter-terrorism. It emphasises the need to improve the interoperability of information systems. Importantly, it sets

*Amendment*

(1) The Communication of the Commission of 6 April 2016 entitled 'Stronger and Smarter Information Systems for Borders and Security'<sup>20</sup> outlined the need for the EU to strengthen and improve its IT systems, data architecture and information exchange in the area of border management, law enforcement and counter-terrorism *through the implementation of consistent cyber security policies to ensure the more*



out possible options for maximising the benefits of existing information systems and, if necessary, developing new and complementary ones to address still existing information gaps.

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<sup>20</sup> COM(2016) 205 final.

***effective utilisation and protection of all information and data.*** It emphasises the need to improve the interoperability of information systems. Importantly, it sets out possible options for maximising the benefits of existing information systems and, if necessary, developing new and complementary ones to address still existing information gaps.

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<sup>20</sup> COM(2016) 205 final.

Or. ro

## **Amendment 161** **Maria Grapini**

### **Proposal for a regulation** **Recital 2**

#### *Text proposed by the Commission*

(2) Indeed, the Communication of 6 April 2016 identified a series of information gaps. Amongst them the fact that border authorities at external Schengen borders have no information on travellers exempt from the requirement of being in possession of a visa when crossing the external borders. The Communication of 6 April 2016 announced that the Commission would launch a study on the feasibility of establishing a European Travel Information and Authorisation System (ETIAS). Such an automated system would determine the eligibility of visa-exempt third country nationals prior to their travel to the Schengen Area, and whether such travel poses a security or irregular migration risk.

#### *Amendment*

(2) Indeed, the Communication of 6 April 2016 identified a series of information gaps. Amongst them the fact that border authorities at external Schengen borders have no information on travellers exempt from the requirement of being in possession of a visa when crossing the external borders, ***aggravating security risks and thereby necessitating prior verification in order to identify potential threats.*** The Communication of 6 April 2016 announced that the Commission would launch a study on the feasibility of establishing a European Travel Information and Authorisation System (ETIAS). Such an automated system would determine the eligibility of visa-exempt third country nationals prior to their travel to the Schengen Area, and whether such travel poses a security or irregular migration risk.

Or. ro

**Amendment 162**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) Indeed, the Communication of 6 April 2016 identified a series of information gaps. Amongst them the fact that border authorities at external Schengen borders have no information on travellers exempt from the requirement of being in possession of a visa when crossing the external borders. The Communication of 6 April 2016 announced that the Commission would launch a study on the feasibility of establishing a European Travel Information and Authorisation System (ETIAS). Such an automated system would determine the eligibility of visa-exempt third country nationals prior to their travel to the Schengen Area, and ***whether such travel poses a security or irregular migration risk.***

*Amendment*

(2) Indeed, the Communication of 6 April 2016 identified a series of information gaps. Amongst them the fact that border authorities at external Schengen borders have no information on travellers exempt from the requirement of being in possession of a visa when crossing the external borders. The Communication of 6 April 2016 announced that the Commission would launch a study on the feasibility of establishing a European Travel Information and Authorisation System (ETIAS). Such an automated system would determine the eligibility of visa-exempt third country nationals prior to their travel to the Schengen area ***while taking account of full respect for international law, their fundamental rights and in particular the right to family reunification, irrespective of the motivations for and conditions of their travel to the Schengen area.***

Or. fr

**Amendment 163**  
**Angelika Mlinar**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) Indeed, the Communication of 6 April 2016 identified a series of information gaps. Amongst them the fact that border authorities at external Schengen borders have no information on travellers exempt from the requirement of being in possession of a visa when crossing the

*Amendment*

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external borders. The Communication of 6 April 2016 announced that the Commission would launch a study on the feasibility of establishing a European Travel Information and Authorisation System (ETIAS). Such an automated system would determine the eligibility of visa-exempt third country nationals prior to their travel to the Schengen Area.

Or. en

**Amendment 164**  
**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) Indeed, the Communication of 6 April 2016 identified a series of information gaps. Amongst them the fact that border authorities at external Schengen borders have no information on travellers exempt from the requirement of being in possession of a visa when crossing the external borders. The Communication of 6 April 2016 announced that the Commission would launch a study on the feasibility of establishing a European Travel Information and Authorisation System (ETIAS). Such an automated system would determine the eligibility of visa-exempt third country nationals prior to their travel to the Schengen Area, and whether such travel poses a security or **irregular migration** risk.

*Amendment*

(2) Indeed, the Communication of 6 April 2016 identified a series of information gaps. Amongst them the fact that border authorities at external Schengen borders have no information on travellers exempt from the requirement of being in possession of a visa when crossing the external borders. The Communication of 6 April 2016 announced that the Commission would launch a study on the feasibility of establishing a European Travel Information and Authorisation System (ETIAS). Such an automated system would determine the eligibility of visa-exempt third country nationals prior to their travel to the Schengen Area, and whether such travel poses a security, **irregular migration** or **public health** risk.

Or. fr

**Amendment 165**  
**Artis Pabriks**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) Indeed, the Communication of 6 April 2016 identified a series of information gaps. Amongst them the fact that border authorities at external Schengen borders have no information on travellers exempt from the requirement of being in possession of a visa when crossing the external borders. The Communication of 6 April 2016 announced that the Commission would launch a study on the feasibility of establishing a European Travel Information and Authorisation System (ETIAS). Such an automated system would determine the eligibility of visa-exempt third country nationals prior to their travel to the Schengen Area, and whether such travel poses a security or *irregular* migration risk.

*Amendment*

(2) Indeed, the Communication of 6 April 2016 identified a series of information gaps. Amongst them the fact that border authorities at external Schengen borders have no information on travellers exempt from the requirement of being in possession of a visa when crossing the external borders. The Communication of 6 April 2016 announced that the Commission would launch a study on the feasibility of establishing a European Travel Information and Authorisation System (ETIAS). Such an automated system would determine the eligibility of visa-exempt third country nationals prior to their travel to the Schengen Area, and whether such travel poses a security or *illegal* migration risk.

Or. en

*Justification*

*In line with the REGULATION (EU) 2016/1624 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC.*

**Amendment 166**  
**Sergei Stanishev**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) Indeed, the Communication of 6 April 2016 identified a series of information gaps. Amongst them the fact that border authorities at external Schengen borders have no information on travellers

*Amendment*

(2) Indeed, the Communication of 6 April 2016 identified a series of information gaps. Amongst them the fact that border authorities at external Schengen borders have no information on travellers

exempt from the requirement of being in possession of a visa when crossing the external borders. The Communication of 6 April 2016 announced that the Commission would launch a study on the feasibility of establishing a European Travel Information and Authorisation System (ETIAS). Such an automated system would determine the eligibility of visa-exempt third country nationals prior to their travel to the **Schengen Area**, and whether such travel poses a security **or irregular migration** risk.

exempt from the requirement of being in possession of a visa when crossing the external borders. The Communication of 6 April 2016 announced that the Commission would launch a study on the feasibility of establishing a European Travel Information and Authorisation System (ETIAS). Such an automated system would determine the eligibility of visa-exempt third country nationals prior to their travel to the **territory of the Member States**, and whether such travel poses a security risk.

Or. en

### *Justification*

*The phrase used in this recital 'Schengen Area' is contradictory to the wording in Article 1 (1) 'the territory of the Member States'. The wording has been changed to avoid confusion on the scope of application among the EU Member States and for consistency reasons.*

## **Amendment 167** **Maria Grapini**

### **Proposal for a regulation** **Recital 3**

#### *Text proposed by the Commission*

(3) The Communication of 14 September 2016 'Enhancing security in a world of mobility: improved information exchange in the fight against terrorism and stronger external borders'<sup>21</sup> confirms the priority of securing external borders and presents concrete initiatives to accelerate and broaden the EU response in continuing to strengthen the management of external borders.

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<sup>21</sup> COM(2016) 602 final.

#### *Amendment*

(3) The Communication of 14 September 2016 'Enhancing security in a world of mobility: improved information exchange in the fight against terrorism and stronger external borders'<sup>21</sup> confirms the priority of securing external borders and presents concrete initiatives to accelerate and broaden the EU response in continuing to strengthen the management of external borders **to improve freedom of movement in the EU while making it as safe as possible.**

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<sup>21</sup> COM(2016) 602 final.

Or. ro

**Amendment 168**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) It is necessary to specify the objectives of the European Travel Information and Authorisation System (ETIAS), to define its technical architecture, to set up the ETIAS Central Unit, the ETIAS National Units and the ETIAS Screening Board, to lay down rules concerning the operation and the use of the data to be entered into the system by the applicant, to establish rules on the issuing or refusal of the travel authorisations, to lay down the purposes for which the data are to be processed, to identify the authorities authorised to access the data and *to ensure* protection of personal data.

*Amendment*

(4) It is necessary to specify the objectives of the European Travel Information and Authorisation System (ETIAS), to define its technical architecture, to set up the ETIAS Central Unit, the ETIAS National Units and the ETIAS Screening Board, to lay down rules concerning the operation and the use of the data to be entered into the system by the applicant, to establish rules on the issuing or refusal of the travel authorisations, to lay down the purposes for which the data are to be processed, to identify the authorities authorised to access the data and *the national and EU authorities responsible for ensuring* protection of personal data *and monitoring the functioning of the system at national and EU level*.

Or. fr

**Amendment 169**  
**Maria Grapini**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) It is necessary to specify the objectives of the European Travel Information and Authorisation System (ETIAS), to define its technical architecture, to set up the ETIAS Central Unit, the ETIAS National Units and the ETIAS Screening Board, to lay down rules

*Amendment*

(4) It is necessary to specify *and provide information regarding* the objectives of the European Travel Information and Authorisation System (ETIAS), to define its technical architecture, to set up the ETIAS Central Unit, the ETIAS National Units and the

concerning the operation and the use of the data to be entered into the system by the applicant, to establish rules on the issuing or refusal of the travel authorisations, to lay down the purposes for which the data are to be processed, to identify the authorities authorised to access the data and to ensure protection of personal data.

ETIAS Screening Board, to lay down rules concerning the operation and the use of the data to be entered into the system by the applicant, to establish rules on the issuing or refusal of the travel authorisations, to lay down the purposes for which the data are to be processed, to identify the authorities authorised to access the data and to ensure protection of personal data.

Or. ro

**Amendment 170**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) It is necessary to specify the objectives of the European Travel Information and Authorisation System (ETIAS), to define its technical architecture, to set up the ETIAS Central Unit, the ETIAS National Units and the ETIAS **Screening** Board, to lay down rules concerning the operation and the use of the data to be entered into the system by the applicant, to establish rules on the issuing or refusal of the travel authorisations, to lay down the purposes for which the data are to be processed, to identify the authorities authorised to access the data and to ensure protection of personal data.

*Amendment*

(4) It is necessary to specify the objectives of the European Travel Information and Authorisation System (ETIAS), to define its technical architecture, to set up the ETIAS Central Unit, the ETIAS National Units and the ETIAS **Assessment** Board, to lay down rules concerning the operation and the use of the data to be entered into the system by the applicant, to establish rules on the issuing or refusal of the travel authorisations, to lay down the purposes for which the data are to be processed, to identify the authorities authorised to access the data and to ensure protection of personal data.

Or. en

**Amendment 171**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

*Amendment*

(5) The ETIAS should apply to third country nationals who are exempt from the requirement of being in possession of a visa when crossing the external borders.

(5) The ETIAS should apply to third country nationals who are exempt from the requirement of being in possession of a visa when crossing the external borders, ***whatever their situation, with strict respect for human rights, international law and in accordance with the principles of necessity, proportionality and specific purpose.***

Or. fr

**Amendment 172**

**Sergei Stanishev, Tonino Picula**

**Proposal for a regulation**

**Recital 5**

*Text proposed by the Commission*

*Amendment*

(5) The ETIAS should apply to third country nationals who are exempt from the requirement of being in possession of a visa when crossing the external borders.

(5) The ETIAS should apply to third country nationals who are exempt from the requirement of being in possession of a visa when crossing the external borders, ***except visa-exempt nationals of the candidate and potential candidate countries for membership in the European Union.***

Or. en

*Justification*

*The lack of impact assessment leaves unclear the possible impact on the traffic on external land borders, especially in cases where third country nationals arrive at border crossing points without having applied for travel authorisation. Recent experience with systematic checks on external borders has shown the potential risks of introducing additional pre-conditions for entry in the EU. Such approach might also act as a discouragement for EU candidate and potential candidate countries in regards to their effort towards membership. Exempting these countries from the scope of this Regulation would send a positive signal for their EU perspective and alleviate burden from Member States on external borders.*

**Amendment 173**



**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation**

**Recital 5**

*Text proposed by the Commission*

(5) The ETIAS should apply to third country nationals who are exempt from the requirement *of being in possession of a visa when crossing the external borders*.

*Amendment*

(5) The ETIAS should apply to third country nationals who are exempt from the *visa requirement and to nationals who are exempt from the airport visa requirement*.

Or. fr

**Amendment 174**

**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation**

**Recital 6**

*Text proposed by the Commission*

(6) It should also apply to third country nationals who are exempt from the visa requirement who are family members of a Union citizen to whom Directive 2004/38/EC<sup>22</sup> applies or of a national of a third country enjoying the right of free movement under Union law and who do not hold a residence card referred to under Directive 2004/38/EC. Article 21(1) of the Treaty on the Functioning of the European Union stipulates that every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect. The respective limitations and conditions are to be found in Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

*Amendment*

(6) It should also apply to third country nationals who are exempt from the visa requirement who are family members of a Union citizen to whom Directive 2004/38/EC<sup>22</sup> applies or of a national of a third country enjoying the right of free movement under Union law and who do not hold a residence card referred to under Directive 2004/38/EC *or a residence permit referred to under Regulation (EC) No 1030/2002*. Article 21(1) of the Treaty on the Functioning of the European Union stipulates that every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect. The respective limitations and conditions are to be found in Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

<sup>22</sup> Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.

<sup>22</sup> Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.

Or. fr

## **Amendment 175** **Maria Grapini**

### **Proposal for a regulation** **Recital 7**

#### *Text proposed by the Commission*

(7) As confirmed by the Court of Justice of the European Union<sup>23</sup>, such family members have the right to enter the territory of the Member State and to obtain an entry visa for that purpose. Consequently, also family members exempted from the visa obligation should have the right to obtain a travel authorisation. Member States should grant such persons every facility to obtain the necessary travel authorisation which must be issued free of charge.

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<sup>23</sup> Judgment of the Court of 31 January 2006 in case C-503/03 Commission v Spain (Rec. 2006, p. I-1097).

#### *Amendment*

(7) As confirmed by the Court of Justice of the European Union<sup>23</sup>, such family members have the right to enter the territory of the Member State and to obtain an entry visa for that purpose. Consequently, also family members exempted from the visa obligation should have the right to obtain a travel authorisation. Member States should, **only after prior verification**, grant such persons every facility to obtain the necessary travel authorisation, which must be issued free of charge.

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<sup>23</sup> Judgment of the Court of 31 January 2006 in case C-503/03 Commission v Spain (Rec. 2006, p. I-1097).

Or. ro

## **Amendment 176** **Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

(8) The right to obtain a travel authorisation is not unconditional ***as it can be denied to those*** family members ***who represent a risk to public policy, public security or public health pursuant to Directive 2004/38/EC. Against this background, family members*** can be required to provide their personal data related to their identification and their status only insofar these are relevant for assessment of the security threat they could represent. ***Similarly, examination of their travel authorisation applications should be made exclusively against the*** security concerns, ***and not those related to migration risks.***

*Amendment*

(8) The right to obtain a travel authorisation is not unconditional, family members can be required to provide their personal data related to their identification and their status only insofar these are relevant for assessment of the security threat they could represent. Travel authorisation ***may only be required in very exceptional cases and for reasons stemming solely from*** security concerns. ***In view of the impact on travellers' private lives, use of such personal data can only be authorised for clearly determined purposes with the precise aims user authorities are seeking to achieve taken into account. Where personal data is used, account shall be taken of the status of the individuals concerned in their country of origin and this may not under any circumstances conflict with application of the 1951 Geneva Convention.***

Or. fr

**Amendment 177**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

(8) The right to obtain a travel authorisation is not unconditional as it can be denied to those family members who represent a risk to public policy, public security or public health pursuant to Directive 2004/38/EC. Against this background, family members can be required to provide their personal data

*Amendment*

(8) The right to obtain a travel authorisation is not unconditional as it can be denied to those family members who represent a risk to public policy, public security or public health pursuant to Directive 2004/38/EC. Against this background, family members can be required to provide their personal data

related to their identification and their status only insofar these are relevant for assessment of the security threat they could represent. Similarly, examination of their travel authorisation applications should be made exclusively against the security concerns, **and not those related to migration risks.**

related to their identification and their status only insofar these are relevant for assessment of the security threat they could represent. Similarly, examination of their travel authorisation applications should be made exclusively against the security concerns.

Or. en

**Amendment 178**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose ***an irregular migration, security or public health risk.*** Holding a valid travel authorisation should be a new entry condition for the territory of the Member States, ***however mere possession of a travel authorisation should not confer an automatic right of entry.***

*Amendment*

(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose ***a threat to security.*** Holding a valid travel authorisation should be a new entry condition for the territory of the Member States.

Or. en

**Amendment 179**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

*Amendment*

(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose *an irregular migration, security or public health* risk. Holding a valid travel authorisation *should* be a new entry condition for the territory of the Member States, *however mere possession of a travel authorisation* should not *confer an automatic right of entry*.

(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose *a security risk*. Holding a valid travel authorisation *shall not* be a new entry condition for the territory of the Member States, *and right of entry* should not *be denied because of the lack thereof. The conditions and information required should not exceed those required for a visa application*.

Or. fr

## **Amendment 180**

### **Maria Grapini**

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

##### **Recital 9**

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

(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose an irregular migration, security or public health risk. Holding a valid travel authorisation should be a new entry condition for the territory of the Member States, however mere possession of a travel authorisation should not confer an automatic right of entry.

###### *Amendment*

(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose an irregular migration, security or public health risk. Holding a valid travel authorisation should be a new entry condition for the territory of the Member States, however mere possession of a travel authorisation should not confer an automatic right of entry, *which may be refused if justified by the circumstances*.

Or. ro

## **Amendment 181**

Angelika Mlinar

## Proposal for a regulation

### Recital 9

*Text proposed by the Commission*

(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose ***an irregular migration, security or public health*** risk. Holding a valid travel authorisation should be a new entry condition for the territory of the Member States, however mere possession of a travel authorisation should not confer an automatic right of entry.

*Amendment*

(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose ***a*** security risk. Holding a valid travel authorisation should be a new entry condition for the territory of the Member States, however mere possession of a travel authorisation should not confer an automatic right of entry.

Or. en

## Amendment 182

Artis Pabriks

## Proposal for a regulation

### Recital 9

*Text proposed by the Commission*

(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose ***an irregular*** migration, security or public health risk. Holding a valid travel authorisation should be a new entry condition for the territory of the Member States, however mere possession of a travel authorisation should not confer an automatic right of entry.

*Amendment*

(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose ***an illegal*** migration, security or public health risk. Holding a valid travel authorisation should be a new entry condition for the territory of the Member States, however mere possession of a travel authorisation should not confer an automatic right of entry.

**Amendment 183**  
**Brice Hortefeux, Rachida Dati**

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

*Text proposed by the Commission*

(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the requirement ***to be in possession of a visa when crossing the external borders ('the visa requirement')*** enabling to determine whether their presence in the territory of the Member States does not pose an irregular migration, security or public health risk. Holding a valid travel authorisation should be a new entry condition for the territory of the Member States, however mere possession of a travel authorisation should not confer an automatic right of entry.

*Amendment*

(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the ***visa requirement and for those exempt from the airport transit visa requirement***, enabling to determine whether their presence in the territory of the Member States does not pose an illegal migration, security or public health risk. Holding a valid travel authorisation should be a new entry condition for the territory of the Member States, however mere possession of a travel authorisation should not confer an automatic right of entry.

Or. fr

**Amendment 184**  
**Sergei Stanishev**

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

*Text proposed by the Commission*

(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose ***an irregular migration***, security or public health risk. Holding a valid travel authorisation should

*Amendment*

(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose ***a*** security or public health risk. Holding a valid travel authorisation should be a new entry

be a new entry condition for the territory of the Member States, however mere possession of a travel authorisation should not confer an automatic right of entry.

condition for the territory of the Member States, however mere possession of a travel authorisation should not confer an automatic right of entry.

Or. en

#### *Justification*

*According to data from Eurostat, in 2015 and 2016 the vast majority of non-EU citizens who have irregularly arrived on the territory of the European Union are not nationals of visa-exempt countries. Including prevention of irregular migration among one of the three main objectives of this Regulation is therefore misleading, as additional pre-conditions for visa-exempt third country nationals cannot serve as a tool for migration management. Additionally, such provisions and wording would leave the possibility for Member States to subjectively refuse entry solely on the basis of a hypothetical crime which is not committed at time of refusal.*

#### **Amendment 185**

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

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

#### **Recital 9**

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

(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose an irregular migration, **security or public health** risk. Holding a valid travel authorisation should be a new entry condition for the territory of the Member States, however mere possession of a travel authorisation should not confer an automatic right of entry.

##### *Amendment*

(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose an irregular migration **or security** risk. Holding a valid travel authorisation should be a new entry condition for the territory of the Member States, however mere possession of a travel authorisation should not confer an automatic right of entry.

Or. en

#### **Amendment 186**



Marie-Christine Vergiat

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

*Text proposed by the Commission*

*Amendment*

**(10) The ETIAS should contribute to a high level of security, to the prevention of irregular migration and to the protection of public health by providing an assessment of visitors prior to their arrival at the external borders crossing points.**

**deleted**

Or. fr

**Amendment 187**  
**Angelika Mlinar**

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

*Text proposed by the Commission*

*Amendment*

**(10) The ETIAS should contribute to a high level of security, to the prevention of irregular migration and to the protection of public health by providing an assessment of visitors prior to their arrival at the external borders crossing points.**

**deleted**

Or. en

**Amendment 188**  
**Maria Grapini**

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

*Text proposed by the Commission*

*Amendment*

(10) The ETIAS should contribute to a high level of security, to the prevention of irregular migration and to the protection of public health by providing an assessment

(10) The ETIAS should contribute to a high level of security, to the prevention of irregular migration, **to efficient measures to ensure the safety of EU citizens** and to the protection of public health by providing

of visitors prior to their arrival at the external borders crossing points.

an assessment of visitors prior to their arrival at the external borders crossing points.

Or. ro

**Amendment 189**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

(10) The ETIAS should contribute to a high level of security, ***to the prevention of irregular migration and to the protection of public health*** by providing an assessment of visitors prior to their arrival at the external borders crossing points.

*Amendment*

(10) The ETIAS should contribute to a high level of security by providing an assessment of visitors prior to their arrival at the external borders crossing points.

Or. en

**Amendment 190**  
**Sergei Stanishev**

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

*Text proposed by the Commission*

(10) The ETIAS should contribute to a high level of security, ***to the prevention of irregular migration*** and to the protection of public health by providing an assessment of visitors prior to their arrival at the external borders crossing points.

*Amendment*

(10) The ETIAS should contribute to a high level of security and to the protection of public health by providing an assessment of visitors prior to their arrival at the external borders crossing points.

Or. en

*Justification*

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

**Amendment 191**

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

**Proposal for a regulation**

**Recital 10**

*Text proposed by the Commission*

(10) The ETIAS should contribute to a high level of security, to the prevention of irregular migration **and to the protection of public health** by providing an assessment of visitors prior to their arrival at the external borders crossing points.

*Amendment*

(10) The ETIAS should contribute to a high level of security **and** to the prevention of irregular migration by providing an assessment of visitors prior to their arrival at the external borders crossing points.

Or. en

**Amendment 192**

**Artis Pabriks**

**Proposal for a regulation**

**Recital 10**

*Text proposed by the Commission*

(10) The ETIAS should contribute to a high level of security, to the prevention of **irregular** migration and to the protection of public health by providing an assessment of visitors prior to their arrival at the external borders crossing points.

*Amendment*

(10) The ETIAS should contribute to a high level of security, to the prevention of **illegal** migration and to the protection of public health by providing an assessment of visitors prior to their arrival at the external borders crossing points.

Or. en

**Amendment 193**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Recital 11**

*Text proposed by the Commission*

*Amendment*

(11) ETIAS should contribute to the facilitation of border checks performed by border guards at the external borders crossing points and ensure a coordinated and harmonised assessment of third country nationals subject to the travel authorisation requirement intending at visiting the Schengen area. In addition it should enable to better inform applicants of their eligibility to visit the Schengen area. Moreover, the ETIAS should also contribute to the facilitation of border checks by reducing the number of refusals of entry at the external borders.

(11) ETIAS should contribute to the facilitation of border checks performed by border guards at the external borders crossing points and ensure a coordinated and harmonised assessment of third country nationals subject to the travel authorisation requirement intending at visiting the Schengen area. In addition it should enable to better inform applicants of their eligibility to visit the Schengen area. Moreover, the ETIAS should also contribute to the facilitation of border checks by reducing the number of refusals of entry at the external borders ***and in certain cases, by enabling border guards to access additional information relevant for second-line checks.***

Or. fr

**Amendment 194**  
**Maria Grapini**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) ETIAS should contribute to the facilitation of border checks performed by border guards at ***the*** external borders crossing points and ensure a coordinated and harmonised assessment of third country nationals subject to the travel authorisation requirement intending at visiting the Schengen area. In addition it should enable to better inform applicants of their eligibility to visit the Schengen area. Moreover, the ETIAS should also contribute to the facilitation of border checks by reducing the number of refusals of entry at the external borders.

*Amendment*

(11) ETIAS should contribute to the facilitation of border checks performed by border guards, ***thereby preventing delays*** at border crossing points and ensure a coordinated and harmonised assessment of third country nationals subject to the travel authorisation requirement intending at visiting the Schengen area. In addition it should enable to better inform applicants of their eligibility to visit the Schengen area. Moreover, the ETIAS should also contribute to the facilitation of border checks by reducing the number of refusals of entry at the external borders.

Or. ro

**Amendment 195**  
**Sergei Stanishev, Tonino Picula**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) ETIAS should contribute to the facilitation of border checks performed by border guards at the external borders crossing points and ensure a coordinated and harmonised assessment of third country nationals subject to the travel authorisation requirement intending at visiting the **Schengen area**. In addition it should enable to better inform applicants of their eligibility to visit the **Schengen area**. Moreover, the ETIAS should also contribute to the facilitation of border checks by reducing the number of refusals of entry at the external borders.

*Amendment*

(11) ETIAS should contribute to the facilitation of border checks performed by border guards at the external borders crossing points and ensure a coordinated and harmonised assessment of third country nationals subject to the travel authorisation requirement intending at visiting the **European Union**. In addition it should enable to better inform applicants of their eligibility to visit the **European Union**. Moreover, the ETIAS should also contribute to the facilitation of border checks by reducing the number of refusals of entry at the external borders.

Or. en

*Justification*

*The phrase used in this recital 'Schengen Area' is contradictory to the wording in Article 1 (1) 'the territory of the Member States'. The wording has been changed to avoid confusion on the scope of application among the EU Member States and for consistency reasons.*

**Amendment 196**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

(12) The ETIAS should also support the objectives of the Schengen Information System (SIS) related to the alerts in respect of persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks or specific checks. For this purpose the ETIAS should

*Amendment*

(12) The ETIAS should also support the objectives of the Schengen Information System (SIS) related to the alerts in respect of persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks or specific checks. For this purpose the ETIAS should

carry out an automated processing of the application files against the relevant alerts in the SIS. ***This processing will be carried for the purpose of supporting the SIS. Accordingly, any hit resulting from this comparison should be stored in the SIS.***

carry out an automated processing of the application files against the relevant alerts in the SIS.

Or. fr

#### *Justification*

*It is impossible to make sure that the data that persons, whose identity cannot be verified, put in the ETIAS are valid and/or accurate. Therefore, these data (and any result after processing them in the ETIAS) should not be registered in SIS.*

#### **Amendment 197**

**Gérard Deprez, Louis Michel**

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

##### **Recital 12**

#### *Text proposed by the Commission*

(12) The ETIAS should also support the objectives of the Schengen Information System (SIS) related to the alerts in respect of persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks or specific checks. For this purpose the ETIAS should carry out an automated processing of the application files against the relevant alerts in the SIS. This processing will be carried for the purpose of supporting the SIS. Accordingly, any hit resulting from this comparison should be stored in the SIS.

#### *Amendment*

(12) The ETIAS should also support the objectives of the Schengen Information System (SIS) related to the alerts ***for the purpose of refusing entry, the alerts*** in respect of persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks, ***inquiry checks*** or specific checks. For this purpose the ETIAS should carry out an automated processing of the application files against the relevant alerts in the SIS. This processing will be carried for the purpose of supporting the SIS. Accordingly, any hit resulting from this comparison should be stored in the SIS.

Or. fr

#### **Amendment 198**

**Carlos Coelho**

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

(12) The ETIAS should also support the objectives of the Schengen Information System (SIS) related to the alerts in respect of **persons wanted for arrest or for surrender or extradition purposes, on** missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks or specific checks. For this purpose the ETIAS should carry out an automated processing of the application files against the relevant alerts in the SIS. This processing will be carried for the purpose of supporting the SIS. Accordingly, any hit **resulting from this comparison** should be **stored in the SIS**.

*Amendment*

(12) The ETIAS should also support the objectives of the Schengen Information System (SIS) related to the alerts in respect of missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks, **inquiry checks** or specific checks. For this purpose the ETIAS should carry out an automated processing of the application files against the relevant alerts in the SIS. This processing will be carried for the purpose of supporting the SIS. Accordingly, any hit should be **dealt with in accordance with SIS legislation**.

Or. en

**Amendment 199**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

(14) The ETIAS Central Unit should **be part of** the European **Border and Coast Guard** Agency. The ETIAS Central Unit **should be responsible for verifying travel authorisations' applications rejected from the automated process** in order to determine whether the applicant personal data corresponds to the personal data of the person having triggered a hit, **for the** screening rules, and **for carrying out** regular audits on the processing of applications. The ETIAS Central Unit should work in 24/7 regime.

*Amendment*

(14) The **development, functioning and security of the** ETIAS Central Unit **and the data present there** should **come under the responsibility of** the European Agency **for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA)**. The **authorities responsible for verifying travel authorisations' applications rejected from the automated process should have access to the** ETIAS Central Unit in order to determine whether the applicant personal data corresponds to the personal data of the person having triggered a hit. Screening rules, and regular, **independent** audits on

the processing of applications ***shall be established***. The ETIAS Central Unit should work in 24/7 regime.

Or. fr

## **Amendment 200**

**Gérard Deprez, Louis Michel**

### **Proposal for a regulation**

#### **Recital 14**

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

(14) The ETIAS Central Unit should be part of the European Border and Coast Guard Agency. The ETIAS Central Unit should be responsible for verifying travel authorisations' applications ***rejected from*** the automated process in order to determine whether the applicant personal data corresponds to the personal data of the person having triggered a hit, for the screening rules, and for carrying out regular audits on the processing of applications. The ETIAS Central Unit should work in 24/7 regime.

##### *Amendment*

(14) The ETIAS Central Unit should be part of the European Border and Coast Guard Agency. The ETIAS Central Unit should be responsible for verifying travel authorisations' applications ***that trigger one or more hits in*** the automated process in order to determine whether the applicant personal data corresponds to the personal data of the person having triggered a hit, for the screening rules, and for carrying out regular audits on the processing of applications. The ETIAS Central Unit should work in 24/7 regime.

Or. fr

## **Amendment 201**

**Jan Philipp Albrecht**

### **Proposal for a regulation**

#### **Recital 14**

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

(14) The ETIAS Central Unit should be part of the European Border and Coast Guard Agency. The ETIAS Central Unit should be responsible for verifying travel authorisations' applications rejected from the automated process in order to determine whether the applicant personal

##### *Amendment*

(14) The ETIAS Central Unit should be part of the European Border and Coast Guard Agency. The ETIAS Central Unit should be responsible for verifying travel authorisations' applications rejected from the automated process in order to determine whether the applicant personal



data corresponds to the personal data of the person having triggered a hit, **for the screening rules**, and for carrying out regular audits on the processing of applications. The ETIAS Central Unit should work in 24/7 regime.

data corresponds to the personal data of the person having triggered a hit, and for carrying out regular audits on the processing of applications. The ETIAS Central Unit should work in 24/7 regime.

Or. en

## **Amendment 202**

**Gérard Deprez, Louis Michel**

### **Proposal for a regulation**

#### **Recital 15**

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

(15) Each Member State should establish an ETIAS National Unit mainly responsible for the examination and decision on whether to issue **or** refuse a travel authorisation. The ETIAS National Units should cooperate among themselves and with Europol for the purpose of the assessment of the applications. The ETIAS National Unit should work in 24/7 regime.

##### *Amendment*

(15) Each Member State should establish an ETIAS National Unit mainly responsible for the examination and decision on whether to issue, refuse, **cancel or revoke** a travel authorisation. The ETIAS National Units should cooperate among themselves and with Europol for the purpose of the assessment of the applications. The ETIAS National Unit should work in 24/7 regime.

Or. fr

## **Amendment 203**

**Marie-Christine Vergiat**

### **Proposal for a regulation**

#### **Recital 16**

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

(16) To meet its objectives, the ETIAS should provide an online application form that the applicant should fill in with declarations relating to his or her identity, travel document, residence information, contact details, **education and current occupation**, his or her condition of family

##### *Amendment*

(16) To meet its objectives, the ETIAS should provide an online application form that the applicant should fill in with declarations relating to his or her identity, travel document, residence information, contact details, his or her condition of family member to EU citizens or third

member to EU citizens or third country nationals benefiting from free movement not holding a residence card, if the applicant is minor, identity of the responsible person *and answers to a set of background questions (whether or not the applicant is subject to any disease with epidemic potential as defined by the International Health Regulations of the World Health Organisation or other infectious or contagious parasitic diseases, criminal records, presence in war zones, decision to return to borders/orders to leave territory)*. *Access to the applicants' health data should only be allowed to determine whether they represent a threat to public health.*

country nationals benefiting from free movement not holding a residence card, if the applicant is minor, identity of the responsible person, *prison sentences of more than five years on grounds relating to terrorism, presence in war zones.*

Or. fr

#### Amendment 204

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

#### Proposal for a regulation

##### Recital 16

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

(16) To meet its objectives, the ETIAS should provide an online application form that the applicant should fill in with declarations relating to his or her identity, travel document, residence information, contact details, *education and current occupation*, his or her condition of family member to EU citizens or third country nationals benefiting from free movement not holding a residence card, if the applicant is minor, identity of the responsible person and answers to a set of background questions (*whether or not the applicant is subject to any disease with epidemic potential as defined by the International Health Regulations of the World Health Organisation or other infectious or contagious parasitic*

###### *Amendment*

(16) To meet its objectives, the ETIAS should provide an online application form that the applicant should fill in with declarations relating to his or her identity, travel document, residence information, contact details, his or her condition of family member to EU citizens or third country nationals benefiting from free movement not holding a residence card, if the applicant is minor, identity of the responsible person and answers to a set of background questions (criminal records, presence in war zones).

*diseases, criminal records, presence in war zones, decision to return to borders/orders to leave territory). Access to the applicants' health data should only be allowed to determine whether they represent a threat to public health.*

Or. en

## **Amendment 205**

**Maria Grapini**

### **Proposal for a regulation**

#### **Recital 16**

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

(16) To meet its objectives, the ETIAS should provide an online application form that the applicant should fill in with declarations relating to his or her identity, travel document, residence information, contact details, education and current occupation, his or her condition of family member to EU citizens or third country nationals benefiting from free movement not holding a residence card, if the applicant is minor, identity of the responsible person and answers to a set of background questions (whether or not the applicant is subject to any disease with epidemic potential as defined by the International Health Regulations of the World Health Organisation or other infectious or contagious parasitic diseases, criminal records, presence in war zones, decision to return to borders/orders to leave territory). Access to the applicants' health data should only be allowed to determine whether they represent a threat to public health.

##### *Amendment*

(16) To meet its objectives, the ETIAS should provide an online application form that the applicant should fill in with declarations relating to his or her identity, travel document, residence information, contact details, education and current occupation, his or her condition of family member to EU citizens or third country nationals benefiting from free movement not holding a residence card, if the applicant is minor, identity of the responsible person and answers to a set of background questions (whether or not the applicant is subject to any disease with epidemic potential as defined by the International Health Regulations of the World Health Organisation or other infectious or contagious parasitic diseases, criminal records, presence in war zones, decision to return to borders/orders to leave territory). Access to the applicants' health data should only be allowed to determine whether they represent a threat to public health. ***In addition, provision should be made for medical examinations at border crossing points in order to detect any public health risk arising from diseases carried by third country nationals having previously declared themselves to be in good health.***

**Amendment 206**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

(16) To meet its objectives, the ETIAS should provide an online application form that the applicant should fill in with declarations relating to his or her identity, travel document, residence information, contact details, ***education and current occupation***, his or her condition of family member to EU citizens or third country nationals benefiting from free movement not holding a residence card, if the applicant is minor, identity of the responsible person and answers to a set of background questions (***whether or not the applicant is subject to any disease with epidemic potential as defined by the International Health Regulations of the World Health Organisation or other infectious or contagious parasitic diseases***, criminal records, presence in war zones, decision to return to borders/orders to leave territory). ***Access to the applicants' health data should only be allowed to determine whether they represent a threat to public health.***

*Amendment*

(16) To meet its objectives, the ETIAS should provide an online application form that the applicant should fill in with declarations relating to his or her identity, travel document, residence information, contact details, his or her condition of family member to EU citizens or third country nationals benefiting from free movement not holding a residence card, if the applicant is minor, identity of the responsible person and answers to a set of background questions (criminal records, presence in war zones, decision to return to borders/orders to leave territory).

Or. en

**Amendment 207**  
**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

*Amendment*

(16) To meet its objectives, the ETIAS should provide an online application form that the applicant should fill in with declarations relating to his or her identity, travel document, residence information, contact details, education and current occupation, his or her condition of family member to EU citizens or third country nationals benefiting from free movement not holding a residence card, if the applicant is minor, identity of the responsible person and answers to a set of background questions (whether or not the applicant is subject to any disease with epidemic potential as defined by the International Health Regulations of the World Health Organisation or other infectious or contagious parasitic diseases, criminal records, presence in war zones, decision to return to borders/orders to leave territory). Access to the applicants' health data should only be allowed to determine whether they represent a threat to public health.

(16) To meet its objectives, the ETIAS should provide an online application form that the applicant should fill in with declarations relating to his or her identity, travel document, residence information, contact details, education and current occupation, his or her condition of family member to EU citizens or third country nationals benefiting from free movement not holding a residence card ***referred to under Directive 2004/38/EC or a residence permit referred to under Regulation (EC) No 1030/2002***, if the applicant is minor, identity of the responsible person and answers to a set of background questions (***in particular*** whether or not the applicant is subject to any disease with epidemic potential as defined by the International Health Regulations of the World Health Organisation or other infectious or contagious parasitic diseases, criminal records, presence in war zones, decision to return to borders/orders to leave territory). Access to the applicants' health data should only be allowed to determine whether they represent a threat to public health.

Or. fr

## **Amendment 208**

**G rard Deprez, Louis Michel**

### **Proposal for a regulation**

#### **Recital 16**

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

(16) To meet its objectives, the ETIAS should provide an online application form that the applicant should fill in with declarations relating to his or her identity, travel document, residence information, contact details, education and current occupation, his or her condition of family member to EU citizens or third country nationals benefiting from free movement

##### *Amendment*

(16) To meet its objectives, the ETIAS should provide an online application form that the applicant should fill in with declarations relating to his or her identity, travel document, residence information, contact details, education and current occupation, his or her condition of family member to EU citizens or third country nationals benefiting from free movement

not holding a residence card, if the applicant is minor, identity of the responsible person and answers to a set of background questions (whether or not the applicant is subject to any disease with epidemic potential as defined by the International Health Regulations of the World Health Organisation or other infectious or contagious parasitic diseases, **criminal records**, presence in war zones, decision to return to borders/orders to leave territory). Access to the applicants' health data should only be allowed to determine whether they represent a threat to public health.

not holding a residence card, if the applicant is minor, identity of the responsible person and answers to a set of background questions (whether or not the applicant is subject to any disease with epidemic potential as defined by the International Health Regulations of the World Health Organisation or other infectious or contagious parasitic diseases, **conviction for a serious criminal offence or terrorist offence**, presence in war zones, **entry ban**, decision to return to borders/orders to leave territory). Access to the applicants' health data should only be allowed to determine whether they represent a threat to public health.

Or. fr

**Amendment 209**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

***(18) In order to finalise the application, all applicants above the age of 18 should be required to pay a fee. The payment should be managed by a bank or a financial intermediary. Data required for securing the electronic payment should only be provided to the bank or financial intermediary operating the financial transaction and are not part of the ETIAS data.***

*Amendment*

***deleted***

Or. fr

**Amendment 210**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

*Amendment*

**(18) In order to finalise the application, all applicants above the age of 18 should be required to pay a fee. The payment should be managed by a bank or a financial intermediary. Data required for securing the electronic payment should only be provided to the bank or financial intermediary operating the financial transaction and are not part of the ETIAS data.**

*deleted*

Or. en

## **Amendment 211**

**Petri Sarvamaa**

### **Proposal for a regulation**

#### **Recital 18**

*Text proposed by the Commission*

*Amendment*

(18) In order to finalise the application, all applicants above the age of 18 should be required to pay a fee. The payment should be managed by a bank or a financial intermediary. Data required for securing the electronic payment should only be provided to the bank or financial intermediary operating the financial transaction and are not part of the ETIAS data.

(18) In order to finalise the application, all applicants above the age of 18 should be required to pay a fee. ***Certain categories of applicants, such as students, researchers and young representatives of NGOs, should be exempt from paying such a fee.*** The payment should be managed by a bank or a financial intermediary. Data required for securing the electronic payment should only be provided to the bank or financial intermediary operating the financial transaction and are not part of the ETIAS data.

Or. en

## **Amendment 212**

**Gérard Deprez, Louis Michel**

### **Proposal for a regulation**

## Recital 18

*Text proposed by the Commission*

(18) In order to finalise the application, all applicants above the age of **18** should be required to pay a fee. The payment should be managed by a bank or a financial intermediary. Data required for securing the electronic payment should only be provided to the bank or financial intermediary operating the financial transaction and are not part of the ETIAS data.

*Amendment*

(18) In order to finalise the application, all applicants above the age of **12**, ***apart from those in one of the categories of applicants for whom fees are waived***, should be required to pay a ***travel authorisation*** fee. The payment should be managed by a bank or a financial intermediary. Data required for securing the electronic payment should only be provided to the bank or financial intermediary operating the financial transaction and are not part of the ETIAS data.

Or. fr

## Amendment 213

**Brice Hortefeux, Rachida Dati**

### Proposal for a regulation

#### Recital 18

*Text proposed by the Commission*

(18) In order to finalise the application, all applicants above the age of **18** should be required to pay a fee. The payment should be managed by a bank or a financial intermediary. Data required for securing the electronic payment should only be provided to the bank or financial intermediary operating the financial transaction and are not part of the ETIAS data.

*Amendment*

(18) In order to finalise the application, all applicants above the age of **12** should be required to pay a fee. The payment should be managed by a bank or a financial intermediary. Data required for securing the electronic payment should only be provided to the bank or financial intermediary operating the financial transaction and are not part of the ETIAS data.

Or. fr

## Amendment 214

**Marie-Christine Vergiat**

### Proposal for a regulation



## Recital 19

*Text proposed by the Commission*

(19) ***Most of the*** travel authorisations ***should*** be issued ***within minutes, however a reduced number could*** take up to 72 hours. ***For exceptional cases, where a request for additional information or documentation is notified to the applicant, the procedure could last up to two weeks.***

*Amendment*

(19) Travel authorisations ***shall*** be issued ***automatically; only in very exceptional circumstances may this*** take up to 48 hours. ***Under no circumstances shall they ever be issued on or after a date that would make travel impossible.***

Or. fr

## Amendment 215 Brice Hortefeux

### Proposal for a regulation Recital 19

*Text proposed by the Commission*

(19) Most of the travel authorisations should be issued within minutes, however a reduced number could take ***up to 72 hours***. For exceptional cases, where a request for additional information or documentation is notified to the applicant, ***the procedure could last up to two weeks***.

*Amendment*

(19) Most of the travel authorisations should be issued within minutes, however a reduced number could take ***longer in*** exceptional cases, where a request for additional information or documentation is notified to the applicant.

Or. fr

## Amendment 216 Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

### Proposal for a regulation Recital 19

*Text proposed by the Commission*

(19) Most of the travel authorisations should be issued within minutes, however a reduced number could take up to 72 hours. For exceptional cases, where a request for additional information or documentation is

*Amendment*

(19) Most of the travel authorisations should be issued within minutes, however a reduced number could take up to 72 hours. For exceptional cases, where a request for additional information or documentation is

notified to the applicant, the procedure could last up to *two weeks*.

notified to the applicant, the procedure could last up to *17 working days*.

Or. en

**Amendment 217**  
**Angelika Mlinar**

**Proposal for a regulation**  
**Recital 19**

*Text proposed by the Commission*

(19) Most of the travel authorisations should be issued within minutes, however a reduced number could take up to **72** hours. For exceptional cases, where a request for additional information or documentation is notified to the applicant, the procedure could last up to *two weeks*.

*Amendment*

(19) Most of the travel authorisations should be issued within minutes, however a reduced number could take up to **48** hours. For exceptional cases, where a request for additional information or documentation is notified to the applicant, the procedure could last up to *one week*.

Or. en

**Amendment 218**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 19 a (new)**

*Text proposed by the Commission*

*Amendment*

***(19a) It shall be possible in all cases to apply at any time and at any kind of external border of the European Union.***

Or. fr

**Amendment 219**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

(20) The personal data provided by the applicant should be processed by the ETIAS for the sole purposes of verifying in advance the eligibility criteria laid down in Regulation (EU) 2016/399<sup>24</sup> and assessing whether the applicant ***is likely to irregularly migrate, whether the entry of the applicant*** in the Union could pose a threat to security ***or to public health*** in the Union.

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<sup>24</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

*Amendment*

(20) The personal data provided by the applicant should be processed by the ETIAS for the sole purposes of verifying in advance the eligibility criteria laid down in Regulation (EU) 2016/399<sup>24</sup> and assessing whether the ***entry of the*** applicant in the Union could pose a threat to security in the Union.

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<sup>24</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

Or. fr

**Amendment 220**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

(20) The personal data provided by the applicant should be processed by the ETIAS for the sole purposes of verifying in advance the eligibility criteria laid down in Regulation (EU) 2016/399<sup>24</sup> and assessing whether the ***applicant is likely to irregularly migrate, whether the*** entry of the applicant in the Union could pose a threat to security ***or to public health*** in the Union.

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<sup>24</sup> ***Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).***

*Amendment*

(20) The personal data provided by the applicant should be processed by the ETIAS for the sole purposes of verifying in advance the eligibility criteria laid down in Regulation (EU) 2016/399 and assessing whether the ***entry of the*** applicant in the Union could pose a threat to security in the Union.

**Amendment 221**

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

**Proposal for a regulation****Recital 20***Text proposed by the Commission*

(20) The personal data provided by the applicant should be processed by the ETIAS for the sole purposes of verifying in advance the eligibility criteria laid down in Regulation (EU) 2016/399<sup>24</sup> and assessing whether the ***applicant is likely to irregularly migrate, whether the*** entry of the applicant in the Union could pose a ***threat to*** security or ***to public health in the Union***.

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<sup>24</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

*Amendment*

(20) The personal data provided by the applicant should be processed by the ETIAS for the sole purposes of verifying in advance the eligibility criteria laid down in Regulation (EU) 2016/399<sup>24</sup> and assessing whether the entry of the applicant in the Union could pose a security or ***irregular migration risk***.

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<sup>24</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

**Amendment 222**

**Sergei Stanishev**

**Proposal for a regulation****Recital 20***Text proposed by the Commission*

(20) The personal data provided by the applicant should be processed by the ETIAS for the sole purposes of verifying in advance the eligibility criteria laid down in Regulation (EU) 2016/399<sup>24</sup> and assessing whether the ***applicant is likely to irregularly migrate, whether the*** entry of

the applicant in the Union could pose a threat to security or to public health in the Union.

Union could pose a threat to security or to public health in the Union.

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<sup>24</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

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<sup>24</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

Or. en

### *Justification*

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

## **Amendment 223** **Marie-Christine Vergiat**

### **Proposal for a regulation** **Recital 21**

#### *Text proposed by the Commission*

(21) The **assessment** of such risks cannot be carried out without processing the personal data listed in recital (16). Each item of personal data in the applications should be compared with the data present in a record, file or alert registered in an information system (the Schengen Information System (SIS), **the Visa Information System (VIS), the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), the Entry/Exit System (EES), the Eurodac, the European Criminal Records Information System (ECRIS) and/or the Interpol Travel Documents Associated with Notices database (Interpol TDAWN)) or against the ETIAS watchlists, or against specific risk indicators**. The categories of personal data that should be used for comparison should be limited to the categories of data present in the queried

#### *Amendment*

(21) The **assessment** of such risks cannot be carried out without processing the personal data listed in recital (16). Each item of personal data in the applications should be compared with the data present in a record, file or alert registered in an information system (the Schengen Information System (SIS), the Interpol Stolen and Lost Travel Document database (SLTD)). The categories of personal data that should be used for comparison should be limited to the categories of data present in the queried information systems.

information systems, *the ETIAS watchlist or the specific risk indicators*.

Or. fr

*Justification*

*Horizontal amendment deleting throughout the text the reference to the "listes de surveillance ETIAS ou a des indicateurs de risques spécifiques"*

**Amendment 224**

**Jan Philipp Albrecht**

**Proposal for a regulation**

**Recital 21**

*Text proposed by the Commission*

(21) The **assessment** of such risks cannot be carried out without processing the personal data listed in recital (16). Each item of personal data in the applications should be compared with the data present in a record, file or alert registered in an information system (the Schengen Information System (SIS), the **Visa Information System (VIS)**, the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), the Entry/Exit System (EES), **the Eurodac, the European Criminal Records Information System (ECRIS)** and/or the Interpol Travel Documents Associated with Notices database (Interpol TDAWN)) **or against the ETIAS watchlists, or against specific risk indicators**. The categories of personal data that should be used for comparison should be limited to the categories of data present in the queried information systems, **the ETIAS watchlist or the specific risk indicators**.

*Amendment*

(21) The **assessment** of such risks cannot be carried out without processing the personal data listed in recital (16). Each item of personal data in the applications should be compared with the data present in a record, file or alert registered in an information system (the Schengen Information System (SIS), the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), the Entry/Exit System (EES), and/or the Interpol Travel Documents Associated with Notices database (Interpol TDAWN)). The categories of personal data that should be used for comparison should be limited to the categories of data present in the queried information systems.

Or. en

**Amendment 225**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Recital 21**

*Text proposed by the Commission*

(21) The **assessment** of such risks cannot be carried out without processing the personal data listed in recital (16). Each item of personal data in the applications should be compared with the data present in a record, file or alert registered in an information system (the Schengen Information System (SIS), the Visa Information System (VIS), the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), the Entry/Exit System (EES), the Eurodac, the European Criminal Records Information System (ECRIS) and/or the Interpol Travel Documents Associated with Notices database (Interpol TDAWN)) or against the ETIAS watchlists, or against specific risk indicators. The categories of personal data that should be used for comparison should be limited to the categories of data present in the queried information systems, the ETIAS watchlist or the specific risk indicators.

*Amendment*

(21) The **assessment** of such risks cannot be carried out without processing the personal data listed in recital (16). Each item of personal data in the applications should be compared with the data present in a record, file or alert registered in **the ETIAS Central System**, an information system (the Schengen Information System (SIS), the Visa Information System (VIS), the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), the Entry/Exit System (EES), the Eurodac, the European Criminal Records Information System (ECRIS) and/or the Interpol Travel Documents Associated with Notices database (Interpol TDAWN)) or against the ETIAS watchlists, or against specific risk indicators. The categories of personal data that should be used for comparison should be limited to the categories of data present in the queried information systems, the ETIAS watchlist or the specific risk indicators.

Or. fr

**Amendment 226**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Recital 22**

*Text proposed by the Commission*

(22) The comparison should take place by automated means. Whenever such comparison reveals that a correspondence (a 'hit') exists with any of the personal data or combination thereof in the applications and a record, file or alert in the above

*Amendment*

(22) The comparison should take place by automated means. Whenever such comparison reveals that a correspondence (a 'hit') exists with any of the personal data or combination thereof in the applications and a record, file or alert in the above

information systems, ***or with personal data in the ETIAS watchlist, or with risk indicators***, the application should be processed manually by an operator in the ETIAS National Unit of the Member State of declared first entry. The assessment performed by the ETIAS National Unit should lead to the decision to issue or not the travel authorisation.

information systems, the application should be processed manually by an operator in the ETIAS National Unit of the Member State of declared first entry. The assessment performed by the ETIAS National Unit should lead to the decision to issue or not the travel authorisation. ***Under no circumstances should this additional procedure take longer than two weeks, nor shall it ever be completed on or after a date that would make travel impossible.***

Or. fr

**Amendment 227**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

(22) The comparison should take place by automated means. Whenever such comparison reveals that a correspondence (a 'hit') exists with any of the personal data or combination thereof in the applications and a record, file or alert in the above information systems, ***or with personal data in the ETIAS watchlist, or with risk indicators***, the application should be processed manually by an operator in the ETIAS National Unit of the Member State of declared first entry. The assessment performed by the ETIAS National Unit should lead to the decision to issue or not the travel authorisation.

*Amendment*

(22) The comparison should take place by automated means. Whenever such comparison reveals that a correspondence (a 'hit') exists with any of the personal data or combination thereof in the applications and a record, file or alert in the above information systems, the application should be processed manually by an operator in the ETIAS National Unit of the Member State of declared first entry. The assessment performed by the ETIAS National Unit should lead to the decision to issue or not the travel authorisation.

Or. en

**Amendment 228**  
**Sergei Stanishev, Tonino Picula**

**Proposal for a regulation**  
**Recital 22**



*Text proposed by the Commission*

(22) The comparison should take place by automated means. Whenever such comparison reveals that a correspondence (a 'hit') exists with any of the personal data or combination thereof in the applications and a record, file or alert in the above information systems, or with personal data in the ETIAS watchlist, or with risk indicators, the application should be processed manually by an operator in the ETIAS National Unit of the Member State **of declared first entry**. The assessment performed by the ETIAS National Unit should lead to the decision to issue or not the travel authorisation.

*Amendment*

(22) The comparison should take place by automated means. Whenever such comparison reveals that a correspondence (a 'hit') exists with any of the personal data or combination thereof in the applications and a record, file or alert in the above information systems, or with personal data in the ETIAS watchlist, or with risk indicators, the application should be processed manually by an operator in the ETIAS National Unit of the **responsible** Member State. The assessment performed by the ETIAS National Unit should lead to the decision to issue or not the travel authorisation.

Or. en

*Justification*

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

**Amendment 229**

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

**Proposal for a regulation  
Recital 22 a (new)**

*Text proposed by the Commission*

*Amendment*

***(22 a) When a "hit" on Interpol information systems (SLTD and TDawn) occurs during the automated process, the Central Unit should conduct a specific check before the manual process in order to verify the accuracy of the hit, and the reasons of this traveller's travel document insertion in any of the Interpol information systems.***

Or. en

## *Justification*

*Necessary in order to avoid the consequences of certain insertions from third countries which may be based on other reasons than the objectives of the information system (e.g. insertion of political opponents), that would be discriminatory to the person concerned.*

### **Amendment 230** **Heinz K. Becker**

#### **Proposal for a regulation** **Recital 24**

*Text proposed by the Commission*

*Amendment*

*(24) Applicants who have been refused a travel authorisation should have the right to appeal. Appeals should be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State.*

*deleted*

Or. en

### **Amendment 231** **Marie-Christine Vergiat**

#### **Proposal for a regulation** **Recital 24**

*Text proposed by the Commission*

*Amendment*

(24) Applicants who have been refused a travel authorisation should have **the** right to appeal. Appeals should be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State.

(24) Applicants who have been refused a travel authorisation should have **an effective** right to appeal. Appeals should be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State **even if the applicant is not in the territory of the European Union during this procedure. Applicants shall benefit from the necessary safeguards with regard to the principles of protection of individuals and respect for fundamental rights, as defined by European Union law and international**

*law, notably the rights of access, correction, deletion and redress, and in particular the right to a judicial remedy and to processing operations being supervised by independent public authorities. This Regulation shall therefore respect fundamental rights and abide by the principles recognised in the Universal Declaration of Human Rights, the 1951 Geneva Convention and the Charter of Fundamental Rights of the European Union, in particular the right to dignity (Article 1 of the Charter), the prohibition of slavery and forced labour (Article 5), the right to liberty and security (Article 6), the right to asylum, respect for private and family life (Article 7), the right to family reunification, the right to health, the protection of personal data (Article 8), the right to non-discrimination (Article 21), the rights of the child (Article 24), the rights of the elderly (Article 25), the rights of persons with disabilities (Article 26) and the right to an effective remedy (Article 47).*

Or. fr

**Amendment 232**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 24**

*Text proposed by the Commission*

(24) Applicants who have been refused a travel authorisation should have the right to ***appeal***. ***Appeals*** should be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State.

*Amendment*

(24) Applicants who have been refused a travel authorisation should have the right to ***an effective remedy***. ***Remedy procedures*** should be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State, ***which should include the possibility for a judicial remedy***.

Or. en

**Amendment 233**

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

**Proposal for a regulation**

**Recital 24**

*Text proposed by the Commission*

(24) Applicants who have been refused a travel authorisation should have the right to appeal. Appeals should be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State.

*Amendment*

(24) Applicants who have been refused a travel authorisation should have the right to appeal ***and to an effective remedy***. Appeals ***and remedies*** should be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State.

Or. en

*Justification*

*According to Article 47 of the EU Charter of Fundamental Rights*

**Amendment 234**

**Jan Philipp Albrecht**

**Proposal for a regulation**

**Recital 25**

*Text proposed by the Commission*

***(25) The screening rules should be used to analyse the application file by enabling a comparison between the data recorded in an application file of the ETIAS Central System and specific risk indicators corresponding to previously identified security, irregular migration or public health risk. The criteria used for defining the specific risk indicators should in no circumstances be based on a applicant's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, sexual life or sexual orientation.***

*Amendment*

***deleted***

**Amendment 235****Angelika Mlinar****Proposal for a regulation****Recital 25***Text proposed by the Commission**Amendment*

**(25) The screening rules should be used to analyse the application file by enabling a comparison between the data recorded in an application file of the ETIAS Central System and specific risk indicators corresponding to previously identified security, irregular migration or public health risk. The criteria used for defining the specific risk indicators should in no circumstances be based on a applicant's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, sexual life or sexual orientation.**

**deleted****Amendment 236****Gérard Deprez, Louis Michel****Proposal for a regulation****Recital 25***Text proposed by the Commission**Amendment*

(25) The screening rules should be used to analyse the application file by enabling a comparison between the data recorded in an application file of the ETIAS Central System and specific risk indicators corresponding to previously identified security, irregular migration or public health risk. The criteria used for defining the specific risk indicators should in no circumstances be based on **a** applicant's race or ethnic origin, political opinions,

(25) The screening rules should be used to analyse the application file by enabling a comparison between the data recorded in an application file of the ETIAS Central System and specific risk indicators corresponding to previously identified security, irregular migration or public health risk. The criteria used for defining the specific risk indicators should in no circumstances be based on **an** applicant's race or ethnic origin, political opinions,

religion or philosophical beliefs, trade union membership, sexual life or sexual orientation.

religion or philosophical beliefs, trade union membership, sexual life or sexual orientation. ***In no circumstances may the ETIAS National Unit of the Member State responsible take a decision the basis for which lies solely in a hit based on specific risk indicators. The ETIAS National Unit of the Member State responsible shall assess the migration, security and public health risk in all cases.***

Or. fr

**Amendment 237**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) The screening rules should be used to analyse the application file by enabling a comparison between the data recorded in an application file of the ETIAS Central System and ***specific risk indicators corresponding to previously identified security, irregular migration or public health risk. The criteria used for defining the specific risk indicators*** should in no circumstances be based on ***a*** applicant's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, sexual life or sexual orientation.

*Amendment*

(25) The screening rules should be used to analyse the application file by enabling a comparison between the data recorded in an application file of the ETIAS Central System and ***the aforementioned databases and*** should in no circumstances be based on ***an*** applicant's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, sexual life or sexual orientation.

Or. fr

**Amendment 238**  
**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) The screening rules should be used to analyse the application file by enabling a comparison between the data recorded in an application file of the ETIAS Central System and specific risk indicators corresponding to previously identified security, ***irregular migration or public health*** risk. The criteria used for defining the specific risk indicators should in no circumstances be based on a applicant's ***race or ethnic*** origin, ***political opinions***, religion or ***philosophical beliefs, trade union membership, sexual life*** or sexual orientation.

*Amendment*

(25) The screening rules should be used to analyse the application file by enabling a comparison between the data recorded in an application file of the ETIAS Central System and specific risk indicators corresponding to previously identified security ***or irregular migration*** risk. The criteria used for defining the specific risk indicators should in no circumstances be based on a applicant's ***sex, race, colour, ethnic or social*** origin, ***genetic features, language***, religion or ***belief, political or any other opinion, membership of a national minority, property, birth, disability, age*** or sexual orientation.

Or. en

*Justification*

*According with Article 21 of the EU Charter of Fundamental Rights.*

**Amendment 239**  
**Artis Pabriks**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) The screening rules should be used to analyse the application file by enabling a comparison between the data recorded in an application file of the ETIAS Central System and specific risk indicators corresponding to previously identified security, ***irregular*** migration or public health risk. The criteria used for defining the specific risk indicators should in no circumstances be based on a applicant's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, sexual life or sexual orientation.

*Amendment*

(25) The screening rules should be used to analyse the application file by enabling a comparison between the data recorded in an application file of the ETIAS Central System and specific risk indicators corresponding to previously identified security, ***illegal*** migration or public health risk. The criteria used for defining the specific risk indicators should in no circumstances be based on a applicant's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, sexual life or sexual orientation.

**Amendment 240**  
**Sergei Stanishev**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) The screening rules should be used to analyse the application file by enabling a comparison between the data recorded in an application file of the ETIAS Central System and specific risk indicators corresponding to previously identified security, ***irregular migration*** or public health risk. The criteria used for defining the specific risk indicators should in no circumstances be based on a applicant's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, sexual life or sexual orientation.

*Amendment*

(25) The screening rules should be used to analyse the application file by enabling a comparison between the data recorded in an application file of the ETIAS Central System and specific risk indicators corresponding to previously identified security or public health risk. The criteria used for defining the specific risk indicators should in no circumstances be based on a applicant's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, sexual life or sexual orientation.

Or. en

*Justification*

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

**Amendment 241**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 26**

*Text proposed by the Commission*

***(26) An ETIAS watchlist should be established for identifying connections between data in an ETIAS application file and information related to persons who are suspected of having committed an act of serious crime or terrorism, or***

*Amendment*

***deleted***



*regarding whom there are factual indications or reasonable grounds to believe that they will commit an act of serious crime or terrorism. The ETIAS watchlist should be part of the data processed by Europol in accordance with Article 18(2)(a) of Regulation (EU) 2016/794 and Europol's Integrated Data Management Concept implementing that Regulation. When providing information to Europol, Member States should be able to determine the purpose or purposes for which it is to be processed, including the possibility to limit this processing to the ETIAS watchlist.*

Or. fr

**Amendment 242**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 26**

*Text proposed by the Commission*

*Amendment*

**(26) An ETIAS watchlist should be established for identifying connections between data in an ETIAS application file and information related to persons who are suspected of having committed an act of serious crime or terrorism, or regarding whom there are factual indications or reasonable grounds to believe that they will commit an act of serious crime or terrorism. The ETIAS watchlist should be part of the data processed by Europol in accordance with Article 18(2)(a) of Regulation (EU) 2016/794 and Europol's Integrated Data Management Concept implementing that Regulation. When providing information to Europol, Member States should be able to determine the purpose or purposes for which it is to be processed, including the possibility to limit this processing to the ETIAS watchlist.**

**deleted**

**Amendment 243**

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

**Proposal for a regulation****Recital 26***Text proposed by the Commission*

(26) An ETIAS watchlist should be established for identifying connections between data in an ETIAS application file and information related to persons who are suspected of having committed ***an act of serious crime or terrorism, or regarding whom there are factual indications or reasonable grounds to believe that they will commit an act of serious crime or terrorism***. The ETIAS watchlist should be part of the data processed by Europol in accordance with Article 18(2)(a) of Regulation (EU) 2016/794 and Europol's Integrated Data Management Concept implementing that Regulation. When providing information to Europol, Member States should be able to determine the purpose or purposes for which it is to be processed, including the possibility to limit this processing to the ETIAS watchlist.

*Amendment*

(26) An ETIAS watchlist should be established for identifying connections between data in an ETIAS application file and information related to persons who are suspected of having committed ***or taken part in a serious criminal or terrorist offence***. The ETIAS watchlist should be part of the data processed by Europol in accordance with Article 18(2)(a) of Regulation (EU) 2016/794 and Europol's Integrated Data Management Concept implementing that Regulation. When providing information to Europol, Member States should be able to determine the purpose or purposes for which it is to be processed, including the possibility to limit this processing to the ETIAS watchlist.

**Amendment 244**

**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation****Recital 26***Text proposed by the Commission*

(26) An ETIAS watchlist should be established for identifying connections between data in an ETIAS application file and information related to persons who are

*Amendment*

(26) An ETIAS watchlist should be established for identifying connections between data in an ETIAS application file and information related to persons who are

suspected of having committed an act of serious crime or terrorism, or regarding whom there are factual indications or reasonable grounds to believe that they will commit an act of serious crime or terrorism. The ETIAS watchlist should be part of the data processed by Europol in accordance with Article 18(2)(a) of Regulation (EU) 2016/794 and Europol's Integrated Data Management Concept implementing that Regulation. When providing information to Europol, Member States should be able to determine the purpose or purposes for which it is to be processed, including the possibility to limit this processing to the ETIAS watchlist.

suspected of having committed ***or taken part in*** an act of serious crime or terrorism, or regarding whom there are factual indications or reasonable grounds to believe that they will commit an act of serious crime or terrorism. The ETIAS watchlist should be part of the data processed by Europol in accordance with Article 18(2)(a) of Regulation (EU) 2016/794 and Europol's Integrated Data Management Concept implementing that Regulation. When providing information to Europol, Member States should be able to determine the purpose or purposes for which it is to be processed, including the possibility to limit this processing to the ETIAS watchlist.

Or. fr

**Amendment 245**  
**Angelika Mlinar**

**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

*Amendment*

***(27) The continuous emergence of new forms of security threats, new patterns of irregular migration and public health threats requires effective responses and needs to be countered with modern means. Since these means entail the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the right to protection of private life and to the right of protection of personal data limited to what is necessary in a democratic society.***

***deleted***

Or. en

**Amendment 246**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Recital 27**

*Text proposed by the Commission*

(27) The continuous emergence of new forms of security threats, ***new patterns of irregular migration and public health threats*** requires effective responses and needs to be ***countered*** with modern means. Since these means entail the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the right to protection of private life and to the right of protection of personal data limited to what is necessary in a democratic society.

*Amendment*

(27) The continuous emergence of new forms of security threats requires effective responses and needs to be ***addressed*** with modern means. Since these means entail the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the right to protection of private life and to the right of protection of personal data limited to what is necessary in a democratic society. ***In no circumstances shall these new means adversely affect the rights laid down in international law of the individuals concerned.***

Or. fr

**Amendment 247**

**Jan Philipp Albrecht**

**Proposal for a regulation**

**Recital 27**

*Text proposed by the Commission*

(27) The continuous emergence of new forms of security threats, ***new patterns of irregular migration and public health threats*** requires effective responses and needs to be countered with modern means. Since these means entail the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the right to protection of private life and to the right of protection of personal data limited to what is necessary in a democratic society.

*Amendment*

(27) The continuous emergence of new forms of security threats requires effective responses and needs to be countered with modern means. Since these means entail the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the right to protection of private life and to the right of protection of personal data limited to what is necessary in a democratic society.

**Amendment 248****Artis Pabriks****Proposal for a regulation****Recital 27***Text proposed by the Commission*

(27) The continuous emergence of new forms of security threats, new patterns of **irregular** migration and public health threats requires effective responses and needs to be countered with modern means. Since these means entail the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the right to protection of private life and to the right of protection of personal data limited to what is necessary in a democratic society.

*Amendment*

(27) The continuous emergence of new forms of security threats, new patterns of **illegal** migration and public health threats requires effective responses and needs to be countered with modern means. Since these means entail the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the right to protection of private life and to the right of protection of personal data limited to what is necessary in a democratic society.

Or. en

**Amendment 249****Sergei Stanishev****Proposal for a regulation****Recital 27***Text proposed by the Commission*

(27) The continuous emergence of new forms of security threats, new patterns of **irregular migration and** public health threats requires effective responses and needs to be countered with modern means. Since these means entail the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the right to protection of private life and to the right of protection of personal data limited

*Amendment*

(27) The continuous emergence of new forms of security threats **and** new patterns of public health threats requires effective responses and needs to be countered with modern means. Since these means entail the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the right to protection of private life and to the right of protection of

to what is necessary in a democratic society.

personal data limited to what is necessary in a democratic society.

Or. en

*Justification*

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

**Amendment 250**

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

**Proposal for a regulation**

**Recital 27**

*Text proposed by the Commission*

(27) The continuous emergence of new forms of security threats, new patterns of irregular migration **and public health** threats requires effective responses and needs to be countered with modern means. Since these means entail the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the right to protection of private life and to the right of protection of personal data limited to what is necessary in a democratic society.

*Amendment*

(27) The continuous emergence of new forms of security threats, new patterns of irregular migration threats requires effective responses and needs to be countered with modern means. Since these means entail the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the right to protection of private life and to the right of protection of personal data limited to what is necessary in a democratic society.

Or. en

**Amendment 251**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Recital 28**

*Text proposed by the Commission*

(28) Personal data in ETIAS should therefore be kept secure; access to it should be limited to strictly authorised personnel

*Amendment*

(28) Personal data in ETIAS should therefore be kept secure **in full compliance with Articles 7 and 8 of the Charter of**

and in no circumstance *it should* be used to reach decisions based on any form of discrimination. The personal data stored should be kept securely in eu-LISA's facilities in the Union.

*Fundamental Rights of the European Union and Article 8 of the Universal Declaration of Human Rights*; access to it should be limited to strictly authorised personnel; *respect for fundamental rights in general and, in particular, the right to privacy, the right to protection of personal data, the right to asylum, the right to family life and family reunification and the right to health, human dignity and integrity of the person is to be guaranteed, as well as the necessity of protecting vulnerable persons, especially unaccompanied minors. Account shall be taken in said data of any changes in the situation of the individuals concerned* and in no circumstance *should it* be used to reach decisions based on any form of discrimination. *Moreover, the personal data stored should not discriminate against persons on grounds of sex, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. It shall not breach the right of the persons concerned to contest the infringement of their rights before the courts which have jurisdiction.* The personal data stored should be kept securely in eu-LISA's facilities in the Union. *The whole of the functioning of the ETIAS shall be subjected to an independent and regular audit, at EU level and at national level, by independent EU and national authorities competent in the matter, including the European Data Protection Supervisor.*

Or. fr

**Amendment 252**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 29**

*Text proposed by the Commission*

(29) Issued travel authorisations should be annulled or revoked as soon as it becomes evident that the conditions for issuing it were not or are no longer met. In particular, when a new SIS alert is created for a refusal of entry or for a reported lost or stolen travel document, the SIS should inform the ETIAS which should verify whether this new alert corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State having created the alert should be immediately informed and revoke the travel authorisation. ***Following a similar approach, new elements introduced in the ETIAS watchlist shall be compared with the application files stored in the ETIAS in order to verify whether this new element corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State of first entry should assess the hit and, where necessary, revoke the travel authorisation.*** A possibility to revoke the travel authorisation at the request of the applicant should also be provided.

*Amendment*

(29) Issued travel authorisations should be annulled or revoked as soon as it becomes evident that the conditions for issuing it were not or are no longer met. In particular, when a new SIS alert is created for a refusal of entry or for a reported lost or stolen travel document, the SIS should inform the ETIAS which should verify whether this new alert corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State having created the alert should be immediately informed and revoke the travel authorisation. A possibility to revoke the travel authorisation at the request of the applicant should also be provided.

Or. en

**Amendment 253**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 29**

*Text proposed by the Commission*

(29) Issued travel authorisations should be annulled or revoked as soon as it ***becomes*** evident that the conditions for issuing it were not or are no longer met. In particular, when a new SIS alert is created for a refusal of entry or for a reported lost or stolen travel document, the SIS should inform the ETIAS which should verify

*Amendment*

(29) Issued travel authorisations should be ***reviewed and where applicable*** annulled or revoked as soon as it ***may become*** evident that the conditions for issuing it were not or are no longer met. In particular, when a new SIS alert is created for a refusal of entry or for a reported lost or stolen travel document, the SIS should



whether this new alert corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State having created the alert should be immediately informed and *revoke* the travel authorisation. ***Following a similar approach, new elements introduced in the ETIAS watchlist shall be compared with the application files stored in the ETIAS in order to verify whether this new element corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State of first entry should assess the hit and, where necessary, revoke the travel authorisation.*** A possibility to revoke the travel authorisation at the request of the applicant should also be provided.

inform the ETIAS which should verify whether this new alert corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State having created the alert should be immediately informed and *review* the travel authorisation. A possibility to revoke the travel authorisation at the request of the applicant should also be provided.

Or. fr

#### **Amendment 254**

**Gérard Deprez, Louis Michel**

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

#### **Recital 29**

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

(29) Issued travel authorisations should be annulled or revoked as soon as it becomes evident that the conditions for issuing it were not or are no longer met. In particular, when a new SIS alert is created for a refusal of entry or for a reported lost or stolen travel document, the SIS should inform the ETIAS which should verify whether this new alert corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State having created the alert should be immediately informed and revoke the travel authorisation. Following a similar approach, new elements introduced in the ETIAS watchlist shall be compared with the application files stored in the ETIAS in order to verify whether this new element

##### *Amendment*

(29) Issued travel authorisations should be annulled or revoked as soon as it becomes evident that the conditions for issuing it were not or are no longer met. In particular, when a new SIS alert is created for a refusal of entry or for a reported lost or stolen travel document, the SIS should inform the ETIAS which should verify whether this new alert corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State having created the alert should be immediately informed and, ***unless there are exceptional circumstances relating to the national security of a Member State,*** revoke the travel authorisation. Following a similar approach, new elements introduced in the ETIAS watchlist shall be

corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State of first entry should assess the hit and, where necessary, revoke the travel authorisation. A possibility to revoke the travel authorisation at the request of the applicant should also be provided.

compared with the application files stored in the ETIAS in order to verify whether this new element corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State of first entry should assess the hit and, where necessary, revoke the travel authorisation. A possibility to revoke the travel authorisation at the request of the applicant should also be provided.

Or. fr

## Amendment 255

Brice Hortefeux, Rachida Dati

### Proposal for a regulation

#### Recital 29

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

(29) Issued travel authorisations should be annulled or revoked as soon as it becomes evident that the conditions for issuing it were not or are no longer met. In particular, when a new SIS alert is created for a refusal of entry or for a reported lost or **stolen** travel document, the SIS should inform the ETIAS which should verify whether this new alert corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State having created the alert should be immediately informed and revoke the travel authorisation. Following a similar approach, new elements introduced in the ETIAS watchlist shall be compared with the application files stored in the ETIAS in order to verify whether this new element corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State **of first entry** should assess the hit and, where necessary, revoke the travel authorisation. A possibility to revoke the travel authorisation at the request of the applicant should also be provided.

##### *Amendment*

(29) Issued travel authorisations should be annulled or revoked as soon as it becomes evident that the conditions for issuing it were not or are no longer met. In particular, when a new SIS alert is created for a refusal of entry or for a reported lost, **stolen** or **invalidated** travel document, the SIS should inform the ETIAS which should verify whether this new alert corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State having created the alert should be immediately informed and revoke the travel authorisation. Following a similar approach, new elements introduced in the ETIAS watchlist shall be compared with the application files stored in the ETIAS in order to verify whether this new element corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State **which entered these new elements** should assess the hit and, where necessary, revoke the travel authorisation. A possibility to revoke the travel authorisation at the

request of the applicant should also be provided.

Or. fr

## **Amendment 256**

**Sergei Stanishev, Tonino Picula**

### **Proposal for a regulation**

#### **Recital 29**

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

(29) Issued travel authorisations should be annulled or revoked as soon as it becomes evident that the conditions for issuing it were not or are no longer met. In particular, when a new SIS alert is created for a refusal of entry or for a reported lost or stolen travel document, the SIS should inform the ETIAS which should verify whether this new alert corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State having created the alert should be immediately informed and revoke the travel authorisation. Following a similar approach, new elements introduced in the ETIAS watchlist shall be compared with the application files stored in the ETIAS in order to verify whether this new element corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State *of first entry* should assess the hit and, where necessary, revoke the travel authorisation. A possibility to revoke the travel authorisation at the request of the applicant should also be provided.

##### *Amendment*

(29) Issued travel authorisations should be annulled or revoked as soon as it becomes evident that the conditions for issuing it were not or are no longer met. In particular, when a new SIS alert is created for a refusal of entry or for a reported lost or stolen travel document, the SIS should inform the ETIAS which should verify whether this new alert corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State having created the alert should be immediately informed and revoke the travel authorisation. Following a similar approach, new elements introduced in the ETIAS watchlist shall be compared with the application files stored in the ETIAS in order to verify whether this new element corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the *responsible* Member State should assess the hit and, where necessary, revoke the travel authorisation. A possibility to revoke the travel authorisation at the request of the applicant should also be provided.

Or. en

##### *Justification*

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

## Amendment 257

Gérard Deprez, Louis Michel

### Proposal for a regulation

#### Recital 30

*Text proposed by the Commission*

(30) When, in exceptional *circumstances*, a Member State considers necessary to allow a third country national to travel to its territory on humanitarian grounds, for reasons of national interest or because of international obligations, it should have the possibility to issue a travel authorisation with limited territorial *and temporal* validity.

*Amendment*

(30) When, in exceptional *circumstances*, a Member State considers necessary to allow a third country national to travel to its territory on humanitarian grounds, for reasons of national interest or because of international obligations, it should have the possibility to issue a travel authorisation with limited territorial validity *that is valid for a maximum period of 180 days from the date on which this travel authorisation is issued or 90 days from the date of first entry using this travel authorisation. In exceptional circumstances, this travel authorisation may be valid for the territory of several other Member States, provided that the National Unit of each of these Member States have consented to this.*

Or. fr

## Amendment 258

Helga Stevens

### Proposal for a regulation

#### Recital 30

*Text proposed by the Commission*

(30) When, in exceptional circumstances, a Member State considers necessary to allow a third country national to travel to its territory on humanitarian grounds, for reasons of national interest or because of international obligations, it should have the possibility to issue a travel

*Amendment*

(30) When, in exceptional circumstances, a Member State considers necessary to allow a third country national to travel to its territory on humanitarian grounds *in accordance with international law*, for reasons of national interest or because of international obligations, it should have the possibility to issue a travel

authorisation with limited territorial and temporal validity.

authorisation with limited territorial and temporal validity. ***Reasons relating to international protection should not be classified as humanitarian reasons in the context of the granting of travel authorisations with limited territorial validity.***

Or. nl

**Amendment 259**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 30**

*Text proposed by the Commission*

(30) When, in exceptional ***circumstances, a Member State considers*** necessary to allow a third country national to travel ***to its territory*** on humanitarian grounds, for reasons of national interest or because of international obligations, it should ***have the possibility*** to issue a travel authorisation with limited territorial and temporal validity.

*Amendment*

(30) When, in exceptional ***circumstances, it is*** necessary to allow a third country national to travel on humanitarian grounds, for reasons of national interest or because of international obligations, it should ***be possible*** to issue a travel authorisation with limited territorial and temporal validity.

Or. en

**Amendment 260**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 30**

*Text proposed by the Commission*

(30) When, in exceptional ***cirmcumstances, a Member State considers*** necessary to allow a third country national to travel ***to its territory*** on humanitarian grounds, for reasons of national interest or because of international obligations, it ***should have the possibility***

*Amendment*

(30) When, in exceptional ***circumstances, it is*** necessary to allow a third country national to travel on humanitarian grounds, for reasons of national interest, or because of international obligations, it ***shall be possible*** to issue a travel authorisation with

to issue a travel authorisation with limited territorial and temporal validity.

limited territorial and temporal validity *to this person*.

Or. fr

## Amendment 261

Gérard Deprez, Louis Michel

### Proposal for a regulation

#### Recital 31

*Text proposed by the Commission*

(31) Prior to boarding, air and sea carriers, as well as carriers transporting groups overland by coach should have the obligation to verify if travellers have all the travel documents required for entering the territory of the Member States pursuant to the Schengen Convention<sup>25</sup>. This should include verifying that travellers are in possession of a valid travel authorisation. The ETIAS file itself should not be accessible to carriers. *A secure internet* access, including the possibility using mobile technical solutions, should allow carriers to *proceed with this consultation* using travel document data.

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<sup>25</sup> Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

*Amendment*

(31) Prior to boarding, air and sea carriers, as well as carriers transporting groups overland by coach should have the obligation to verify if travellers have all the travel documents required for entering the territory of the Member States pursuant to the Schengen Convention<sup>25</sup>. This should include verifying that travellers are in possession of a valid travel authorisation *and in the case of a travel authorisation with limited territorial validity, verify the territory or territories to which the applicant is authorised to travel*. The ETIAS file itself should not be accessible to carriers. Secure access, including the possibility using mobile technical solutions, should allow carriers to *send a request to the ETIAS Central System* using travel document data.

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<sup>25</sup> Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

Or. fr

## Amendment 262

**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation**

**Recital 31**

*Text proposed by the Commission*

(31) Prior to boarding, air and sea carriers, as well as carriers transporting groups overland by coach should have the obligation to verify *if* travellers **have all the travel documents required for entering the territory of the Member States pursuant to the Schengen Convention<sup>25</sup>**. **This should include verifying that travellers** are in possession of a valid travel authorisation. The ETIAS file itself should not be accessible to *carriers*. A secure internet access, including the possibility using mobile technical solutions, should allow carriers to proceed with this consultation using travel document data.

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<sup>25</sup> *Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.*

*Amendment*

(31) Prior to boarding, air and sea carriers, as well as **international** carriers transporting groups overland by coach should have the obligation to verify **that** travellers are in possession of a valid travel authorisation. The ETIAS file itself should not be accessible to **operators**. A secure internet access, including the possibility using mobile technical solutions, should allow carriers to proceed with this consultation using travel document data.

Or. fr

**Amendment 263**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Recital 31**

*Text proposed by the Commission*

(31) Prior to boarding, air and sea carriers, as well as carriers transporting groups overland by coach should have the obligation to verify *if* travellers **have all the travel documents required for entering**

*Amendment*

(31) Prior to boarding, air and sea carriers, as well as carriers transporting groups overland by coach should have the obligation to verify **that** travellers are in possession of travel authorisation. The

*the territory of the Member States pursuant to the Schengen Convention<sup>25</sup>. This should include verifying that travellers are in possession of a valid travel authorisation. The ETIAS file itself should not be accessible to carriers. A secure internet access, including the possibility using mobile technical solutions, should allow carriers to proceed with this consultation using travel document data.*

ETIAS file itself *shall* not be accessible to carriers. A secure internet access, including the possibility using mobile technical solutions, should allow carriers to *verify the validity of the travel authorisation* using travel document data. *Lack of travel authorisation should not constitute a sufficient reason for refusing boarding, especially when the individual concerned needs to travel unexpectedly and/or in an emergency and it should be possible to apply on arrival at the border of the Member State of entry.*

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<sup>25</sup> *Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.*

Or. fr

**Amendment 264**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 31**

*Text proposed by the Commission*

(31) Prior to boarding, air *and sea* carriers, *as well as carriers transporting groups overland by coach* should have the obligation to verify if travellers have all the travel documents required for entering the territory of the Member States pursuant to the Schengen Convention<sup>25</sup>. This should include verifying that travellers are in possession of a valid travel authorisation. The ETIAS file itself should not be accessible to carriers. A secure internet access, including the possibility using mobile technical solutions, should allow

*Amendment*

(31) Prior to boarding, air carriers should have the obligation to verify if travellers have all the travel documents required for entering the territory of the Member States pursuant to the Schengen Convention<sup>25</sup>. This should include verifying that travellers are in possession of a valid travel authorisation. The ETIAS file itself should not be accessible to carriers. A secure internet access, including the possibility using mobile technical solutions, should allow carriers to proceed with this consultation using travel document data.



carriers to proceed with this consultation using travel document data.

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<sup>25</sup> Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

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<sup>25</sup> Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

Or. en

## **Amendment 265**

**G rard Deprez, Louis Michel**

### **Proposal for a regulation**

#### **Recital 32**

#### *Text proposed by the Commission*

(32) In order to comply with the revised conditions for entry, border guards should check whether the traveller is in possession of a valid travel authorisation. Therefore, during the standard border control process, the border guard should electronically read the travel document data. This operation should trigger a query to different databases as provided under the Schengen Border Code including a query to ETIAS which should provide the up-to-date travel authorisation status. The ETIAS file itself should not be accessible to the border guard for border controls. If there is no valid travel authorisation, the border guard should refuse entry and should complete the border control process accordingly. If there is a valid travel authorisation, the decision to authorise or refuse entry should be taken by the border guard.

#### *Amendment*

(32) In order to comply with the revised conditions for entry, border guards should check whether the traveller is in possession of a valid travel authorisation. Therefore, during the standard border control process, the border guard should electronically read the travel document data. This operation should trigger a query to different databases as provided under the Schengen Border Code including a query to ETIAS which should provide the up-to-date travel authorisation status ***and in the case of a travel authorisation with limited territorial validity, the territory or territories to which the applicant is authorised to travel.*** The ETIAS file itself should not be accessible to the border guard for border controls ***but only for additional information relevant for second-line checks that the ETIAS National Unit may have inserted to facilitate border control.*** If there is no valid travel authorisation, the border guard should refuse entry and should complete the border control process accordingly. If

there is a valid travel authorisation, the decision to authorise or refuse entry should be taken by the border guard.

Or. fr

**Amendment 266**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 32**

*Text proposed by the Commission*

(32) In order to comply with the revised conditions for entry, border guards should check whether the traveller is in possession of a valid travel authorisation. Therefore, during the standard border control process, the border guard should electronically read the travel document data. This operation should trigger a query to different databases as provided under the Schengen Border Code including a query to ETIAS which should provide the up-to-date travel authorisation status. The ETIAS file itself should not be accessible to the border guard for border controls. If there is no valid travel authorisation, the border guard should ***refuse entry and should complete the border control process accordingly***. If there is a valid travel authorisation, the decision to authorise or refuse entry should be taken by the border guard.

*Amendment*

(32) In order to comply with the revised conditions for entry, border guards should check whether the traveller is in possession of a valid travel authorisation. Therefore, during the standard border control process, the border guard should electronically read the travel document data. This operation should trigger a query to different databases as provided under the Schengen Border Code including a query to ETIAS which should provide the up-to-date travel authorisation status. The ETIAS file itself should not be accessible to the border guard for border controls. If there is no valid travel authorisation, the border guard should ***make sure that the traveller is travelling to the designated location in order to apply or investigate whether he/she may enter the territory on the basis of an entry with limited territorial validity or for other reasons***. If there is a valid travel authorisation, the decision to authorise or refuse entry should be taken by the border guard.

Or. fr

**Amendment 267**  
**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation**

## Recital 32

*Text proposed by the Commission*

(32) In order to comply with the revised conditions for entry, border guards should check whether the traveller is in possession of a valid travel authorisation. Therefore, during the standard border control process, the border guard should electronically read the travel document data. This operation should trigger a query to different databases as provided under the Schengen Border Code including a query to ETIAS which should provide the up-to-date travel authorisation status. The ETIAS file *itself* should *not* be accessible to the border guard for border controls. If there is no valid travel authorisation, *the border guard* should refuse entry and should complete the border control process accordingly. If there is a valid travel authorisation, the decision to authorise or refuse entry should be taken by the border guard.

*Amendment*

(32) In order to comply with the revised conditions for entry, border guards should check whether the traveller is in possession of a valid travel authorisation. Therefore, during the standard border control process, the border guard should electronically read the travel document data. This operation should trigger a query to different databases as provided under the Schengen Border Code including a query to ETIAS which should provide the up-to-date travel authorisation status. *Some of the data in the ETIAS file should be accessible to border guards for border controls so they may carry out their work efficiently.* If there is no valid travel authorisation, the border guard should refuse entry and should complete the border control process accordingly. If there is a valid travel authorisation, the decision to authorise or refuse entry should be taken by the border guard.

Or. fr

## Amendment 268

**Brice Hortefeux, Rachida Dati**

### Proposal for a regulation

#### Recital 32 a (new)

*Text proposed by the Commission*

*Amendment*

***(32a) As possession of a valid travel authorisation is a condition for the entry and stay of some categories of third-country nationals, the immigration authorities of the Member States should be able to consult the ETIAS Central System. The immigration authorities of the Member States should have access to certain information recorded in the ETIAS Central System, in particular for***

*the purpose of returns. They should be able to search the ETIAS Central System using the data contained in the machine readable strip of a travel document without using specific technical equipment.*

Or. fr

**Amendment 269**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 33**

*Text proposed by the Commission*

*Amendment*

**(33)** *In the fight against terrorist offences and other serious criminal offences and given the globalisation of criminal networks, it is imperative that law enforcement authorities have the necessary information to perform their tasks effectively. Access to data contained in the Visa Information System (VIS) for law enforcement purpose has already proven effective in helping investigators to make substantial progress in cases related to human being trafficking, terrorism or drug trafficking. The Visa Information System does not contain data on visa-exempt third-country nationals.*

*deleted*

Or. en

**Amendment 270**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 33**

*Text proposed by the Commission*

*Amendment*

**(33)** *In the fight against terrorist offences and other serious criminal*

**(33)** *While law enforcement authorities may have a right of access so as to obtain*

offences and *given the globalisation of criminal networks*, it is *imperative that law enforcement authorities have the necessary information to perform their tasks effectively*. Access to data contained in the Visa Information System (VIS) for law enforcement purpose has already proven effective in helping investigators to make *substantial* progress in cases related to human being trafficking, terrorism or drug trafficking. *The Visa Information System does not contain data on visa-exempt third-country nationals.*

*the latest information to assist them in carrying out their tasks* in the fight against terrorist offences and other serious criminal offences and make progress in cases related to human trafficking, terrorism or drug trafficking, *it is essential that access is in proportion to these tasks and only when strictly necessary.*

Or. fr

**Amendment 271**  
**Maria Grapini**

**Proposal for a regulation**  
**Recital 33**

*Text proposed by the Commission*

(33) In the fight against terrorist offences and other serious criminal offences and given the globalisation of criminal networks, it is imperative that law enforcement authorities have the necessary information to perform their tasks effectively. Access to data contained in the Visa Information System (VIS) for law enforcement purpose has already proven effective in helping investigators to make substantial progress in cases related to human being trafficking, terrorism or drug trafficking. The Visa Information System does not contain data on visa-exempt third-country nationals.

*Amendment*

(33) In the fight against terrorist offences and other serious criminal offences and given the globalisation of criminal networks, it is imperative that law enforcement authorities have the necessary information to perform their tasks effectively. Access to data contained in the Visa Information System (VIS) for law enforcement purpose has already proven effective in helping investigators to make substantial progress in cases related to human being trafficking, visa racketeering, terrorism, arms trafficking or drug trafficking. The Visa Information System does not contain data on visa-exempt third-country nationals.

Or. ro

**Amendment 272**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 34**

*Text proposed by the Commission*

*Amendment*

**(34) Access to the information contained in ETIAS is necessary to prevent, detect and investigate terrorist offences as referred to in Council Framework Decision 2002/475/JHA<sup>26</sup> or other serious criminal offences as referred to in Council Framework Decision 2002/584/JHA<sup>27</sup>. In a specific investigation and in order to establish evidence and information related to a person suspected of having committed a crime or a victim of a crime, law enforcement authorities may need access to the data generated by ETIAS. The data stored in ETIAS may also be necessary to identify the perpetrator of a terrorist offence or other serious criminal offences, especially when urgent action is needed. Access to the ETIAS for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences constitutes an interference with the fundamental rights to respect for the private life of individuals and to protection of personal data of persons whose personal data are processed in the ETIAS. Therefore, the data in ETIAS should be retained and made available to the designated authorities of the Member States and the European Police Office ('Europol'), subject to the strict conditions set out in this Regulation in order for such access to be limited to what is strictly necessary for the prevention, detection and investigation of terrorist offences and serious criminal offences in accordance with the requirements notably laid down in the jurisprudence of the Court, in particular in the Digital Rights Ireland case<sup>28</sup>.**

*deleted*

<sup>26</sup> *Council Framework Decision 2002/475/JHA of 13 June 2002 on combatting terrorism (OJ L 164, 22.6.2002 p.6).*

<sup>27</sup> *Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member State (OJ L 190, 18.7.2002, p. 1).*

<sup>28</sup> *Judgment of the Court (Grand Chamber) of 8 April 2014 in joined cases C-293/12 and C-594/12 Digital Rights Ireland Ltd, ECLI:EU:C:2014:238.*

Or. en

**Amendment 273**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 34**

*Text proposed by the Commission*

(34) Access to the information contained in ETIAS is necessary to prevent, detect and investigate terrorist offences as referred to in Council Framework Decision 2002/475/JHA<sup>26</sup> or other serious criminal offences as referred to in Council Framework Decision 2002/584/JHA<sup>27</sup>. In a specific investigation and in order to establish evidence and information related to a person suspected of having committed a crime or a victim of a crime, law enforcement authorities may need access to the data generated by ETIAS. The data stored in ETIAS may also be necessary to identify the perpetrator of a terrorist offence or other serious criminal offences, especially when urgent action is needed. Access to the ETIAS for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences constitutes an interference with the fundamental rights to respect for the

*Amendment*

(34) Access to the information contained in ETIAS is necessary to prevent, detect and investigate terrorist offences as referred to in Council Framework Decision 2002/475/JHA<sup>26</sup> or other serious criminal offences as referred to in Council Framework Decision 2002/584/JHA<sup>27</sup>. In a specific investigation and in order to establish evidence and information related to a person suspected of having committed a crime or a victim of a crime, law enforcement authorities may need access to the data generated by ETIAS. The data stored in ETIAS may also be necessary to identify the perpetrator of a terrorist offence or other serious criminal offences, especially when urgent action is needed. Access to the ETIAS for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences constitutes an interference with the fundamental rights to respect for the

private life of individuals and to protection of personal data of persons whose personal data are processed in the ETIAS. Therefore, the data in ETIAS should be retained and made available to the designated authorities of the Member States and the European Police Office ('Europol'), subject to the strict conditions set out in this Regulation in order for such access to be limited to what is strictly necessary for the prevention, detection and investigation of terrorist offences and serious criminal offences in accordance with the requirements notably laid down in the jurisprudence of the Court, in particular in the Digital Rights Ireland case<sup>28</sup>.

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<sup>26</sup> Council Framework Decision 2002/475/JHA of 13 June 2002 on **combating** terrorism (OJ L 164, 22.6.2002 p. 6).

<sup>27</sup> Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member **State** (OJ L 190, 18.7.2002, p. 1).

<sup>28</sup> Judgment of the Court (Grand Chamber) of 8 April 2014 in joined cases C-293/12 and C-594/12 Digital Rights Ireland Ltd, ECLI:EU:C:2014:238.

private life of individuals and to protection of personal data of persons whose personal data are processed in the ETIAS. Therefore, the data in ETIAS should be retained and made available to the designated authorities of the Member States and the European Police Office ('Europol'), subject to the ***principles of necessity, proportionality and specific purpose and to the*** strict conditions set out in this Regulation in order for such access to be limited to what is strictly necessary for the prevention, detection and investigation of terrorist offences and serious criminal offences in accordance with the requirements notably laid down in the jurisprudence of the Court, in particular in the Digital Rights Ireland case<sup>28</sup>.

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<sup>26</sup> Council Framework Decision 2002/475/JHA of 13 June 2002 on **combating** terrorism (OJ L 164, 22.6.2002 p. 6).

<sup>27</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).

<sup>28</sup> Judgment of the Court (Grand Chamber) of 8 April 2014 in joined cases C-293/12 and C-594/12 Digital Rights Ireland Ltd, ECLI:EU:C:2014:238.

Or. fr

## **Amendment 274** **Brice Hortefeux, Rachida Dati**

### **Proposal for a regulation** **Recital 34**

*Text proposed by the Commission*

(34) Access to the information contained in ETIAS is necessary to prevent, detect

*Amendment*

(34) Access to the information contained in ETIAS is necessary to prevent, detect



and investigate terrorist offences as referred to in **Council Framework Decision 2002/475/JHA**<sup>26</sup> or other serious criminal offences as referred to in Council Framework Decision 2002/584/JHA<sup>27</sup>. In a specific investigation and in order to establish evidence and information related to a person suspected of having committed a crime or a victim of a crime, law enforcement authorities may need access to the data generated by ETIAS. The data stored in ETIAS may also be necessary to identify the perpetrator of a terrorist offence or other serious criminal offences, especially when urgent action is needed. Access to the ETIAS for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences constitutes an interference with the fundamental rights to respect for the private life of individuals and to protection of personal data of persons whose personal data are processed in the ETIAS. Therefore, the data in ETIAS should be retained and made available to the designated authorities of the Member States and the European Police Office ('Europol'), subject to the strict conditions set out in this Regulation in order for such access to be limited to what is strictly necessary for the prevention, detection and investigation of terrorist offences and serious criminal offences in accordance with the requirements notably laid down in the jurisprudence of the Court, in particular in the Digital Rights Ireland case<sup>28</sup>.

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<sup>26</sup> **Council Framework Decision 2002/475/JHA of 13 June 2002 on combatting terrorism (OJ L 164, 22.6.2002, p. 6).**

<sup>27</sup> Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member **State** (OJ L 190, 18.7.2002, p. 1).

and investigate terrorist offences as referred to in **Directive 2017/541(EU)** or other serious criminal offences as referred to in Council Framework Decision 2002/584/JHA<sup>27</sup>. In a specific investigation and in order to establish evidence and information related to a person suspected of having committed a **serious** crime or a victim of a crime, law enforcement authorities may need access to the data generated by ETIAS. The data stored in ETIAS may also be necessary to identify the perpetrator of a terrorist offence or other serious criminal offences, especially when urgent action is needed. Access to the ETIAS for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences constitutes an interference with the fundamental rights to respect for the private life of individuals and to protection of personal data of persons whose personal data are processed in the ETIAS. Therefore, the data in ETIAS should be retained and made available to the designated authorities of the Member States and the European Police Office ('Europol'), subject to the strict conditions set out in this Regulation in order for such access to be limited to what is strictly necessary for the prevention, detection and investigation of terrorist offences and serious criminal offences in accordance with the requirements notably laid down in the jurisprudence of the Court, in particular in the Digital Rights Ireland case<sup>28</sup>.

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<sup>27</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).

<sup>28</sup> Judgment of the Court (Grand Chamber) of 8 April 2014 in joined cases C-293/12 and C-594/12 Digital Rights Ireland Ltd, ECLI:EU:C:2014:238.

<sup>28</sup> Judgment of the Court (Grand Chamber) of 8 April 2014 in joined cases C-293/12 and C-594/12 Digital Rights Ireland Ltd, ECLI:EU:C:2014:238.

Or. fr

**Amendment 275**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 35**

*Text proposed by the Commission*

*Amendment*

***(35) In particular, access to ETIAS data for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences should only be granted following a reasoned request by the competent authorities giving reasons for its necessity. Member States should ensure that any such request for access to data stored in ETIAS be the subject of a prior review by a court or by an authority providing guarantees of full independence and impartiality, and which is free from any direct or indirect external influence. However, in situations of extreme urgency, it can be crucial for the competent authorities to obtain immediately personal data necessary for preventing the commission of a serious crime or so that its perpetrators can be prosecuted. In such cases it should be accepted that the review of the personal data obtained from ETIAS takes place as swiftly as possible after access to such data has been granted to the competent authorities.***

***deleted***

Or. en

**Amendment 276**

Marie-Christine Vergiat

**Proposal for a regulation**

**Recital 35**

*Text proposed by the Commission*

(35) In particular, access to ETIAS data for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences **should** only be granted following a reasoned request by the competent authorities giving reasons for its necessity. Member States **should** ensure that any such request for access to data stored in ETIAS be the subject of a prior review by a court or by an authority providing guarantees of full independence and impartiality, and which is free from any direct or indirect external influence. ***However, in situations of extreme urgency, it can be crucial for the competent authorities to obtain immediately personal data necessary for preventing the commission of a serious crime or so that its perpetrators can be prosecuted. In such cases it should be accepted that the review of the personal data obtained from ETIAS takes place as swiftly as possible after access to such data has been granted to the competent authorities.***

*Amendment*

(35) In particular, access to ETIAS data for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences **shall** only be granted following a reasoned request by the competent authorities giving reasons for its necessity. Member States **shall** ensure that any such request for access to data stored in ETIAS be the subject of a prior review by a court or by an authority providing guarantees of full independence and impartiality, and which is free from any direct or indirect external influence.

Or. fr

**Amendment 277**

**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation**

**Recital 35**

*Text proposed by the Commission*

(35) In particular, access to ETIAS data for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences should only be

*Amendment*

(35) In particular, access to ETIAS data for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences should only be

granted following a reasoned request by the competent authorities giving reasons for its necessity. ***Member States should ensure that any such request for access to data stored in ETIAS be the subject of a prior review by a court or by an authority providing guarantees of full independence and impartiality, and which is free from any direct or indirect external influence. However, in situations of extreme urgency, it can be crucial for the competent authorities to obtain immediately personal data necessary for preventing the commission of a serious crime or so that its perpetrators can be prosecuted. In such cases*** it should be accepted that the ***review of the*** personal data obtained from ETIAS takes place as swiftly as possible after access to such data has been granted to the competent authorities.

granted following a reasoned request by the competent authorities giving reasons for its necessity. ***When it is essential that the competent authorities obtain immediately personal data necessary to avert a terrorist act or an imminent danger associated with*** the commission of a serious crime or ***to prosecute*** its perpetrators, it should be accepted that the personal data obtained from ETIAS ***is reviewed*** as swiftly as possible after access to such data has been granted to the competent authorities.

Or. fr

**Amendment 278**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 36**

*Text proposed by the Commission*

***(36) It is therefore necessary to designate the competent authorities of the Member States that are authorised to request such access for the specific purposes for the prevention, detection or investigation of terrorist offences or of other serious criminal offences.***

*Amendment*

***deleted***

Or. en

**Amendment 279**  
**Brice Hortefeux**

**Proposal for a regulation**  
**Recital 36**

*Text proposed by the Commission*

(36) It is therefore necessary to designate the **competent** authorities of the Member States that are authorised to request such access for the specific purposes for the prevention, detection or investigation of terrorist offences or of other serious criminal offences.

*Amendment*

(36) It is therefore necessary to designate the authorities of the Member States that are authorised to request such access for the specific purposes for the prevention, detection or investigation of terrorist offences or of other serious criminal offences.

Or. fr

**Amendment 280**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 37**

*Text proposed by the Commission*

***(37) The ETIAS National Units should act as the central access point and should verify that the conditions to request access to the ETIAS Central System are fulfilled in the concrete case at hand.***

*Amendment*

***deleted***

Or. en

**Amendment 281**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 38**

*Text proposed by the Commission*

***(38) Europol is the hub for information exchange in the Union and it plays a key role with respect to cooperation between Member States' authorities in the field of cross-border crime investigation in supporting Union-wide crime prevention, analyses and investigation. Consequently,***

*Amendment*

***deleted***

*Europol should also have access to the ETIAS Central System within the framework of its tasks and in accordance with Regulation (EU) 2016/794<sup>29</sup> in specific cases where this is necessary for Europol to support and strengthen action by Member States in preventing, detecting or investigating terrorist offences or other serious criminal offences.*

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<sup>29</sup> OJ L 119, 4.5.2016, p. 132-149.

Or. fr

**Amendment 282**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 38**

*Text proposed by the Commission*

*Amendment*

**(38) *Europol is the hub for information exchange in the Union and it plays a key role with respect to cooperation between Member States' authorities in the field of cross-border crime investigation in supporting Union-wide crime prevention, analyses and investigation. Consequently, Europol should also have access to the ETIAS Central System within the framework of its tasks and in accordance with Regulation (EU) 2016/794<sup>29</sup> in specific cases where this is necessary for Europol to support and strengthen action by Member States in preventing, detecting or investigating terrorist offences or other serious criminal offences.***

*deleted*

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<sup>29</sup> OJ L 119, 4.5.2016, p. 132-149.

Or. en

**Amendment 283**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 38**

*Text proposed by the Commission*

(38) ***Europol is the hub for information exchange in the Union and it*** plays a key role with respect to cooperation between Member States' authorities in the field of cross-border crime investigation in supporting Union-wide crime prevention, analyses and investigation. Consequently, Europol should also have access to the ETIAS Central System within the framework of its tasks and in accordance with Regulation (EU) 2016/794<sup>29</sup> in specific cases where this is necessary for Europol to support and strengthen action by Member States in preventing, detecting or investigating terrorist offences or other serious criminal offences.

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<sup>29</sup> OJ L 119, 4.5.2016, p. 132-149.

*Amendment*

(38) Europol plays a key role with respect to cooperation between Member States' authorities ***and*** in the field of cross-border crime investigation in supporting Union-wide crime prevention, analyses and investigation. Consequently, Europol should also have access to the ETIAS Central System ***on the basis of a reasoned request giving its grounds for access*** within the framework of its tasks and in accordance with Regulation (EU) 2016/794<sup>29</sup> in specific cases where this is necessary for Europol to support and strengthen action by Member States in preventing, detecting or investigating terrorist offences or other serious criminal offences.

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<sup>29</sup> OJ L 119, 4.5.2016, p. 132-149.

Or. fr

**Amendment 284**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 39**

*Text proposed by the Commission*

(39) ***To exclude systematic searches, the processing of data stored in the ETIAS Central System should take place only in specific cases and only when it is necessary for the purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences. The designated authorities and***

*Amendment*

***deleted***

***Europol should only request access to ETIAS when they have reasonable grounds to believe that such access will provide information that will substantially assist them in preventing, detecting or investigating a terrorist offence or other serious criminal offence. The law enforcement authorities and Europol should only request access to the ETIAS if prior searches in all relevant national databases of the Member State and databases at Europol did not lead to the requested information.***

Or. en

## **Amendment 285**

**Brice Hortefeux, Rachida Dati**

### **Proposal for a regulation**

#### **Recital 39**

*Text proposed by the Commission*

(39) To exclude systematic searches, the processing of data stored in the ETIAS Central System should take place only in specific cases and only when it is necessary for the purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences. The designated authorities and Europol should only request access to ETIAS when they have reasonable grounds to believe that such access will provide information that will substantially assist them in preventing, detecting or investigating a terrorist offence or other serious criminal offence. ***The law enforcement authorities and Europol should only request access to the ETIAS if prior searches in all relevant national databases of the Member State and databases at Europol did not lead to the requested information.***

*Amendment*

(39) To exclude systematic searches, the processing of data stored in the ETIAS Central System should take place only in specific cases and only when it is necessary for the purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences. The designated authorities and Europol should only request access to ETIAS when they have reasonable grounds to believe that such access will provide information that will substantially assist them in preventing, detecting or investigating a terrorist offence or other serious criminal offence.

Or. fr



**Amendment 286**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 39**

*Text proposed by the Commission*

(39) To exclude systematic searches, the processing of data stored in the ETIAS Central System should take place only in specific cases and only when it is necessary for the purposes of preventing, **detecting or investigating** terrorist **offences** or other serious criminal offences. The designated authorities **and Europol** should only request access to ETIAS when they have **reasonable** grounds **to believe** that such access will provide information that will **substantially** assist them in preventing, detecting **or investigating a** terrorist **offence** or other serious criminal offence. The law enforcement authorities **and Europol** should only request access to the ETIAS if prior searches in all relevant national databases of the Member State and databases **at Europol** did not lead to the requested information.

*Amendment*

(39) To exclude systematic searches, the processing of data stored in the ETIAS Central System should take place only in specific **emergency** cases and only when it is necessary for the purposes of preventing **imminent** terrorist or other serious criminal offences. The designated authorities should only request access to ETIAS when they have **well-founded** grounds that such access will provide information that will assist them in preventing **or detecting an imminent** terrorist or other serious criminal offence. The law enforcement authorities should only request access to the ETIAS if prior searches in all relevant national databases of the Member State and **EU** databases did not lead to the requested information.

Or. fr

**Amendment 287**  
**Sylvie Guillaume, Péter Niedermüller**

**Proposal for a regulation**  
**Recital 39**

*Text proposed by the Commission*

(39) To exclude systematic searches, the processing of data stored in the ETIAS Central System should take place only in specific cases and only when it is necessary for the purposes of preventing, detecting or investigating terrorist offences or other

*Amendment*

(39) To exclude systematic searches, the processing of data stored in the ETIAS Central System should take place only in specific cases and only when it is necessary for the purposes of preventing, detecting or investigating terrorist offences or other

serious criminal offences. The designated authorities and Europol should only request access to ETIAS when *they have reasonable grounds to believe* that such access will *provide information that will substantially assist them in preventing, detecting or investigating* a terrorist offence or other serious criminal offence. The law enforcement authorities and Europol should only request access to the ETIAS if prior searches in all relevant national databases of the Member State and databases at Europol did not lead to the requested information.

serious criminal offences. The designated authorities and Europol should only request access to ETIAS when *substantial evidence exists to consider* that such access will substantially *contribute to the prevention, detection or investigation of* a terrorist offence or other serious criminal offence. The law enforcement authorities and Europol should only request access to the ETIAS if prior searches in all relevant national databases of the Member State and databases at Europol did not lead to the requested information.

Or. en

**Amendment 288**  
**Angelika Mlinar**

**Proposal for a regulation**  
**Recital 40**

*Text proposed by the Commission*

(40) The personal data recorded in the ETIAS should be kept for no longer than is necessary for its purposes. In order for the ETIAS to function, it is necessary to keep the data related to applicants for the period of validity of the travel authorisation. *In order to assess the security, irregular migration and public health risks posed by the applicants it is necessary to keep the personal data for five years from the last entry record of the applicant stored in the EES. In fact, the ETIAS should rely on accurate preliminary assessments of the security, public health and irregular migration risks, notably through the use of the screening rules. In order to constitute a reliable basis for the manual risk assessment by the Member States, and reduce to the minimum the occurrence of hits not corresponding to real risks ('false positives'), the hits resulting from screening rules based on*

*Amendment*

(40) The personal data recorded in the ETIAS should be kept for no longer than is necessary for its purposes. In order for the ETIAS to function, it is necessary to keep the data related to applicants for the period of validity of the travel *authorisation*.

*statistics generated by ETIAS data itself need to be representative of a sufficiently broad population. This cannot be achieved exclusively on the basis of the data of the travel authorisations in their validity period. The retention period should start from the last entry record of the applicant stored in the EES, since that constitutes the last actual use of the travel authorisation. A retention period of five years corresponds to the retention period of an EES record with an entry authorisation granted on the basis of an ETIAS travel authorisation or a refusal of entry. This synchronisation of retention periods ensures that both the entry record and the related travel authorisation are kept for the same duration and is an additional element ensuring the future interoperability between ETIAS and EES. This synchronisation of data retention periods is necessary to allow the competent authorities to perform the risk analysis requested by the Schengen Borders Code. A decision to refuse, revoke or annul a travel authorisation could indicate a higher security or irregular migration risk posed by the applicant. Where such a decision has been issued, the 5 years retention period for the related data should start from its date of issuance, in order for ETIAS to be able to take accurately into account the higher risk possibly posed by the applicant concerned. After the expiry of such period, the personal data should be deleted.*

Or. en

**Amendment 289**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 40**

(40) The personal data recorded in the ETIAS should be kept for no longer than is necessary for its purposes. In order for the ETIAS to function, it is necessary to keep the data related to applicants for the period of validity of the travel authorisation. In order to assess the security, ***irregular migration and public health*** risks posed by the applicants it is necessary to keep the personal data for ***five*** years from the last entry record of the applicant stored in the EES. In fact, the ETIAS should rely on accurate preliminary assessments of the security, ***public health and irregular migration*** risks, notably through the use of the screening rules. ***In order to constitute a reliable basis for the manual risk assessment by the Member States, and reduce to the minimum the occurrence of hits not corresponding to real risks ('false positives'), the hits resulting from screening rules based on statistics generated by ETIAS data itself need to be representative of a sufficiently broad population. This cannot be achieved exclusively on the basis of the data of the travel authorisations in their validity period. The retention period should start from the last entry record of the applicant stored in the EES, since that constitutes the last actual use of the travel authorisation. A retention period of five years corresponds to the retention period of an EES record with an entry authorisation granted on the basis of an ETIAS travel authorisation or a refusal of entry. This synchronisation of retention periods ensures that both the entry record and the related travel authorisation are kept for the same duration and is an additional element ensuring the future interoperability between ETIAS and EES. This synchronisation of data retention periods is necessary to allow the competent authorities to perform the risk analysis requested by the Schengen Borders Code. A decision to refuse,***

(40) The personal data recorded in the ETIAS should be kept for no longer than is necessary for its purposes. In order for the ETIAS to function, it is necessary to keep the data related to applicants for the period of validity of the travel authorisation. In order to assess the security risks posed by the applicants it is necessary to keep the personal data for ***two*** years from the last entry record of the applicant stored in the EES ***unless the travel authorisation expires prior to this date***. In fact, the ETIAS should rely on accurate preliminary assessments of the security risks, notably through the use of the screening rules. After the expiry of such period, the personal data should be deleted.

*revoke or annul a travel authorisation could indicate a higher security or irregular migration risk posed by the applicant. Where such a decision has been issued, the 5 years retention period for the related data should start from its date of issuance, in order for ETIAS to be able to take accurately into account the higher risk possibly posed by the applicant concerned.* After the expiry of such period, the personal data should be deleted.

Or. fr

**Amendment 290**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 40**

*Text proposed by the Commission*

(40) The personal data recorded in the ETIAS should be kept for no longer than is necessary for its purposes. In order for the ETIAS to function, it is necessary to keep the data related to applicants for the period of validity of the travel authorisation. ***In order to assess the security, irregular migration and public health risks posed by the applicants it is necessary to keep the personal data for five years from the last entry record of the applicant stored in the EES. In fact, the ETIAS should rely on accurate preliminary assessments of the security, public health and irregular migration risks, notably through the use of the screening rules. In order to constitute a reliable basis for the manual risk assessment by the Member States, and reduce to the minimum the occurrence of hits not corresponding to real risks ('false positives'), the hits resulting from screening rules based on statistics generated by ETIAS data itself need to be representative of a sufficiently broad population. This cannot be***

*Amendment*

(40) The personal data recorded in the ETIAS should be kept for no longer than is necessary for its purposes. In order for the ETIAS to function, it is necessary to keep the data related to applicants for the period of validity of the travel authorisation. A decision to refuse, revoke or annul a travel authorisation could indicate a ***possible threat to security*** posed by the applicant. Where such a decision has been issued, the ***one year*** retention period for the related data should start from its date of issuance, in order for ETIAS to be able to take accurately into account the ***possible threat*** posed by the applicant concerned. After the expiry of such period, the personal data should be deleted.

*achieved exclusively on the basis of the data of the travel authorisations in their validity period. The retention period should start from the last entry record of the applicant stored in the EES, since that constitutes the last actual use of the travel authorisation. A retention period of five years corresponds to the retention period of an EES record with an entry authorisation granted on the basis of an ETIAS travel authorisation or a refusal of entry. This synchronisation of retention periods ensures that both the entry record and the related travel authorisation are kept for the same duration and is an additional element ensuring the future interoperability between ETIAS and EES. This synchronisation of data retention periods is necessary to allow the competent authorities to perform the risk analysis requested by the Schengen Borders Code. A decision to refuse, revoke or annul a travel authorisation could indicate a **higher security or irregular migration risk** posed by the applicant. Where such a decision has been issued, the **5 years** retention period for the related data should start from its date of issuance, in order for ETIAS to be able to take accurately into account the **higher risk possibly** posed by the applicant concerned. After the expiry of such period, the personal data should be deleted.*

Or. en

#### **Amendment 291**

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

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

##### **Recital 40**

*Text proposed by the Commission*

(40) The personal data recorded in the ETIAS should be kept for no longer than is

*Amendment*

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necessary for its purposes. In order for the ETIAS to function, it is necessary to keep the data related to applicants for the period of validity of the travel authorisation. A decision to refuse, revoke or annul a travel authorisation could indicate a higher security or irregular migration risk posed by the applicant. Where such a decision has been issued, the 2 years retention period for the related data should start from its date of issuance, in order for ETIAS to be able to take accurately into account the higher risk possibly posed by the applicant concerned. After the expiry of such period, the personal data should be deleted.

5 years retention period for the related data should start from its date of issuance, in order for ETIAS to be able to take accurately into account the higher risk possibly posed by the applicant concerned. After the expiry of such period, the personal data should be deleted.

Or. en

### *Justification*

*Keeping the whole ETIAS application five years after the last entry of the applicant is not justified, and does not seem proportionate nor necessary. This is not necessary either to create a correspondence with the EES, because when an applicant enters, he or she only needs his or her valid ETIAS authorisation. The data retention period, according to EU standards, should be as limited as possible.*

## **Amendment 292**

**Brice Hortefeux, Rachida Dati**

### **Proposal for a regulation**

#### **Recital 40**

#### *Text proposed by the Commission*

(40) The personal data recorded in the ETIAS should be kept for no longer than is necessary for its purposes. In order for the ETIAS to function, it is necessary to keep the data related to applicants for the period of validity of the travel authorisation. In order to assess the security, irregular migration and public health risks posed by the applicants it is necessary to keep the personal data for five years from the last entry record of the applicant stored in the EES. In fact, the ETIAS should rely on accurate preliminary assessments of the security, public health and irregular migration risks, notably through the use of the screening rules. In order to constitute a reliable basis for the manual risk assessment by the Member States, and reduce to the minimum the occurrence of hits not corresponding to real risks ('false positives'), the hits resulting from

#### *Amendment*

(40) The personal data recorded in the ETIAS should be kept for no longer than is necessary for its purposes. In order for the ETIAS to function, it is necessary to keep the data related to applicants for the period of validity of the travel authorisation. In order to assess the security, irregular migration and public health risks posed by the applicants it is necessary to keep the personal data for five years from the last entry/*exit* record of the applicant stored in the EES. In fact, the ETIAS should rely on accurate preliminary assessments of the security, public health and irregular migration risks, notably through the use of the screening rules. In order to constitute a reliable basis for the manual risk assessment by the Member States, and reduce to the minimum the occurrence of hits not corresponding to real risks ('false positives'), the hits resulting from



screening rules based on statistics generated by ETIAS data itself need to be representative of a sufficiently broad population. This cannot be achieved exclusively on the basis of the data of the travel authorisations in their validity period. The retention period should start from the last entry record of the applicant stored in the EES, since that constitutes the last actual use of the travel authorisation. A retention period of five years corresponds to the retention period of an EES record with an entry authorisation granted on the basis of an ETIAS travel authorisation or a refusal of entry. This synchronisation of retention periods ensures that both the entry record and the related travel authorisation are kept for the same duration and is an additional element ensuring the future interoperability between ETIAS and EES. This synchronisation of data retention periods is necessary to allow the competent authorities to perform the risk analysis requested by the Schengen Borders Code. A decision to refuse, revoke or annul a travel authorisation could indicate a higher security *or* irregular migration risk posed by the applicant. Where such a decision has been issued, the 5 years retention period for the related data should start from its date of issuance, in order for ETIAS to be able to take accurately into account the higher risk possibly posed by the applicant concerned. After the expiry of such period, the personal data should be deleted.

screening rules based on statistics generated by ETIAS data itself need to be representative of a sufficiently broad population. This cannot be achieved exclusively on the basis of the data of the travel authorisations in their validity period. The retention period should start from the last entry/*exit* record of the applicant stored in the EES, since that constitutes the last actual use of the travel authorisation. A retention period of five years corresponds to the retention period of an EES record with an entry authorisation granted on the basis of an ETIAS travel authorisation or a refusal of entry. This synchronisation of retention periods ensures that both the entry/*exit* record and the related travel authorisation are kept for the same duration and is an additional element ensuring the future interoperability between ETIAS and EES. This synchronisation of data retention periods is necessary to allow the competent authorities to perform the risk analysis requested by the Schengen Borders Code. A decision to refuse, revoke or annul a travel authorisation could indicate a higher security, irregular immigration *or public health* risk posed by the applicant. Where such a decision has been issued, the 5 years retention period for the related data should start from its date of issuance, in order for ETIAS to be able to take accurately into account the higher risk possibly posed by the applicant concerned. After the expiry of such period, the personal data should be deleted.

Or. fr

**Amendment 293**  
**Sergei Stanishev**

**Proposal for a regulation**  
**Recital 40**

(40) The personal data recorded in the ETIAS should be kept for no longer than is necessary for its purposes. In order for the ETIAS to function, it is necessary to keep the data related to applicants for the period of validity of the travel authorisation. In order to assess the security, ***irregular migration*** and public health risks posed by the applicants it is necessary to keep the personal data for five years from the last entry record of the applicant stored in the EES. In fact, the ETIAS should rely on accurate preliminary assessments of the security, ***public health and irregular migration*** risks, notably through the use of the screening rules. In order to constitute a reliable basis for the manual risk assessment by the Member States, and reduce to the minimum the occurrence of hits not corresponding to real risks ('false positives'), the hits resulting from screening rules based on statistics generated by ETIAS data itself need to be representative of a sufficiently broad population. This cannot be achieved exclusively on the basis of the data of the travel authorisations in their validity period. The retention period should start from the last entry record of the applicant stored in the EES, since that constitutes the last actual use of the travel authorisation. A retention period of five years corresponds to the retention period of an EES record with an entry authorisation granted on the basis of an ETIAS travel authorisation or a refusal of entry. This synchronisation of retention periods ensures that both the entry record and the related travel authorisation are kept for the same duration and is an additional element ensuring the future interoperability between ETIAS and EES. This synchronisation of data retention periods is necessary to allow the competent authorities to perform the risk analysis requested by the Schengen Borders Code. A decision to refuse, revoke or annul a travel authorisation could indicate a higher

(40) The personal data recorded in the ETIAS should be kept for no longer than is necessary for its purposes. In order for the ETIAS to function, it is necessary to keep the data related to applicants for the period of validity of the travel authorisation. In order to assess the security and public health risks posed by the applicants it is necessary to keep the personal data for five years from the last entry record of the applicant stored in the EES. In fact, the ETIAS should rely on accurate preliminary assessments of the security ***and public health*** risks, notably through the use of the screening rules. In order to constitute a reliable basis for the manual risk assessment by the Member States, and reduce to the minimum the occurrence of hits not corresponding to real risks ('false positives'), the hits resulting from screening rules based on statistics generated by ETIAS data itself need to be representative of a sufficiently broad population. This cannot be achieved exclusively on the basis of the data of the travel authorisations in their validity period. The retention period should start from the last entry record of the applicant stored in the EES, since that constitutes the last actual use of the travel authorisation. A retention period of five years corresponds to the retention period of an EES record with an entry authorisation granted on the basis of an ETIAS travel authorisation or a refusal of entry. This synchronisation of retention periods ensures that both the entry record and the related travel authorisation are kept for the same duration and is an additional element ensuring the future interoperability between ETIAS and EES. This synchronisation of data retention periods is necessary to allow the competent authorities to perform the risk analysis requested by the Schengen Borders Code. A decision to refuse, revoke or annul a travel authorisation could indicate a higher security risk posed by the applicant. Where

security *or irregular migration* risk posed by the applicant. Where such a decision has been issued, the 5 years retention period for the related data should start from its date of issuance, in order for ETIAS to be able to take accurately into account the higher risk possibly posed by the applicant concerned. After the expiry of such period, the personal data should be deleted.

such a decision has been issued, the 5 years retention period for the related data should start from its date of issuance, in order for ETIAS to be able to take accurately into account the higher risk possibly posed by the applicant concerned. After the expiry of such period, the personal data should be deleted.

Or. en

### *Justification*

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

## **Amendment 294** **Artis Pabriks**

### **Proposal for a regulation** **Recital 40**

#### *Text proposed by the Commission*

(40) The personal data recorded in the ETIAS should be kept for no longer than is necessary for its purposes. In order for the ETIAS to function, it is necessary to keep the data related to applicants for the period of validity of the travel authorisation. In order to assess the security, *irregular* migration and public health risks posed by the applicants it is necessary to keep the personal data for five years from the last entry record of the applicant stored in the EES. In fact, the ETIAS should rely on accurate preliminary assessments of the security, public health and *irregular* migration risks, notably through the use of the screening rules. In order to constitute a reliable basis for the manual risk assessment by the Member States, and reduce to the minimum the occurrence of hits not corresponding to real risks ('false positives'), the hits resulting from screening rules based on statistics

#### *Amendment*

(40) The personal data recorded in the ETIAS should be kept for no longer than is necessary for its purposes. In order for the ETIAS to function, it is necessary to keep the data related to applicants for the period of validity of the travel authorisation. In order to assess the security, *illegal* migration and public health risks posed by the applicants it is necessary to keep the personal data for five years from the last entry record of the applicant stored in the EES. In fact, the ETIAS should rely on accurate preliminary assessments of the security, public health and *illegal* migration risks, notably through the use of the screening rules. In order to constitute a reliable basis for the manual risk assessment by the Member States, and reduce to the minimum the occurrence of hits not corresponding to real risks ('false positives'), the hits resulting from screening rules based on statistics

generated by ETIAS data itself need to be representative of a sufficiently broad population. This cannot be achieved exclusively on the basis of the data of the travel authorisations in their validity period. The retention period should start from the last entry record of the applicant stored in the EES, since that constitutes the last actual use of the travel authorisation. A retention period of five years corresponds to the retention period of an EES record with an entry authorisation granted on the basis of an ETIAS travel authorisation or a refusal of entry. This synchronisation of retention periods ensures that both the entry record and the related travel authorisation are kept for the same duration and is an additional element ensuring the future interoperability between ETIAS and EES. This synchronisation of data retention periods is necessary to allow the competent authorities to perform the risk analysis requested by the Schengen Borders Code. A decision to refuse, revoke or annul a travel authorisation could indicate a higher security or *irregular* migration risk posed by the applicant. Where such a decision has been issued, the 5 years retention period for the related data should start from its date of issuance, in order for ETIAS to be able to take accurately into account the higher risk possibly posed by the applicant concerned. After the expiry of such period, the personal data should be deleted.

generated by ETIAS data itself need to be representative of a sufficiently broad population. This cannot be achieved exclusively on the basis of the data of the travel authorisations in their validity period. The retention period should start from the last entry record of the applicant stored in the EES, since that constitutes the last actual use of the travel authorisation. A retention period of five years corresponds to the retention period of an EES record with an entry authorisation granted on the basis of an ETIAS travel authorisation or a refusal of entry. This synchronisation of retention periods ensures that both the entry record and the related travel authorisation are kept for the same duration and is an additional element ensuring the future interoperability between ETIAS and EES. This synchronisation of data retention periods is necessary to allow the competent authorities to perform the risk analysis requested by the Schengen Borders Code. A decision to refuse, revoke or annul a travel authorisation could indicate a higher security or *illegal* migration risk posed by the applicant. Where such a decision has been issued, the 5 years retention period for the related data should start from its date of issuance, in order for ETIAS to be able to take accurately into account the higher risk possibly posed by the applicant concerned. After the expiry of such period, the personal data should be deleted.

Or. en

**Amendment 295**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 41 a (new)**

*Text proposed by the Commission*

*Amendment*

***(41a) eu-LISA shall base the design, creation and development of the physical***

*architecture of the system, including its communication infrastructure, as well as the technical specifications and their evolution as regards the central system, the uniform interfaces, the secure communication channel between the EES Central System and the VIS Central System, and the communication infrastructure, on the principles of ‘limitation of purpose’ and ‘respect for privacy and data protection from the design stage onwards’. It shall furthermore ensure that the use of the ETIAS by all users complies with data protection provisions.*

Or. fr

**Amendment 296**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 42**

*Text proposed by the Commission*

(42) Regulation (EC) No 45/2001 of the European Parliament and the Council<sup>30</sup> applies to the activities of eu-LISA and the European Coast and Border Guard Agency when carrying out the tasks entrusted to them in this Regulation.

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<sup>30</sup> Regulation (EC) No 45/2001 of the European Parliament and the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

*Amendment*

(42) Regulation (EC) No 45/2001 of the European Parliament and the Council<sup>30</sup> applies to the activities of eu-LISA, ***Europol*** and the European Coast and Border Guard Agency when carrying out the tasks entrusted to them in this Regulation.

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<sup>30</sup> Regulation (EC) No 45/2001 of the European Parliament and the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

Or. en

**Amendment 297**  
**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation**  
**Recital 43**

*Text proposed by the Commission*

(43) [Regulation (EU) 2016/679]<sup>31</sup> applies to the processing of personal data by *the* Member States ***in application of this Regulation unless such processing is carried out by the designated or verifying authorities of the Member States for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences.***

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<sup>31</sup> Regulation (EU) 2016/679 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 and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

*Amendment*

(43) [Regulation (EU) 2016/679]<sup>31</sup> applies to the processing of personal data by authorities of the Member States ***within the scope of Directive (EU) 2016/680.***

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<sup>31</sup> Regulation (EU) 2016/679 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 and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

Or. fr

**Amendment 298**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 43**

*Text proposed by the Commission*

(43) [Regulation (EU) 2016/679]<sup>31</sup> applies to the processing of personal data by the Member States in application of this Regulation unless such processing is carried out by the ***designated or verifying authorities of the Member States*** for the purposes of the prevention, ***detection or investigation of terrorist offences or of other serious criminal offences.***

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PE609.321v02-00

*Amendment*

(43) [Regulation (EU) 2016/679]<sup>31</sup> applies to the processing of personal data by the Member States in application of this Regulation unless such processing is carried out by the ***ETIAS National Units*** for the purposes of the prevention ***of threats to public security.***

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<sup>31</sup> Regulation (EU) 2016/679 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 and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

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<sup>31</sup> Regulation (EU) 2016/679 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 and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

Or. en

**Amendment 299**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 44**

*Text proposed by the Commission*

(44) The processing of personal data by the **authorities of the Member States** for the purposes of the prevention, **detection or investigation of terrorist offences or of other serious criminal offences** pursuant to this Regulation should be subject to a standard of protection of personal data under their national law which complies with [Directive (EU) 2016/680]<sup>32</sup>.

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<sup>32</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 purposes of 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.

*Amendment*

(44) The processing of personal data by the **ETIAS National Units** for the purposes of the prevention **of threats to public security** pursuant to this Regulation should be subject to a standard of protection of personal data under their national law which complies with [Directive (EU) 2016/680]<sup>32</sup>.

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<sup>32</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 purposes of 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.

Or. en

**Amendment 300**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 48**

*Text proposed by the Commission*

*Amendment*

**(48) In order to assess the security, irregular migration or public health risk which could be posed by a traveller, interoperability between the ETIAS Information System and other information systems consulted by ETIAS such as the Entry/Exit System (EES), the Visa Information System (VIS), the Europol data, the Schengen Information System (SIS), the Eurodac and the European Criminal Records Information System (ECRIS) should have to be established. However this interoperability can only be fully ensured once the proposals to establish the EES<sup>33</sup>, the ECRIS<sup>34</sup> and the recast proposal of the Eurodac Regulation<sup>35</sup> have been adopted.**

**deleted**

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<sup>33</sup> *Proposal for a Regulation of the European Parliament and of the Council 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 of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) COM(2016) 194 final.*

<sup>34</sup> *Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA.*



<sup>35</sup> *Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) COM(2016) 272 final.*

Or. fr

**Amendment 301**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 48**

*Text proposed by the Commission*

(48) In order to assess the *security, irregular migration or public health risk* which could be posed by a traveller, interoperability between the ETIAS Information System and other information systems consulted by ETIAS such as the Entry/Exit System (EES), the *Visa Information System (VIS)*, the Europol data, the *Schengen Information System (SIS)*, the *Eurodac* and the *European Criminal Records Information System (ECRIS)* should have to be established. However this interoperability can only be fully ensured once the *proposals* to establish the EES<sup>33</sup>, the *ECRIS*<sup>34</sup> and the *recast proposal of the Eurodac Regulation*<sup>35</sup> have been adopted.

*Amendment*

(48) In order to assess the *threat to security* which could be posed by a traveller, interoperability between the ETIAS Information System and other information systems consulted by ETIAS such as the Entry/Exit System (EES), the Europol data and the *Schengen Information System (SIS)* should have to be established. However this interoperability can only be fully ensured once the *proposal* to establish the EES<sup>33</sup> *has* been adopted.

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<sup>33</sup> Proposal for a Regulation of the European Parliament and of the Council 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 of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) COM(2016) 194 final.

***<sup>34</sup> Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA.***

***<sup>35</sup> Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person] , for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) COM(2016) 272 final.***

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<sup>33</sup> Proposal for a Regulation of the European Parliament and of the Council 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 of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) COM(2016) 194 final.

Or. en

Amendment 302

**Proposal for a regulation**

**Recital 48**

*Text proposed by the Commission*

(48) In order to assess the security, irregular migration or public health risk which could be posed by a traveller, interoperability between the ETIAS Information System and other information systems consulted by ETIAS such as the Entry/Exit System (EES), the Visa Information System (VIS), the Europol data, the Schengen Information System (SIS), the Eurodac and the European Criminal Records Information System (ECRIS) should have to be established. However this interoperability can only be fully ensured once the proposals to establish the EES<sup>33</sup>, the ECRIS<sup>34</sup> and the recast proposal of the Eurodac Regulation<sup>35</sup> have been adopted.

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<sup>33</sup> Proposal for a Regulation of the European Parliament and of the Council 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 of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) COM(2016) 194 final.

<sup>34</sup> Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA.

<sup>35</sup> Proposal for a Regulation of the European Parliament and of the Council on

*Amendment*

(48) In order to assess the security, irregular migration or public health risk which could be posed by a traveller, interoperability between the ETIAS Information System and other **EU** information systems consulted by ETIAS such as the Entry/Exit System (EES), the Visa Information System (VIS), the Europol data, the Schengen Information System (SIS), the Eurodac and the European Criminal Records Information System (ECRIS) should have to be established. However this interoperability can only be fully ensured once the proposals to establish the EES<sup>33</sup>, the ECRIS<sup>34</sup> and the recast proposal of the Eurodac Regulation<sup>35</sup> have been adopted.

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<sup>33</sup> Proposal for a Regulation of the European Parliament and of the Council 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 of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) COM(2016) 194 final.

<sup>34</sup> Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA.

<sup>35</sup> Proposal for a Regulation of the European Parliament and of the Council on

the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) COM(2016) 272 final.

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Or. fr

**Amendment 303**  
**Angelika Mlinar**

**Proposal for a regulation**  
**Recital 48**

*Text proposed by the Commission*

(48) In order to assess the security, **irregular migration or public health** risk which could be posed by a traveller, interoperability between the ETIAS Information System and other information systems consulted by ETIAS such as the Entry/Exit System (EES), the Visa Information System (VIS), the Europol data, the Schengen Information System (SIS), the Eurodac and the European Criminal Records Information System (ECRIS) should have to be established. However this interoperability can only be fully ensured once the proposals to establish the EES<sup>33</sup>, the ECRIS<sup>34</sup> and the recast proposal of the Eurodac Regulation<sup>35</sup> have been adopted.

*Amendment*

(48) In order to assess the security risk which could be posed by a traveller, interoperability between the ETIAS Information System and other information systems consulted by ETIAS such as the Entry/Exit System (EES), the Visa Information System (VIS), the Europol data, the Schengen Information System (SIS), the Eurodac and the European Criminal Records Information System (ECRIS) should have to be established. However this interoperability can only be fully ensured once the proposals to establish the EES<sup>33</sup>, the ECRIS<sup>34</sup> and the recast proposal of the Eurodac Regulation<sup>35</sup> have been adopted.

<sup>33</sup> Proposal for a Regulation of the European Parliament and of the Council 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 of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) COM(2016) 194 final.

<sup>34</sup> Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA.

<sup>35</sup> Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) COM(2016) 272 final.

<sup>33</sup> Proposal for a Regulation of the European Parliament and of the Council 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 of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) COM(2016) 194 final.

<sup>34</sup> Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA.

<sup>35</sup> Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) COM(2016) 272 final.

Or. en

**Amendment 304**  
**Artis Pabriks**

**Proposal for a regulation**  
**Recital 48**

(48) In order to assess the security, **irregular** migration or public health risk which could be posed by a traveller, interoperability between the ETIAS Information System and other information systems consulted by ETIAS such as the Entry/Exit System (EES), the Visa Information System (VIS), the Europol data, the Schengen Information System (SIS), the Eurodac and the European Criminal Records Information System (ECRIS) should have to be established. However this interoperability can only be fully ensured once the proposals to establish the EES<sup>33</sup>, the ECRIS<sup>34</sup> and the recast proposal of the Eurodac Regulation<sup>35</sup> have been adopted.

(48) In order to assess the security, **illegal** migration or public health risk which could be posed by a traveller, interoperability between the ETIAS Information System and other information systems consulted by ETIAS such as the Entry/Exit System (EES), the Visa Information System (VIS), the Europol data, the Schengen Information System (SIS), the Eurodac and the European Criminal Records Information System (ECRIS) should have to be established. However this interoperability can only be fully ensured once the proposals to establish the EES<sup>33</sup>, the ECRIS<sup>34</sup> and the recast proposal of the Eurodac Regulation<sup>35</sup> have been adopted.

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<sup>33</sup> Proposal for a Regulation of the European Parliament and of the Council 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 of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) COM(2016) 194 final.

<sup>34</sup> Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA.

<sup>35</sup> Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and

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<sup>33</sup> Proposal for a Regulation of the European Parliament and of the Council 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 of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) COM(2016) 194 final.

<sup>34</sup> Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA.

<sup>35</sup> Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and

mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person] , for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) COM(2016) 272 final.

mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person] , for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) COM(2016) 272 final.

Or. en

## **Amendment 305** **Sergei Stanishev**

### **Proposal for a regulation** **Recital 48**

#### *Text proposed by the Commission*

(48) In order to assess the security, ***irregular migration*** or public health risk which could be posed by a traveller, interoperability between the ETIAS Information System and other information systems consulted by ETIAS such as the Entry/Exit System (EES), the Visa Information System (VIS), the Europol data, the Schengen Information System (SIS), the Eurodac and the European Criminal Records Information System (ECRIS) should have to be established. However this interoperability can only be fully ensured once the proposals to establish the EES<sup>33</sup>, the ECRIS<sup>34</sup> and the recast proposal of the Eurodac Regulation<sup>35</sup> have been adopted.

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<sup>33</sup> Proposal for a Regulation of the European Parliament and of the Council establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals

#### *Amendment*

(48) In order to assess the security or public health risk which could be posed by a traveller, interoperability between the ETIAS Information System and other information systems consulted by ETIAS such as the Entry/Exit System (EES), the Visa Information System (VIS), the Europol data, the Schengen Information System (SIS), the Eurodac and the European Criminal Records Information System (ECRIS) should have to be established. However this interoperability can only be fully ensured once the proposals to establish the EES<sup>33</sup>, the ECRIS<sup>34</sup> and the recast proposal of the Eurodac Regulation<sup>35</sup> have been adopted.

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<sup>33</sup> Proposal for a Regulation of the European Parliament and of the Council 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 of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) COM(2016) 194 final.

<sup>34</sup> Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA.

<sup>35</sup> Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person] , for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) COM(2016) 272 final.

crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) COM(2016) 194 final.

<sup>34</sup> Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA.

<sup>35</sup> Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person] , for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) COM(2016) 272 final.

Or. en

### *Justification*

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

#### **Amendment 306**

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

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



## Recital 48

### *Text proposed by the Commission*

(48) In order to assess the security, irregular migration **or public health risk** which could be posed by a traveller, interoperability between the ETIAS Information System and other information systems consulted by ETIAS such as the Entry/Exit System (EES), the Visa Information System (VIS), the Europol data, the Schengen Information System (SIS), the Eurodac and the European Criminal Records Information System (ECRIS) should have to be established. However this interoperability can only be fully ensured once the proposals to establish the EES<sup>33</sup>, the ECRIS<sup>34</sup> and the recast proposal of the Eurodac Regulation<sup>35</sup> have been adopted.

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<sup>33</sup> Proposal for a Regulation of the European Parliament and of the Council 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 of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) COM(2016) 194 final.

<sup>34</sup> Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA.

<sup>35</sup> Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No

### *Amendment*

(48) In order to assess the security **or** irregular migration which could be posed by a traveller, interoperability between the ETIAS Information System and other information systems consulted by ETIAS such as the Entry/Exit System (EES), the Visa Information System (VIS), the Europol data, the Schengen Information System (SIS), the Eurodac and the European Criminal Records Information System (ECRIS) should have to be established. However this interoperability can only be fully ensured once the proposals to establish the EES<sup>33</sup>, the ECRIS<sup>34</sup> and the recast proposal of the Eurodac Regulation<sup>35</sup> have been adopted.

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<sup>33</sup> Proposal for a Regulation of the European Parliament and of the Council 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 of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) COM(2016) 194 final.

<sup>34</sup> Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA.

<sup>35</sup> Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No

604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person] , for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) COM(2016) 272 final.

604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person] , for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) COM(2016) 272 final.

Or. en

**Amendment 307**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 49**

*Text proposed by the Commission*

(49) The effective monitoring of the application of this Regulation requires evaluation at regular intervals. The Member States should lay down rules on the penalties applicable to infringements of the provisions of this Regulation and ensure that they are implemented.

*Amendment*

(49) The effective monitoring of the application of this Regulation requires evaluation at regular intervals. The Member States should ***designate the independent national authorities responsible for monitoring the functioning of the whole of the ETIAS system and*** lay down rules on the penalties applicable to infringements of the provisions of this Regulation and ensure that they are implemented.

Or. fr

**Amendment 308**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 50 – indent 1**

*Text proposed by the Commission*

*Amendment*

- *to adopt a predetermined list of answers concerning the questions on the level and field of education, the current occupation and the job title to be indicated in the application for a travel authorisation,* *deleted*

Or. fr

**Amendment 309**

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

**Proposal for a regulation  
Recital 50 – indent 1**

*Text proposed by the Commission*

*Amendment*

- *to adopt a predetermined list of answers concerning the questions on the level and field of education, the current occupation and the job title to be indicated in the application for a travel authorisation,* *deleted*

Or. en

**Amendment 310**

**Jan Philipp Albrecht**

**Proposal for a regulation  
Recital 50 – indent 1**

*Text proposed by the Commission*

*Amendment*

- *to adopt a predetermined list of answers concerning the questions on the level and field of education, the current occupation and the job title to be indicated in the application for a travel authorisation,* *deleted*

Or. en

**Amendment 311**  
**Gérard Deprez, Louis Michel**

**Proposal for a regulation**  
**Recital 50 – indent 1**

*Text proposed by the Commission*

- to adopt a predetermined list of answers concerning the questions on the level and field of education, the current occupation **and** the job title to be indicated in the application for a travel authorisation,

*Amendment*

- to adopt a predetermined list of answers concerning the questions on the level and field of education, the current occupation, the job title **and the categories of applicants for whom the travel authorisation fee is waived** to be indicated in the application for a travel authorisation,

Or. fr

**Amendment 312**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 50 – indent 3**

*Text proposed by the Commission*

- **to lay down the payment methods and process for the travel authorisation fee taking into account the technological developments and their availability and to amend the amount of the fee,**

*Amendment*

**deleted**

Or. en

**Amendment 313**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 50 – indent 5**

*Text proposed by the Commission*

- **to further specify the security, irregular migration or public health risks**

*Amendment*

**deleted**

*to be used for the establishment of the risk indicators.*

Or. en

**Amendment 314**  
**Angelika Mlinar**

**Proposal for a regulation**  
**Recital 50 – indent 5**

*Text proposed by the Commission*

*Amendment*

- *to further specify the security, irregular migration or public health risks to be used for the establishment of the risk indicators.*

*deleted*

Or. en

**Amendment 315**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 50 – indent 5**

*Text proposed by the Commission*

*Amendment*

- to further specify the security, *irregular migration or public health* risks to be used for the establishment of the risk indicators.

- to further specify the security risks to be used for the establishment of the risk indicators.

Or. fr

**Amendment 316**  
**Artis Pabriks**

**Proposal for a regulation**  
**Recital 50 – indent 5**

*Text proposed by the Commission*

*Amendment*

- to further specify the security, **irregular** migration or public health risks to be used for the establishment of the risk indicators.

- to further specify the security, **illegal** migration or public health risks to be used for the establishment of the risk indicators.

Or. en

**Amendment 317**  
**Sergei Stanishev**

**Proposal for a regulation**  
**Recital 50 – indent 5**

*Text proposed by the Commission*

- to further specify the security, **irregular migration** or public health risks to be used for the establishment of the risk indicators.

*Amendment*

- to further specify the security or public health risks to be used for the establishment of the risk indicators.

Or. en

*Justification*

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

**Amendment 318**  
**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller**

**Proposal for a regulation**  
**Recital 50 – indent 5**

*Text proposed by the Commission*

- to further specify the security, irregular migration **or public health** risks to be used for the establishment of the risk indicators.

*Amendment*

- to further specify the security **or** irregular migration risks to be used for the establishment of the risk indicators.

Or. en

**Amendment 319**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 51**

*Text proposed by the Commission*

(51) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

*Amendment*

(51) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. ***The Commission should, in particular, carry out a full analysis of the impact, including on fundamental rights and data protection, so that account is taken of the latter in all preparatory work. In addition,*** to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. ***In view of the content of the provisions concerned, the European Data Protection Supervisor and the Agency for Fundamental Rights should be consulted on delegated acts and issue opinions.***

Or. fr

**Amendment 320**  
**Maria Grapini**

**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

(52) In order to ensure uniform conditions for the implementation of this

*Amendment*

(52) In order to ensure uniform conditions for the implementation of this

Regulation, implementing powers should be conferred on the Commission to adopt detailed rules on the conditions for operation of the public website and the mobile app for mobile devices and on the data protection and security rules applicable to the public website and the mobile app for mobile devices, as well as an authentication scheme reserved exclusively to carriers and to specify the details of the fall back procedures to be followed in the case of technical impossibility to access ETIAS. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>36</sup> .

Regulation, implementing powers should be conferred on the Commission to adopt detailed rules on the conditions for operation of the public website and the mobile app for mobile devices and on the data protection **and processing** and security rules applicable to the public website and the mobile app for mobile devices, as well as an authentication scheme reserved exclusively to carriers and to specify the details of the fall back procedures to be followed in the case of technical impossibility to access ETIAS. 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).

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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).

Or. ro

## **Amendment 321** **Marie-Christine Vergiat**

### **Proposal for a regulation** **Recital 54**

#### *Text proposed by the Commission*

(54) The projected costs for the development of the ETIAS Information System and for the establishment of the ETIAS Central Unit and the ETIAS National Units are lower than the remaining amount on the budget earmarked for Smart Borders in Regulation (EU) No 515/2014 of the European Parliament and the Council<sup>37</sup>. **Accordingly, this Regulation, pursuant to Article 5(5)(b) of Regulation (EU) No 515/2014, should, re-**

#### *Amendment*

(54) The projected costs for the development of the ETIAS Information System and for the establishment of the ETIAS Central Unit and the ETIAS National Units are lower than the remaining amount on the budget earmarked for Smart Borders in Regulation (EU) No 515/2014 of the European Parliament and the Council<sup>37</sup>.



***allocate the amount currently attributed for developing IT systems supporting the management of migration flows across the external borders.***

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<sup>37</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing as part of the Internal Security Fund, the Instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

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<sup>37</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing as part of the Internal Security Fund, the Instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

Or. fr

## **Amendment 322**

### **Angelika Mlinar**

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

#### **Recital 54**

*Text proposed by the Commission*

(54) The projected costs for the development of the ETIAS Information System and for the establishment of the ETIAS Central Unit and the ETIAS National Units are lower than the remaining amount on the budget earmarked for Smart Borders in Regulation (EU) No 515/2014 of the European Parliament and the Council<sup>37</sup>. Accordingly, this Regulation, pursuant to Article 5(5)(b) of Regulation (EU) No 515/2014, should, re-allocate the amount currently attributed for developing IT systems supporting the management of ***migration flows across*** the external borders.

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<sup>37</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing as part of the Internal Security Fund, the Instrument for financial support for external borders and

*Amendment*

(54) The projected costs for the development of the ETIAS Information System and for the establishment of the ETIAS Central Unit and the ETIAS National Units are lower than the remaining amount on the budget earmarked for Smart Borders in Regulation (EU) No 515/2014 of the European Parliament and the Council<sup>37</sup>. Accordingly, this Regulation, pursuant to Article 5(5)(b) of Regulation (EU) No 515/2014, should, re-allocate the amount currently attributed for developing IT systems supporting the management of the external borders.

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<sup>37</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing as part of the Internal Security Fund, the Instrument for financial support for external borders and

visa and repealing Decision No  
574/2007/EC (OJ L 150, 20.5.2014, p.  
143).

visa and repealing Decision No  
574/2007/EC (OJ L 150, 20.5.2014, p.  
143).

Or. en

**Amendment 323**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 55**

*Text proposed by the Commission*

*Amendment*

**(55) The revenue generated by the payment of travel authorisation fees should be assigned to cover the recurring operational and maintenance costs of the ETIAS Information System, of the ETIAS Central Unit and of the ETIAS National Units. In view of the specific character of the system, it is appropriate to treat the revenue as external assigned revenue.**

**deleted**

Or. fr

**Amendment 324**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Recital 55**

*Text proposed by the Commission*

*Amendment*

**(55) The revenue generated by the payment of travel authorisation fees should be assigned to cover the recurring operational and maintenance costs of the ETIAS Information System, of the ETIAS Central Unit and of the ETIAS National Units. In view of the specific character of the system, it is appropriate to treat the revenue as external assigned revenue.**

**deleted**

Or. en

## Amendment 325

Jeroen Lenaers

### Proposal for a regulation

#### Recital 55

*Text proposed by the Commission*

(55) The revenue generated by the payment of travel authorisation fees should be assigned to cover the recurring operational and maintenance costs of the ETIAS Information System, of the ETIAS Central Unit and of the ETIAS National Units. In view of the specific character of the system, it is appropriate to treat the revenue as external assigned revenue.

*Amendment*

(55) The revenue generated by the payment of travel authorisation fees should be assigned to cover the recurring operational and maintenance costs of the ETIAS Information System, of the ETIAS Central Unit and of the ETIAS National Units. In view of the specific character of the system, it is appropriate to treat the revenue as external assigned revenue.

***Where revenue generated by the payment of travel authorisation fees exceeds the costs of the ETIAS Information System, of the ETIAS Central Unit and of the ETIAS National Units, this Regulation should re-allocate the amount to a fund for the protection of critical infrastructure. The fund should be used to enhance protection of those infrastructures that have been identified or designated as European critical infrastructures under the Council Directive 2008/114/EC on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection.***

Or. en

## Amendment 326

Gérard Deprez, Louis Michel

### Proposal for a regulation

#### Recital 55

*Text proposed by the Commission*

*Amendment*

(55) The revenue generated by the payment of travel authorisation fees should be assigned to cover *the recurring operational and maintenance costs of the ETIAS Information System, of the ETIAS Central Unit and of the ETIAS National Units*. In view of the specific character of the system, it is appropriate to treat the revenue as external assigned revenue.

(55) The *recurring operational and maintenance costs of the ETIAS Information System, of the ETIAS Central Unit and of the ETIAS National Units should be covered by the* revenue generated by the payment of travel authorisation fees. *Any amounts remaining after covering those costs should be assigned to cover expenditure incurred under programmes and actions in Chapter 18 02 (internal security) of the European Union budget or, from 2021, under the succeeding programmes and actions*. In view of the specific character of the system, it is appropriate to treat the revenue as external assigned revenue.

Or. fr

#### *Justification*

*It should be specified that covering the costs of the ETIAS system should be a matter of priority but that any excess revenue may be used to cover expenditure incurred under programmes and actions in Chapter 18 02 (internal security) of the EU budget.*

#### **Amendment 327**

**Brice Hortefeux, Rachida Dati**

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

#### **Recital 55**

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

(55) The revenue generated by the payment of travel authorisation fees should be assigned to cover the recurring operational and maintenance costs of the ETIAS Information System, of the ETIAS Central Unit and of the ETIAS National Units. In view of the specific character of the system, it is appropriate to treat the revenue as *external* assigned revenue.

##### *Amendment*

(55) The revenue generated by the payment of travel authorisation fees should be assigned to cover the recurring operational and maintenance costs of the ETIAS Information System, of the ETIAS Central Unit and of the ETIAS National Units. In view of the specific character of the system, it is appropriate to treat the revenue as *internal* assigned revenue.

Or. fr

**Amendment 328**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 1**

*Text proposed by the Commission*

*Amendment*

**Article 1**

*deleted*

**Subject matter**

**1. This Regulation establishes a 'European Travel Information and Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose an irregular migration, security or public health risk. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.**

**2. This Regulation lays down the conditions under which Member States' law enforcement authorities and the European Police Office (Europol) may consult data stored in the ETIAS Central System for the purposes of the prevention, detection and investigation of terrorist offences or of other serious criminal offences falling under their competence.**

Or. fr

**Amendment 329**  
**Brice Hortefeux, Rachida Dati**

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

*Text proposed by the Commission*

*Amendment*

1. This Regulation establishes a 'European Travel Information and

1. This Regulation establishes a 'European Travel Information and

Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose an irregular migration, security or public health risk. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.

Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement'), **or transiting through an airport**, enabling to determine whether their presence in the territory of the Member States does not pose an irregular migration, security or public health risk. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.

Or. fr

**Amendment 330**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

1. This Regulation establishes a 'European Travel Information and Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose **an irregular migration, security or public health** risk. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.

*Amendment*

1. This Regulation establishes a 'European Travel Information and Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose **a security** risk. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.

Or. fr

**Amendment 331**  
**Angelika Mlinar**

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

*Text proposed by the Commission*

1. This Regulation establishes a 'European Travel Information and Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose ***an irregular migration, security or public health*** risk. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.

*Amendment*

1. This Regulation establishes a 'European Travel Information and Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose ***a*** security risk. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.

Or. en

**Amendment 332**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

1. This Regulation establishes a 'European Travel Information and Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to ***determine*** whether their presence in the territory of the Member States does not pose ***an irregular migration, security or public health risk***. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.

*Amendment*

1. This Regulation establishes a 'European Travel Information and Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to ***assess*** whether their presence in the territory of the Member States does not pose ***a threat to*** security. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.

Or. en

## *Justification*

*Facts for posing a threat must be much clearer than for a risk - in line with Article 6(1)(e) of the Schengen Borders Code.*

### **Amendment 333**

**Artis Pabriks**

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

##### **Article 1 – paragraph 1**

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

1. This Regulation establishes a 'European Travel Information and Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose an **irregular** migration, security or public health risk. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.

###### *Amendment*

1. This Regulation establishes a 'European Travel Information and Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose an **illegal** migration, security or public health risk. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.

Or. en

### **Amendment 334**

**Sergei Stanishev**

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

##### **Article 1 – paragraph 1**

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

1. This Regulation establishes a 'European Travel Information and Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of

###### *Amendment*

1. This Regulation establishes a 'European Travel Information and Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of



the Member States does not pose **an irregular migration**, security or public health risk. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.

the Member States does not pose **a** security or public health risk. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.

Or. en

*Justification*

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

**Amendment 335**

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

**Proposal for a regulation**

**Article 1 – paragraph 1**

*Text proposed by the Commission*

1. This Regulation establishes a 'European Travel Information and Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose an irregular migration, **security or public health** risk. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.

*Amendment*

1. This Regulation establishes a 'European Travel Information and Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose an irregular migration **or security** risk. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.

Or. en

*Justification*

*In accordance with the justification of Article 15.4.a*

**Amendment 336**

**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

*Amendment*

**2. This Regulation lays down the conditions under which Member States' law enforcement authorities and the European Police Office (Europol) may consult data stored in the ETIAS Central System for the purposes of the prevention, detection and investigation of terrorist offences or of other serious criminal offences falling under their competence.**

*deleted*

Or. en

*Justification*

*Law enforcement authorities should not get default access to data of completely unsuspecting bona fide travellers.*

**Amendment 337**  
**Brice Hortefeux, Rachida Dati**

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

*Text proposed by the Commission*

*Amendment*

1. This Regulation applies to the following categories of third country nationals ***exempt from the visa requirement***:

1. This Regulation applies to the following categories of third country nationals:

Or. fr

**Amendment 338**  
**Brice Hortefeux, Rachida Dati**

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

*Text proposed by the Commission*

*Amendment*

(a) nationals of third countries listed in Annex II to Council Regulation (EC) No 539/2001<sup>48</sup> who are exempt from the visa requirement for *airports transits or* intended stays in the territory of the Member States of a duration of no more than 90 days in any 180 day period;

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<sup>48</sup> OJ L 81, 21.3.2001, p. 1.

(a) nationals of third countries listed in Annex II to Council Regulation (EC) No 539/2001<sup>48</sup> who are exempt from the visa requirement for intended stays in the territory of the Member States of a duration of no more than 90 days in any 180 day period;

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<sup>48</sup> OJ L 81, 21.3.2001, p. 1.

Or. fr

### **Amendment 339**

**Brice Hortefeux, Rachida Dati**

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

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

*Text proposed by the Commission*

*Amendment*

***(aa) nationals of third countries who are not required to be in possession of an airport transit visa when passing through the transit areas of airports situated on the territory of one or more Member States.***

Or. fr

### **Amendment 340**

**Marie-Christine Vergiat**

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

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

*Text proposed by the Commission*

*Amendment*

***(b) refugees and stateless persons where the third country in which they reside and which issued their travel document is one of the third countries listed in Annex II to Regulation (EC) No 539/2001 and who are exempted from the***

***deleted***

*visa requirement pursuant to Article 4(2)(b) of that Regulation;*

Or. fr

**Amendment 341**  
**Helga Stevens**

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

*Text proposed by the Commission*

(b) refugees and stateless persons where the third country in which they reside and which issued their travel document is one of the third countries listed in Annex II to Regulation (EC) No 539/2001 and who are exempted from the visa requirement pursuant to Article 4(2)(b) of that Regulation;

*Amendment*

(b) refugees and stateless persons where the third country in which they reside and which issued their travel document is one of the third countries listed in Annex II to Regulation (EC) No 539/2001 and who are exempted from the visa requirement pursuant to Article 4(2)(b) of that Regulation *for an intended stay within the territory of the Member States of a maximum of 90 days within a period of 180 days;*

Or. nl

**Amendment 342**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

(c) *third country nationals who fulfil the following conditions:*

*i) they are family members of a Union citizen to whom Directive 2004/38/EC applies or of a national of a third country enjoying the right of free movement under Union law; and*

*ii) they do not hold a residence card referred to under Directive 2004/38/EC.*

*Amendment*

*deleted*

**Amendment 343**

**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point c – introductory part**

*Text proposed by the Commission*

(c) third country nationals who fulfil the following conditions:

*Amendment*

(c) third country nationals who ***are exempt from the visa requirement and who*** fulfil the following conditions:

Or. fr

**Amendment 344**

**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point c – point ii**

*Text proposed by the Commission*

ii) they do not hold a residence card referred to under Directive 2004/38/EC.

*Amendment*

ii) they do not hold a residence card referred to under Directive 2004/38/EC ***or a residence permit referred to under Regulation (EC) No 1030/2002.***

Or. fr

**Amendment 345**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 2 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) third country nationals who are members of the family of a Union citizen to whom Directive 2004/38/EC applies ***and***

*Amendment*

(b) third country nationals who are members of the family of a Union citizen to whom Directive 2004/38/EC applies.

*who hold a residence card pursuant to that Directive;*

Or. fr

**Amendment 346**

**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation**

**Article 2 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) third country nationals who are members of the family of nationals of a third country enjoying the right of free movement under Union law and who hold a residence card pursuant to Directive 2004/38/EC;

*Amendment*

(c) third country nationals who are members of the family of nationals of a third country enjoying the right of free movement under Union law and who hold a residence card pursuant to Directive 2004/38/EC ***or a residence permit pursuant to Regulation (EC) No 1030/2002;***

Or. fr

**Amendment 347**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 2 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) third country nationals who are members of the family of nationals of a third country enjoying the right of free movement under Union law ***and who hold a residence card pursuant to Directive 2004/38/EC;***

*Amendment*

(c) third country nationals who are members of the family of nationals of a third country enjoying the right of free movement under Union law;

Or. fr

**Amendment 348**

**Brice Hortefeux**

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

*Text proposed by the Commission*

*Amendment*

(e) holders of long-stay visas;

(e) holders of ***national*** long-stay visas;

Or. fr

**Amendment 349**  
**Sergei Stanishev, Tonino Picula**

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

*Text proposed by the Commission*

*Amendment*

(f) nationals of Andorra, Monaco and San Marino and holders of a passport issued by the Vatican State;

(f) nationals of Andorra, Monaco and San Marino and holders of a passport issued by the Vatican State, ***as well as nationals of the candidate and potential candidate countries for membership in the European Union who are exempt from the requirement of being in possession of a visa when crossing the external borders.***

Or. en

*Justification*

*The lack of impact assessment leaves unclear the possible impact on the traffic on external land borders, especially in cases where third country nationals arrive at border crossing points without having applied for travel authorisation. Recent experience with systematic checks on external borders has shown the potential risks of introducing additional pre-conditions for entry in the EU. Such approach might also act as a discouragement for EU candidate and potential candidate countries in regards to their effort towards membership. Exempting these countries from the scope of this Regulation would send a positive signal for their EU perspective and alleviate burden from Member States on external borders.*

**Amendment 350**  
**Jeroen Lenaers**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) 'travel authorisation' means a decision issued in accordance with this Regulation indicating that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States **poses an irregular migration**, security or public health **risk** and which is a requirement for third country nationals referred to in Article 2 to fulfil the entry condition laid down in Article 6(1)(b) of Regulation (EU) 2016/399.

*Amendment*

(d) 'travel authorisation' means a decision issued in accordance with this Regulation indicating that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States **is contrary to the required approach to address security, irregular migration or public health risks** and which is a requirement for third country nationals referred to in Article 2 to fulfil the entry condition laid down in Article 6(1)(b) of Regulation (EU) 2016/399.

Or. en

**Amendment 351**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) 'travel authorisation' means a decision issued in accordance with this Regulation indicating that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses **an irregular migration**, security **or public health** risk and which is a requirement for third country nationals referred to in Article 2 to fulfil the entry condition laid down in Article 6(1)(b) of Regulation (EU) 2016/399.

*Amendment*

(d) 'travel authorisation' means a decision issued in accordance with this Regulation indicating that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses **a** security risk and which is a requirement for third country nationals referred to in Article 2 to fulfil the entry condition laid down in Article 6(1)(b) of Regulation (EU) 2016/399;

Or. fr

**Amendment 352**  
**Artis Pabriks**

**Proposal for a regulation**



### Article 3 – paragraph 1 – point d

*Text proposed by the Commission*

(d) 'travel authorisation' means a decision issued in accordance with this Regulation indicating that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses an **irregular** migration, security or public health risk and which is a requirement for third country nationals referred to in Article 2 to fulfil the entry condition laid down in Article 6(1)(b) of Regulation (EU) 2016/399.

*Amendment*

(d) 'travel authorisation' means a decision issued in accordance with this Regulation indicating that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses an **illegal** migration, security or public health risk and which is a requirement for third country nationals referred to in Article 2 to fulfil the entry condition laid down in Article 6(1)(b) of Regulation (EU) 2016/399.

Or. en

### Amendment 353

**Brice Hortefeux**

#### Proposal for a regulation

### Article 3 – paragraph 1 – point d

*Text proposed by the Commission*

(d) 'travel authorisation' means a decision issued in accordance with this Regulation indicating that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses an irregular migration, security or public health risk and which is a requirement for third country nationals referred to in Article 2 to fulfil the entry condition laid down in Article 6(1)(b) of Regulation (EU) 2016/399.

*Amendment*

(d) 'travel authorisation' means a decision issued in accordance with this Regulation indicating that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses **or will pose** an irregular migration, security or public health risk and which is a requirement for third country nationals referred to in Article 2 to fulfil the entry condition laid down in Article 6(1)(b) of Regulation (EU) 2016/399.

Or. fr

### Amendment 354

**Sergei Stanishev**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) 'travel authorisation' means a decision issued in accordance with this Regulation indicating that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses **an irregular migration**, security or public health risk and which is a requirement for third country nationals referred to in Article 2 to fulfil the entry condition laid down in Article 6(1)(b) of Regulation (EU) 2016/399.

*Amendment*

(d) 'travel authorisation' means a decision issued in accordance with this Regulation indicating that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses **a** security or public health risk and which is a requirement for third country nationals referred to in Article 2 to fulfil the entry condition laid down in Article 6(1)(b) of Regulation (EU) 2016/399.

Or. en

*Justification*

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

**Amendment 355**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) 'travel authorisation' means a decision issued in accordance with this Regulation indicating that there are no **factual indications or reasonable grounds** to conclude that the presence of the person on the territory of the Member States poses **an irregular migration**, security or public health **risk** and which is a requirement for third country nationals referred to in Article 2 to fulfil the entry condition laid down in Article 6(1)(b) of Regulation (EU) 2016/399.

*Amendment*

(d) 'travel authorisation' means a decision issued in accordance with this Regulation indicating that there are no **reasonable grounds based on factual indications** to conclude that the presence of the person on the territory of the Member States poses **a threat to** security or public health and which is a requirement for third country nationals referred to in Article 2 to fulfil the entry condition laid down in Article 6(1)(b) of Regulation (EU) 2016/399.

Or. en

*Justification*

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

**Amendment 356**

**Angelika Mlinar**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) 'travel authorisation' means a decision issued in accordance with this Regulation indicating that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses an irregular migration, ***security or public health*** risk and which is a requirement for third country nationals referred to in Article 2 to fulfil the entry condition laid down in Article 6(1)(b) of Regulation (EU) 2016/399.

*Amendment*

(d) 'travel authorisation' means a decision issued in accordance with this Regulation indicating that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses an irregular migration ***or a security*** risk and which is a requirement for third country nationals referred to in Article 2 to fulfil the entry condition laid down in Article 6(1)(b) of Regulation (EU) 2016/399.

Or. en

**Amendment 357**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) ***'public health risk' means threat to public health as defined in Article 2(21) of Regulation (EU) 2016/399;***

*Amendment*

***deleted***

Or. fr

**Amendment 358**

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

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

**(e) 'public health risk' means threat to public health as defined in Article 2(21) of Regulation (EU) 2016/399;** *deleted*

Or. en

**Amendment 359**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

**(e) 'public health risk' means threat to public health as defined in Article 2(21) of Regulation (EU) 2016/399;** *deleted*

Or. en

**Amendment 360**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

**(ea) 'threat to security' means a clear and present danger, based on factual substantiations, that the third country national will commit a serious criminal offence or a terrorist offence while staying in the Union;**

Or. en

*Justification*

*“Threat” aligned with the wording on health in the Schengen Borders Code. Clarification that it needs to be an actual threat, not just a vague statistical risk based on unclear algorithmic guesses, in line with the European Parliament resolution on Fundamental Rights Implications of Big Data, P8\_TA(2017)0076, 14 March 2017.*

**Amendment 361**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

**(fa) ‘carrier’ means any natural or legal person whose occupation it is to provide passenger transport by air, sea or land;**

Or. fr

*Justification*

*Definition taken from Article 1 of the Convention implementing the Schengen Agreement.*

**Amendment 362**

**Jan Philipp Albrecht**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

**(ha) ‘carrier’ means any natural or legal person whose profession it is to provide transport of persons by air;**

Or. en

*Justification*

*For reasons of legal clarity and transparency it should be clear which carriers have to fulfil the requirements of this Regulation. These should be only air carriers. Carriers transporting overland by train or coach or over water by ferries, should be excluded given the heavy*

*burden which would be put on these carriers, often providing only occasional trips to the Member States' territory.*

### **Amendment 363**

**Gérard Deprez, Louis Michel**

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

#### **Article 3 – paragraph 1 – point i a (new)**

*Text proposed by the Commission*

*Amendment*

***(ia) 'person for whom an alert has been issued for the purposes of refusing entry' means any third-country national for whom an alert has been issued in the Schengen Information System (SIS) in accordance with and for the purposes laid down in Articles 24 and 26 of Regulation (EC) No 1987/2006 of the European Parliament and of the Council;***

Or. fr

#### *Justification*

*Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II).*

### **Amendment 364**

**Marie-Christine Vergiat**

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

#### **Article 3 – paragraph 1 – point k**

*Text proposed by the Commission*

*Amendment*

(k) 'hit' means the existence of a correspondence established by comparing the personal data recorded in an application file of the ETIAS Central System with the personal data stored in a record, file or alert registered in an information system queried by the ETIAS Central System, ***in the***

(k) 'hit' means the existence of a correspondence established by comparing the personal data recorded in an application file of the ETIAS Central System with the personal data stored in a record, file or alert registered in an information system queried by the ETIAS Central System;

*ETIAS watchlist or with the specific risk indicators referred to in Article 28;*

Or. fr

#### **Amendment 365**

**Gérard Deprez, Louis Michel**

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

#### **Article 3 – paragraph 1 – point k**

*Text proposed by the Commission*

(k) 'hit' means the existence of a correspondence established by comparing the personal data recorded in an application file of the ETIAS Central System with the personal data stored in a record, file or alert registered in an information system queried by the ETIAS Central System, in the ETIAS watchlist or with the specific risk indicators referred to in Article 28;

*Amendment*

(k) 'hit' means the existence of a correspondence established by comparing the personal data recorded in an application file of the ETIAS Central System with the personal data stored in a record, file or alert registered in ***the ETIAS Central System, in a database or in*** an information system queried by the ETIAS Central System, in the ETIAS watchlist ***referred to in Article 29*** or with the specific risk indicators referred to in Article 28;

Or. fr

#### **Amendment 366**

**Jan Philipp Albrecht**

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

#### **Article 3 – paragraph 1 – point k**

*Text proposed by the Commission*

(k) 'hit' means the existence of a correspondence established by comparing the personal data recorded in an application file of the ETIAS Central System with the personal data stored in a record, file or alert registered in an information system queried by the ETIAS Central System, ***in the ETIAS watchlist or with the specific risk indicators referred to in Article 28;***

*Amendment*

(k) 'hit' means the existence of a correspondence established by comparing the personal data recorded in an application file of the ETIAS Central System with the personal data stored in a record, file or alert registered in an information system queried by the ETIAS Central System;

**Amendment 367**

**Angelika Mlinar**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point k**

*Text proposed by the Commission*

(k) 'hit' means the existence of a correspondence established by comparing the personal data recorded in an application file of the ETIAS Central System with the personal data stored in a record, file or alert registered in an information system queried by the ETIAS Central System, in the ETIAS watchlist *or with the specific risk indicators referred to in Article 28;*

*Amendment*

(k) 'hit' means the existence of a correspondence established by comparing the personal data recorded in an application file of the ETIAS Central System with the personal data stored in a record, file or alert registered in an information system queried by the ETIAS Central System *or* in the ETIAS watchlist;

Or. en

**Amendment 368**

**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point l**

*Text proposed by the Commission*

(l) 'terrorist offences' mean the offences which correspond or are equivalent to those referred to in *Articles 1 to 4 of Framework Decision 2002/475/JHA;*

*Amendment*

(l) 'terrorist offences' mean the offences which correspond or are equivalent to those referred to in *Directive (EU) 2017/541;*

Or. fr

**Amendment 369**

**Helga Stevens**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point l**



*Text proposed by the Commission*

(l) 'terrorist offences' mean the offences which correspond or are equivalent to those referred to in Articles 1 to 4 of **Framework Decision 2002/475/JHA**;

*Amendment*

(l) 'terrorist offences' mean the offences which correspond or are equivalent to those referred to in Articles 1 to 4 of **Directive (EU) 2017/541**;

Or. nl

**Amendment 370**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point m**

*Text proposed by the Commission*

(m) 'serious criminal offences' means the offences which correspond or are equivalent to those referred to in Article 2(2) of Framework Decision 2002/584/JHA, if they are punishable under national law by a custodial sentence or a detention order for a maximum period of at least **three** years;

*Amendment*

(m) 'serious criminal offences' means the offences which correspond or are equivalent to those referred to in Article 2(2) of Framework Decision 2002/584/JHA, if they are punishable under national law by a custodial sentence or a detention order for a maximum period of at least **five** years;

Or. fr

**Amendment 371**

**Jan Philipp Albrecht**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point n**

*Text proposed by the Commission*

(n) 'Europol data' means personal data provided to Europol for the purpose referred to in Article **18(2)(a)** of Regulation (EU) 2016/794.

*Amendment*

(n) 'Europol data' means personal data provided to Europol for the purpose referred to in Article **18(2)(a)(i)** of Regulation (EU) 2016/794.

Or. en

*Justification*

*Only persons who are suspected of having committed an offence or who have been convicted of such an offence should be cross-checked.*

**Amendment 372**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point n**

*Text proposed by the Commission*

(n) 'Europol data' means personal data ***provided to*** Europol for the purpose referred to in Article 18(2)(a) of Regulation (EU) 2016/794.

*Amendment*

(n) 'Europol data' means personal data Europol ***has at its disposal*** for the purpose referred to in Article 18(2)(a) of Regulation (EU) 2016/794.

Or. fr

*Justification*

*Europol has data it has been provided with, but it also has data from its own analysis files (Focal points).*

**Amendment 373**

**Helga Stevens**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point n a (new)**

*Text proposed by the Commission*

*Amendment*

***(na) 'irregular migration' means the risk that stateless persons may seek asylum in one of the Member States while the third country in which they are residing and which has issued their travel documents can be classified as safe pursuant to Article 33(2)(c)(ij)(38) of the Asylum Procedure Directive, 2013/32/EU.***

Or. nl

**Amendment 374**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

2. The definitions set out in Article 2 of Regulation (EC) 45/2001 shall apply in so far as personal data are processed by the **European Border and Coast Guard Agency** *and* eu-LISA

*Amendment*

2. The definitions set out in Article 2 of Regulation (EC) 45/2001 shall apply in so far as personal data are processed by the Agency eu-LISA.

Or. fr

**Amendment 375**  
**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation**  
**Article 3 – paragraph 4**

*Text proposed by the Commission*

4. The definitions set out in Article 3 of [Directive (EU) 2016/680] shall apply in so far as personal data are processed by the authorities of the Member States for **law enforcement** purposes.

*Amendment*

4. The definitions set out in Article 3 of [Directive (EU) 2016/680] shall apply in so far as personal data are processed by the authorities of the Member States for purposes of **prevention, detection and investigation of terrorist offences or serious criminal offences**.

Or. fr

**Amendment 376**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

(a) contribute to a high level of security by providing for a thorough security **risk** assessment of applicants, prior to their arrival at the external borders

*Amendment*

(a) contribute to a high level of security by providing for a thorough security **threat** assessment of applicants, prior to their arrival at the external borders

crossing points, in order to determine whether there are ***factual indications or reasonable grounds*** to conclude that the presence of the person on the territory of the Member States poses a ***security risk***;

crossing points, in order to determine whether there are ***reasonable grounds based on factual indications*** to conclude that the presence of the person on the territory of the Member States poses a ***threat to security***;

Or. en

*Justification*

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

**Amendment 377**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) contribute to a high level of security by providing for a thorough security ***risk assessment of*** applicants, prior to their arrival at the external borders crossing points, in order to determine whether there ***are factual indications or reasonable grounds*** to conclude that the presence of the person on the territory of the Member States poses a security risk;

*Amendment*

(a) contribute to a high level of security by providing for a thorough ***assessment of possible security risks posed by*** applicants, prior to their arrival at the external borders crossing points, in order to determine whether there ***is evidence*** to conclude that the presence of the person on the territory of the Member States poses a security risk;

Or. fr

**Amendment 378**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) ***contribute to the prevention of irregular migration by providing for an irregular migration risk assessment of***

*Amendment*

***deleted***

*applicants prior to their arrival at the external borders crossing points;*

Or. fr

**Amendment 379**  
**Sergei Stanishev**

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

*Text proposed by the Commission*

*Amendment*

*(b) contribute to the prevention of irregular migration by providing for an irregular migration risk assessment of applicants prior to their arrival at the external borders crossing points;* **deleted**

Or. en

*Justification*

*According to data from Eurostat, in 2015 and 2016 the vast majority of non-EU citizens who have irregularly arrived on the territory of the European Union are not nationals of visa-exempt countries. Including prevention of irregular migration among one of the three main objectives of this Regulation is therefore misleading, as additional pre-conditions for visa-exempt third country nationals cannot serve as a tool for migration management. Additionally, such provisions and wording would leave the possibility for Member States to subjectively refuse entry solely on the basis of a hypothetical crime which is not committed at time of refusal.*

**Amendment 380**  
**Angelika Mlinar**

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

*Text proposed by the Commission*

*Amendment*

*(b) contribute to the prevention of irregular migration by providing for an irregular migration risk assessment of applicants prior to their arrival at the external borders crossing points;* **deleted**

**Amendment 381**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

*Amendment*

**(b) contribute to the prevention of irregular migration by providing for an irregular migration risk assessment of applicants prior to their arrival at the external borders crossing points;**

**deleted**

Or. en

**Amendment 382**  
**Artis Pabriks**

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

*Text proposed by the Commission*

*Amendment*

**(b) contribute to the prevention of *irregular* migration by providing for an *irregular* migration risk assessment of applicants prior to their arrival at the external borders crossing points;**

**(b) contribute to the prevention of *illegal* migration by providing for an *illegal* migration risk assessment of applicants prior to their arrival at the external borders crossing points;**

Or. en

**Amendment 383**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

*Amendment*

**(c) contribute to the protection of public health by providing for an**

**deleted**

*assessment of whether the applicant poses a public health risk within the meaning of Article 3(1)(e) prior to their arrival at the external borders crossing points;*

Or. fr

**Amendment 384**

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

**Proposal for a regulation**

**Article 4 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

*(c) contribute to the protection of public health by providing for an assessment of whether the applicant poses a public health risk within the meaning of Article 3(1)(e) prior to their arrival at the external borders crossing points;* **deleted**

Or. en

*Justification*

*The provisions of Article 8 of Regulation (EU) 2016/399 apply at the external borders : the border checks already aim at verifying that the third-country national concerned, his or her means of transport and the objects he or she is transporting, are not likely to jeopardise public health.*

**Amendment 385**

**Jan Philipp Albrecht**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

*(c) contribute to the protection of public health by providing for an assessment of whether the applicant poses a public health risk within the meaning of* **deleted**

*Article 3(1)(e) prior to their arrival at the external borders crossing points;*

Or. en

#### **Amendment 386**

**Gérard Deprez, Louis Michel**

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

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

*Text proposed by the Commission*

(e) support the objectives of the Schengen Information System (SIS) related to the alerts in respect of persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks or *specific* checks; and

*Amendment*

(e) support the objectives of the Schengen Information System (SIS) related to the alerts in respect of *third country nationals subject to an entry ban*, persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks, *specific checks* or *inquiry* checks; and

Or. fr

#### **Amendment 387**

**Marie-Christine Vergiat**

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

#### **Article 6 – paragraph 3**

*Text proposed by the Commission*

**3. [The Central System, the National Uniform Interfaces, the web service, the carrier gateway and the Communication Infrastructure of the ETIAS shall share and re-use as much as technically possible the hardware and software components of respectively the EES Central System, the EES National Uniform Interfaces, the EES web service, the EES carrier gateway and the EES Communication Infrastructure.]**

*Amendment*

*deleted*



**Amendment 388**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

3. [The Central System, the National Uniform Interfaces, the web service, the carrier gateway and the Communication Infrastructure of the ETIAS shall **share and** re-use as much as technically possible the **hardware and** software components of respectively the EES Central System, the EES National Uniform Interfaces, the EES web service, the EES carrier gateway and the EES Communication Infrastructure.]

*Amendment*

3. [The Central System, the National Uniform Interfaces, the web service, the carrier gateway and the Communication Infrastructure of the ETIAS shall re-use as much as technically possible the software components of respectively the EES Central System, the EES National Uniform Interfaces, the EES web service, the EES carrier gateway and the EES Communication Infrastructure.]

Or. en

*Justification*

*Re-using software is fine, but ETIAS should run on dedicated hardware.*

**Amendment 389**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 6 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. All sharing or re-use of data shall be strictly supervised and limited to only what is specifically necessary.**

Or. fr

**Amendment 390**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

1. An ETIAS Central Unit is hereby established within the European **Border and Coast Guard** Agency.

*Amendment*

1. An ETIAS Central Unit is hereby established within the European Agency **for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA)**.

Or. fr

**Amendment 391**  
**Gérard Deprez, Louis Michel**

**Proposal for a regulation**  
**Article 7 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) verifying travel authorisations' applications **rejected from** the automated process in order to determine whether the applicant personal data corresponds to the personal data of the person having triggered a hit in one of the consulted information systems/databases or the specific risk indicators referred to in Article 28;

*Amendment*

(b) verifying travel authorisations' applications **that have triggered one or more hits during** the automated process in order to determine whether the applicant personal data corresponds to the personal data of the person having triggered a hit in **the ETIAS Central System**, one of the consulted information systems/databases or the specific risk indicators referred to in Article 28 **or the ETIAS watchlist referred to in Article 29**;

Or. fr

**Amendment 392**  
**Helga Stevens**

**Proposal for a regulation**  
**Article 7 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) verifying travel authorisations' applications rejected from the automated process in order to determine whether the

*Amendment*

(b) verifying travel authorisations' applications rejected from the automated process in order to determine whether the

applicant personal data corresponds to the personal data of the person having triggered a hit in one of the consulted information systems/databases or the specific risk indicators referred to in Article 28;

applicant personal data corresponds to the personal data of the person having triggered a hit in one of the consulted information systems/databases or the specific risk indicators referred to in Article 28, **and if necessary initiating the manual procedure further to Article 22;**

Or. nl

**Amendment 393**  
**Angelika Mlinar**

**Proposal for a regulation**  
**Article 7 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) verifying travel authorisations' applications rejected from the automated process in order to determine whether the applicant personal data corresponds to the personal data of the person having triggered a hit in one of the consulted information systems/databases **or the specific risk indicators referred to in Article 28;**

*Amendment*

(b) verifying travel authorisations' applications rejected from the automated process in order to determine whether the applicant personal data corresponds to the personal data of the person having triggered a hit in one of the consulted information systems/databases;

Or. en

**Amendment 394**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 7 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) verifying travel authorisations' applications rejected from the automated process in order to determine whether the applicant personal data corresponds to the personal data of the person having triggered a hit in one of the consulted information systems/databases **or the specific risk indicators referred to in Article 28;**

*Amendment*

(b) verifying travel authorisations' applications rejected from the automated process in order to determine whether the applicant personal data corresponds to the personal data of the person having triggered a hit in one of the consulted information systems/databases;

*Justification*

*Article 28 to be deleted.*

**Amendment 395**

**Angelika Mlinar**

**Proposal for a regulation**

**Article 7 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) defining, testing, implementing, evaluating and revising the specific risk indicators as referred to in Article 28 after consultation of the ETIAS Screening Board;** **deleted**

Or. en

**Amendment 396**

**Jan Philipp Albrecht**

**Proposal for a regulation**

**Article 7 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) defining, testing, implementing, evaluating and revising the specific risk indicators as referred to in Article 28 after consultation of the ETIAS Screening Board;** **deleted**

Or. en

*Justification*

*Article 28 to be deleted.*

**Amendment 397**

**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 7 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) defining, testing, implementing, evaluating and revising the specific risk indicators as referred to in Article 28 after consultation of the ETIAS Screening Board;**

**deleted**

Or. fr

**Amendment 398**  
**Gérard Deprez, Louis Michel**

**Proposal for a regulation**  
**Article 7 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) defining, testing, implementing, evaluating and revising the specific risk indicators as referred to in Article 28 after consultation of the ETIAS Screening Board;**

**(c) defining, testing, implementing, evaluating and revising the specific risk indicators as referred to in Article 28 after consultation of the ETIAS Screening Board, *using risks defined by the Commission as the basis for this*;**

Or. fr

*Justification*

*Risk indicators must be defined by the ETIAS Central Unit on the basis of risks defined by the Commission in a delegated act in accordance with Article 28(3).*

**Amendment 399**  
**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller**

**Proposal for a regulation**  
**Article 7 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) defining, testing, implementing, evaluating and revising the specific risk indicators as referred to in Article 28 after consultation of the ETIAS Screening Board;

(c) defining, testing, implementing, evaluating and revising the specific risk indicators as referred to in Article 28 after consultation of the ETIAS Screening Board **and the ETIAS Ethics Board** ;

Or. en

#### *Justification*

*Defining, testing, implementing, evaluating and revising the risk indicators necessitate that the ETIAS Ethics Board (as referred to in Article 9.a) is consulted, in order to prevent the risk indicators from having any impact on fundamental rights, and privacy.*

#### **Amendment 400** **Kinga Gál**

#### **Proposal for a regulation** **Article 7 – paragraph 2 – point c**

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

(c) defining, **testing, implementing**, evaluating and revising the specific risk indicators as referred to in Article 28 after consultation of the ETIAS Screening Board;

##### *Amendment*

(c) defining, evaluating and revising the specific risk indicators as referred to in Article 28 after consultation of the ETIAS Screening Board;

Or. en

#### *Justification*

*The Screening board shall mainly focus on business related aspects of the screening rules resulting from the actual implementation of the specific risk indicators while eu-LISA is entrusted with the technical management of the system. The translation and implementation of the risk indicators into specific technical means for the ETIAS shall be adequately controlled, tested, implemented and monitored as to efficiently support the proper implementation of the risk indicators while ensuring the proper operations of the systems (controlling the potential technical side effects thereof). This requires specific and appropriate technical means and competences that, according to Article 64, eu-LISA is entrusted with.*

#### **Amendment 401** **Jan Philipp Albrecht**

#### **Proposal for a regulation** **Article 7 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) carrying out regular audits on the processing of applications and on the implementation of the provisions of Article 28 including regularly assessing their impact on fundamental rights, in particular with regard to privacy and personal data protection.** *deleted*

Or. en

*Justification*

*See new paragraph 3.*

**Amendment 402**

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

**Proposal for a regulation**

**Article 7 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) carrying out regular audits on the processing of applications and on the implementation of the provisions of Article 28 including regularly assessing their impact on fundamental rights, in particular with regard to privacy and personal data protection.** *deleted*

Or. en

*Justification*

*According with Article 9.a. and the ETIAS Ethics Board's tasks.*

**Amendment 403**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 7 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) carrying out regular audits on the processing of applications and on the implementation of the provisions of Article 28 including regularly assessing their impact on fundamental rights, in particular with regard to privacy and personal data protection.**

**deleted**

Or. fr

**Amendment 404**  
**Angelika Mlinar**

**Proposal for a regulation**  
**Article 7 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

(d) carrying out regular audits on the processing of applications **and on the implementation of the provisions of Article 28** including regularly assessing their impact on fundamental rights, in particular with regard to privacy and personal data protection.

(d) carrying out regular audits on the processing of applications including regularly assessing their impact on fundamental rights, in particular with regard to privacy and personal data protection.

Or. en

**Amendment 405**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 7 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The eu-LISA Agency shall also be in charge of:**

**(a) risk assessment profiling;**

**(b) setting up regular independent audits on the processing of applications and on the implementation of the provisions of Article 28, including regular assessments**



*of their impact on fundamental rights, in particular with regard to observance of privacy and personal data protection by EU and national authorities, both independent ones and those competent in the matter and including the European Data Protection Supervisor and the Agency for Fundamental Rights.*

Or. fr

**Amendment 406**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 7 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a.** *The fundamental rights officer of the European Border and Coast Guard Agency shall be in charge of carrying out regular audits on the processing of applications including regularly assessing the impact on fundamental rights, in particular with regard to non-discrimination. The data protection officer of the European Border and Coast Guard Agency shall be in charge of carrying out regular audits on the processing of applications including regularly assessing the impact on privacy and personal data protection.*

Or. en

*Justification*

*Based on recommendation by the FRA.*

**Amendment 407**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 7 – paragraph 2 b (new)**

***2b. The ETIAS Central Unit shall publish an annual activity report. This report shall include:***

***(a) statistics as to:***

***(i) the number of travel authorisations issued automatically by the ETIAS Central System;***

***(ii) the number of applications verified by the Central Unit;***

***(iii) the number of applications processed manually per Member State; and the number of applications that were rejected by country, type of traveller, and reason for the rejection;***

***(iv) the extent to which the deadlines referred to in Articles 20(6), 23, 26 and 27 are met, including statistics on the reasons they were not met;***

***(v) the number of applications filed at border crossing points, and how many of those were approved and rejected; and***

***(b) general information on the activities of the ETIAS Central Unit.***

***The annual activity report shall be transmitted to the European Parliament, the Council and the Commission by 31 March of the following year at the latest.***

Or. en