



**2016/0357A(COD)**

4.10.2017

# **AMENDMENTS**

## **767 - 1090**

**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 767**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Chapter 6 – title**

*Text proposed by the Commission*

Issuing, refusal, annulment or revocation of a travel authorisation

*Amendment*

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

Or. en

**Amendment 768**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 30 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 769**  
**Angelika Mlinar**

**Proposal for a regulation**  
**Article 30 – paragraph 1**

*Text proposed by the Commission*

1. Where the examination of an application pursuant to the procedures laid

*Amendment*

1. Where the examination of an application pursuant to the procedures laid

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

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

Or. en

**Amendment 770**  
**Artis Pabriks**

**Proposal for a regulation**  
**Article 30 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 771**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 30 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

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

**Amendment 772**  
**Sergei Stanishev**

**Proposal for a regulation**  
**Article 30 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

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

**Amendment 773**

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

**Proposal for a regulation**

**Article 30 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 774**

**Artis Pabriks**

**Proposal for a regulation**

**Article 30 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 775**  
**Carlos Coelho, Anna Maria Corazza Bildt**

**Proposal for a regulation**  
**Article 30 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

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

**Amendment 776**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 30 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

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

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

Or. en

**Amendment 777**

**Petri Sarvamaa**

**Proposal for a regulation**

**Article 30 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 778**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Article 30 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

2. A travel authorisation shall be valid for **3** years or until the end of **the activity that gave rise to the authorisation fee being waived pursuant to Article 16(2)(c) to (e) or until the end of** validity of the travel document registered during application, whichever comes first. **It** shall be valid for the territory of the Member States.

Or. fr

**Amendment 779**

**Helga Stevens**



**Proposal for a regulation**  
**Article 30 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. nl

**Amendment 780**  
**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation**  
**Article 30 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 781**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

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

*Amendment*

***deleted***

Or. en

**Amendment 782**  
**Brice Hortefeux, Rachida Dati**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 783**  
**Carlos Coelho, Anna Maria Corazza Bildt**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 784**  
**Angelika Mlinar**

**Proposal for a regulation**  
**Article 30 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 30 a***

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

***1. In exceptional cases, the travel authorization may be issued at border***

*crossing points if the following conditions are satisfied:*

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

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

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

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

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

Or. en

#### **Amendment 785**

**Gérard Deprez, Louis Michel**

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

**Article 31 – paragraph 1 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. fr

### *Justification*

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

#### **Amendment 786**

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

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

##### **Article 31 – paragraph 1 – subparagraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

#### **Amendment 787**

**Monika Hohlmeier**

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

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### **Amendment 788**

**Marie-Christine Vergiat**

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

##### **Article 31 – paragraph 1 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

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

Or. fr

**Amendment 789**

**Angelika Mlinar**

**Proposal for a regulation**

**Article 31 – paragraph 1 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 790**

**Jan Philipp Albrecht**

**Proposal for a regulation**

**Article 31 – paragraph 1 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 791**

**Sergei Stanishev**

**Proposal for a regulation**

**Article 31 – paragraph 1 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

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

**Amendment 792**

**Artis Pabriks**

**Proposal for a regulation**

**Article 31 – paragraph 1 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) poses an *irregular* migration risk;

(b) poses an *illegal* migration risk;

Or. en

**Amendment 793**

**Monika Hohlmeier**

**Proposal for a regulation**

**Article 31 – paragraph 1 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) poses a security *risk*;

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

Or. en

**Amendment 794**

**Jan Philipp Albrecht**

**Proposal for a regulation**

**Article 31 – paragraph 1 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) poses a *security risk*;

(c) poses a *threat to security*;

Or. en

**Amendment 795**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

*Amendment*

**(d) poses a public health risk; deleted**

Or. fr

**Amendment 796**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

*Amendment*

**(d) poses a public health risk; deleted**

Or. en

**Amendment 797**  
**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller**

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

*Text proposed by the Commission*

*Amendment*

**(d) poses a public health risk; deleted**

Or. en

*Justification*

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

**Amendment 798**  
**Angelika Mlinar**

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

*Text proposed by the Commission*

*Amendment*

**(d) poses a public health risk;** **deleted**

Or. en

**Amendment 799**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

*Amendment*

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

Or. fr

**Amendment 800**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. en



*Justification*

*Proposal from the Meijers Committee to ensure effective scrutiny.*

**Amendment 801**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 31 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 802**

**Heinz K. Becker**

**Proposal for a regulation**

**Article 31 – paragraph 2**

*Text proposed by the Commission*

2. Applicants who have been refused a travel authorisation shall have ***the*** right to appeal. ***Appeals shall be conducted in the Member State that has taken the decision on the application and in accordance with***

*Amendment*

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

*the national law of that Member State.  
The ETIAS National Unit of the  
responsible Member State shall provide  
applicants with information regarding the  
procedure to be followed in the event of  
an appeal.*

Or. en

**Amendment 803**

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

**Proposal for a regulation  
Article 31 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

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

**Amendment 804**

**Jan Philipp Albrecht**

**Proposal for a regulation  
Article 31 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

### *Justification*

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

#### **Amendment 805**

**Gérard Deprez, Louis Michel**

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

##### **Article 32 – title**

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

Notification on the issuing or refusal of a travel authorisation

###### *Amendment*

Notification on the issuing or refusal of a travel authorisation ***or a travel authorisation with limited territorial validity***.

Or. fr

#### **Amendment 806**

**Gérard Deprez, Louis Michel**

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

##### **Article 32 – paragraph 1 – introductory part**

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

1. Where a travel authorisation has been issued, the applicant shall

###### *Amendment*

1. Where a travel authorisation ***or a travel authorisation with limited territorial validity*** has been issued, the

immediately receive a notification via the e-mail service, including:

applicant shall immediately receive a notification via the e-mail service, including:

Or. fr

#### **Amendment 807**

**Gérard Deprez, Louis Michel**

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

#### **Article 32 – paragraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

#### **Amendment 808**

**Gérard Deprez, Louis Michel**

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

#### **Article 32 – paragraph 1 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

#### **Amendment 809**

**Gérard Deprez, Louis Michel**

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

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

*Text proposed by the Commission*

*Amendment*

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

Or. fr

**Amendment 810**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

Or. fr

**Amendment 811**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Article 32 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

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

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

Or. fr

**Amendment 812**  
**Gérard Deprez, Louis Michel**

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

*Text proposed by the Commission*

*Amendment*

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

Or. fr

**Amendment 813**  
**Monika Hohlmeier**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 814**  
**Brice Hortefeux**

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

*Text proposed by the Commission*

*Amendment*

2. Where a travel authorisation has been refused, the applicant shall

2. Where a travel authorisation has been refused, the applicant shall receive a

*immediately* receive a notification via the e-mail service including:

notification *as soon as possible* via the e-mail service including:

Or. fr

#### **Amendment 815**

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

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

#### **Article 32 – paragraph 2 – point c**

*Text proposed by the Commission*

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

*Amendment*

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

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

Or. en

#### **Amendment 816**

**Marie-Christine Vergiat**

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

#### **Article 32 – paragraph 2 – point c**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

#### **Amendment 817**

**Heinz K. Becker**

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

#### **Article 32 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### **Amendment 818**

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

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

**Article 32 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

#### **Amendment 819**

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

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

**Article 32 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

#### **Amendment 820**

**Jan Philipp Albrecht**

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

**Article 32 – paragraph 2 – point d**



*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 821**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 32 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 32 a**

***Update of data provided in the application***

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

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

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

Or. en

**Amendment 822**  
**Gérard Deprez, Louis Michel**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

#### **Amendment 823**

**Gérard Deprez, Louis Michel**

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

#### **Article 33 – paragraph 1 – point c**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

#### **Amendment 824**

**Gérard Deprez, Louis Michel**

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

#### **Article 33 – paragraph 1 – point d**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

#### **Amendment 825**

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

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

#### **Article 33 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 826**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Article 33 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

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

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

Or. fr

**Amendment 827**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Article 33 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. fr

*Justification*

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

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

**Amendment 828**

Marie-Christine Vergiat

**Proposal for a regulation**  
**Article 34 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 829**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 34 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

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

**Amendment 830**

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

**Proposal for a regulation**

**Article 34 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

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

**Amendment 831**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Article 35 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

National Unit of the Member State having created the alert which shall revoke the travel authorisation.

National Unit of the Member State having created the alert which shall revoke the travel authorisation, *except under exceptional circumstances relating to the national security of a Member State.*

Or. fr

**Amendment 832**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 35 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. fr

**Amendment 833**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 35 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

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

Or. en

*Justification*

*Article 29 to be deleted.*

**Amendment 834**  
**Sergei Stanishev, Tonino Picula**

**Proposal for a regulation**  
**Article 35 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

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

**Amendment 835**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

*Amendment*

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

Or. fr

**Amendment 836**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. fr

**Amendment 837**  
**Jan Philipp Albrecht**

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



*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

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

**Amendment 838**

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

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

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

**Amendment 839**

**Brice Hortefeux, Rachida Dati**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 840**  
**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller**

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

*Text proposed by the Commission*

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

*Amendment*

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

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

Or. en

**Amendment 841**  
**Barbara Kudrycka, Tomáš Zdechovský, Anna Maria Corazza Bildt**

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 842**

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

**Proposal for a regulation**

**Article 36 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

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

**Amendment 843**

**Jan Philipp Albrecht**

**Proposal for a regulation**

**Article 36 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 844**

**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation**

**Article 37 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Where a decision has been taken to annul or to revoke a travel authorisation, the **Member State** responsible for the

1. Where a decision has been taken to annul or to revoke a travel authorisation, the **ETIAS National Unit** responsible for

revocation or annulment of the travel authorisation shall add the following data to the application file:

the revocation or annulment of the travel authorisation shall add the following data to the application file:

Or. fr

**Amendment 845**  
**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation**  
**Article 37 – paragraph 1 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 846**  
**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 847**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 37 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 37 a**

**Remedies**

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

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

Or. en

*Justification*

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

**Amendment 848**

**Helga Stevens**

**Proposal for a regulation**

**Article 38 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

Or. nl

## *Justification*

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

### **Amendment 849**

**Brice Hortefeux, Rachida Dati**

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

##### **Article 38 – paragraph 1**

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

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

###### *Amendment*

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

Or. fr

### **Amendment 850**

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

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

##### **Article 38 – paragraph 1**

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

1. A travel authorisation with limited territorial validity may be issued exceptionally, when the Member State concerned ***considers*** it necessary on humanitarian grounds, for reasons of

###### *Amendment*

1. A travel authorisation with limited territorial validity may be issued exceptionally, when the Member State ***or Member States*** concerned ***consider*** it necessary on humanitarian grounds, for

national interest or because of international obligations notwithstanding the fact that the manual assessment process pursuant to Article 22 is not yet completed or that a travel authorisation has been refused, annulled or revoked.

reasons of national interest or because of international obligations notwithstanding the fact that the manual assessment process pursuant to Article 22 is not yet completed or that a travel authorisation has been refused, annulled or revoked.

Or. en

**Amendment 851**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*Following the FRA opinion.*

**Amendment 852**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

1. A travel authorisation with limited territorial validity **may** be issued exceptionally, when **the Member State**

*Amendment*

1. A travel authorisation with limited territorial validity **shall** be issued exceptionally, when it **is justified** on

*concerned* considers it *necessary* on humanitarian grounds, for reasons of national interest or because of international obligations notwithstanding the fact that the manual assessment process pursuant to Article 22 is not yet completed or that a travel authorisation has been refused, annulled or revoked.

humanitarian grounds, for reasons of national interest or because of international obligations notwithstanding the fact that the manual assessment process pursuant to Article 22 is not yet completed or that a travel authorisation has been refused, annulled or revoked.

Or. fr

### **Amendment 853**

**Gérard Deprez, Louis Michel**

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

#### **Article 38 – paragraph 1**

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

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

##### *Amendment*

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

Or. fr

### **Amendment 854**

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

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

#### **Article 38 – paragraph 2**

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

2. For the purposes of paragraph 1, the applicant may apply for a travel authorisation with limited territorial

##### *Amendment*

2. For the purposes of paragraph 1, the applicant may apply for a travel authorisation with limited territorial



validity to *the* Member *State* to which he or she intends to travel. He or she and shall indicate the humanitarian grounds, the reasons of national interest or the international obligations in his or her application.

validity to Member *States* to which he or she intends to travel. He or she and shall indicate the humanitarian grounds, the reasons of national interest or the international obligations in his or her application.

Or. en

#### **Amendment 855**

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

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

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

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

##### *Amendment*

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

Or. en

#### **Amendment 856**

**Gérard Deprez, Louis Michel**

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

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

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

##### *Amendment*

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

*these Member States has given its approval.*

Or. fr

*Justification*

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

**Amendment 857**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 858**  
**Angelika Mlinar**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 859**

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

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 860**  
**Gérard Deprez, Louis Michel**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 861**  
**Gérard Deprez, Louis Michel**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 862**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Article 38 – paragraph 5 – point b**

*Text proposed by the Commission*

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

*Amendment*

(b) the territory *or territories* in which the travel authorisation holder is entitled to travel *and, where appropriate, the period of validity of the authorisation where it is less than that provided for in paragraph 4;*

Or. fr

**Amendment 863**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Article 38 – paragraph 5 – point c**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 864**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

**Amendment 865**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Article 38 – paragraph 5 – point d**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 866**

**Helga Stevens**

**Proposal for a regulation**

**Article 38 – paragraph 5 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

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

**Amendment 867**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Article 38 – paragraph 5 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. fr

#### **Amendment 868**

**Gérard Deprez, Louis Michel**

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

**Article 38 – paragraph 5 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. fr

#### **Amendment 869**

**Gérard Deprez, Louis Michel**

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

**Article 39 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

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

***in possession of a valid travel authorisation.***

Or. fr

*Justification*

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

**Amendment 870**  
**Helga Stevens**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. nl

**Amendment 871**  
**Kinga Gál**

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

*Text proposed by the Commission*

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

*Amendment*

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

requirement are in possession of a valid travel authorisation.

requirement are in possession of a valid travel authorisation.

Or. en

*Justification*

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

**Amendment 872**  
**Monika Hohlmeier**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 873**  
**Brice Hortefeux, Rachida Dati**

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

*Text proposed by the Commission*

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

*Amendment*

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



**Amendment 874**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

*Amendment*

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

Or. fr

**Amendment 875**  
**Kinga Gál**

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

## *Justification*

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

### **Amendment 876**

**Gérard Deprez, Louis Michel**

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

#### **Article 39 – paragraph 2 – subparagraph 1**

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

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

##### *Amendment*

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

Or. fr

### **Amendment 877**

**Brice Hortefeux, Rachida Dati**

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

#### **Article 39 – paragraph 2 – subparagraph 1**

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

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

##### *Amendment*

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

the machine readable zone of the travel document.

contained in the machine readable zone of the travel document.

Or. fr

#### **Amendment 878**

**Gérard Deprez, Louis Michel**

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

#### **Article 39 – paragraph 2 – subparagraph 2**

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

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

##### *Amendment*

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

Or. fr

#### **Amendment 879**

**Jan Philipp Albrecht**

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

#### **Article 39 – paragraph 2 – subparagraph 2**

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

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

##### *Amendment*

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

Or. en

#### **Amendment 880**

**Brice Hortefeux, Rachida Dati**

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

*Text proposed by the Commission*

*Amendment*

**3a. If a third-country national's application for entry is refused, any carrier which has brought him or her by air, sea or land to the external border of the Union shall be obliged forthwith to take charge of that national again. At the request of the competent authorities which carried out border checks, the carrier shall be obliged to return the third-country national whose entry has been refused to the third country of origin or to the third country which issued the travel document.**

Or. fr

**Amendment 881**  
**Kinga Gál**

**Proposal for a regulation**  
**Chapter 8 – title**

*Text proposed by the Commission*

*Amendment*

Use of ETIAS by border authorities at the external borders

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

Or. en

**Amendment 882**  
**Brice Hortefeux, Rachida Dati**

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. fr

**Amendment 883**  
**Gérard Deprez, Louis Michel**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 884**  
**Helga Stevens**

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 885**  
**Brice Hortefeux, Rachida Dati**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 886**  
**Helga Stevens**

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

*Text proposed by the Commission*

*Amendment*

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

Or. nl

**Amendment 887**  
**Gérard Deprez, Louis Michel**

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

**2a.** *The authorities competent for carrying out checks at external border crossing points shall, where appropriate, be authorised to consult the additional information relevant for second-line checks inserted in the application file in accordance with Article 33;*

Or. fr

**Amendment 888**

**Gérard Deprez, Louis Michel**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 889**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation  
Article 42 – paragraph 2**

*Text proposed by the Commission*

2. Where it is technically impossible to perform the search referred to in Article 41(1) because of a failure of the national border infrastructure in a Member State, that Member State's competent authority

*Amendment*

2. Where it is technically impossible to perform the search referred to in Article 41(1) because of a failure of the national border infrastructure in a Member State, that Member State's competent authority

shall notify eu-LISA, the ETIAS Central Unit and the Commission.

shall ***immediately*** notify eu-LISA, the ETIAS Central Unit and the Commission.

Or. fr

**Amendment 890**  
**Sergei Stanishev, Tonino Picula**

**Proposal for a regulation**  
**Article 42 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 891**  
**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation**  
**Chapter 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**CHAPTER VIIIa**

***Use of ETIAS by the migration authorities***

***Article 42a***

***Access to data for the purpose of migration controls***

***1. For the purpose of verifying whether a person meets the conditions for entering and staying in the territory of the Member States and for the purpose of taking appropriate measures, the migration authorities of the Member States shall be authorised to search the ETIAS Central***



*System, using the data contained in the machine-readable zone of the travel document.*

*2. The ETIAS Central System shall respond by indicating whether or not the person has a valid travel authorisation and, in the case of a visa with limited territorial validity, shall specify the Member State in which the visa is valid; The ETIAS Central System shall also indicate the remaining period of validity. The migration authorities shall have access to the information referred to in Article 15 (2) (f) and (g) and to any other relevant additional document or information.*

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

Or. fr

**Amendment 892**  
**Kinga Gál**

**Proposal for a regulation**  
**Article 42 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 42 a*

*Access to data by immigration authorities of Member States*

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

Or. en

**Amendment 893**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 43**

*Text proposed by the Commission*

*Amendment*

*Article 43*

*deleted*

*Member States' designated law  
enforcement authorities*

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

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

Or. en

*Justification*

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

**Amendment 894**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 43 – title**

*Text proposed by the Commission*

*Amendment*

Member States' designated *law enforcement authorities*

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

Or. en

**Amendment 895**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 43 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 896**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 43 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 897**  
**Marie-Christine Vergiat**

**Proposal for a regulation**

## Article 43 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

## Amendment 898

Jan Philipp Albrecht

### Proposal for a regulation

#### Article 44

*Text proposed by the Commission*

#### *Article 44*

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

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

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

*Amendment*

***deleted***

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

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

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

Or. en

*Justification*

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

**Amendment 899**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. fr

### **Amendment 900**

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

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

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

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

##### *Amendment*

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

Or. en

##### *Justification*

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

### **Amendment 901**

**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

*Amendment*

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

Or. fr

## **Amendment 902**

**Marie-Christine Vergiat**

### **Proposal for a regulation**

#### **Article 44 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

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

Or. fr

#### *Justification*

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

## **Amendment 903**

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

### **Proposal for a regulation**

#### **Article 44 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

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

**Amendment 904**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 905**  
**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller**

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

*Text proposed by the Commission*

*Amendment*



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

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

Or. en

**Amendment 906**  
**Brice Hortefeux, Rachida Dati**

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. fr

**Amendment 907**  
**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller**

**Proposal for a regulation**  
**Article 44 – paragraph 5**

*Text proposed by the Commission*

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

*Amendment*

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

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

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

Or. en

*Justification*

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

**Amendment 908**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 44 – paragraph 5**

*Text proposed by the Commission*

5. Where an ex post independent verification determines that the ***consultation of and*** access to the data

*Amendment*

5. Where an ex post independent verification determines that the access to the data recorded in the ETIAS Central

recorded in the ETIAS Central System *were* not justified, all the authorities that accessed *and/or consulted* such data shall erase the data originating from the ETIAS Central System and shall inform the central access point of the erasure.

System *is* not justified, all the authorities that accessed such data shall erase the data originating from the ETIAS Central System and shall inform the central access point of the erasure.

Or. fr

**Amendment 909**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

*Amendment*

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

Or. fr

**Amendment 910**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 45**

*Text proposed by the Commission*

*Amendment*

**[...]**

**deleted**

Or. en

*Justification*

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

**Amendment 911**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 45 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 912**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 913**  
**Barbara Kudrycka, Tomáš Zdechovský**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 914**

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

**Proposal for a regulation**

**Article 45 – paragraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 915**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 45 – paragraph 1 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 916**

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

**Proposal for a regulation**

**Article 45 – paragraph 1 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 917**  
**Gérard Deprez, Louis Michel**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 918**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 919**  
**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller**

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 920**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 45 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

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

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

Or. fr

**Amendment 921**  
**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller**

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

*Text proposed by the Commission*

*Amendment*

(f) **IP address.**

**deleted**

Or. en

*Justification*

*According with the deletion of Article 15 (8).*

**Amendment 922**  
**Angelika Mlinar**

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

*Text proposed by the Commission*

*Amendment*

*(f) IP address. deleted*

Or. en

**Amendment 923**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

*Amendment*

*(f) IP address. deleted*

Or. fr

**Amendment 924**  
**Angelika Mlinar**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 925**  
**Marie-Christine Vergiat**



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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 926**

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

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

*Text proposed by the Commission*

4. Consultation of the ETIAS Central System shall, in the event of a hit with data recorded in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as recorded in that application file as well as to data entered in

*Amendment*

4. Consultation of the ETIAS Central System shall, in the event of a hit with data recorded in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as recorded in that application file as well as to data entered in

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

that application file in respect of the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37. Access to the data referred to in Article **15(4) (b) and (c)** as recorded in the application file shall only be given if consultation of that data was explicitly requested by the operating units in the reasoned electronic request submitted under Article 44(1) and approved by the independent verification.

Or. en

#### *Justification*

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

**Amendment 927**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 46**

*Text proposed by the Commission*

*Amendment*

**Article 46**

**deleted**

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

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

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

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

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

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

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

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

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

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

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

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

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

Or. fr

**Amendment 928**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 46**

*Text proposed by the Commission*

*Amendment*

**Article 46**

**deleted**

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

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

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

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

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

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

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

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

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

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

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

Or. en

*Justification*

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

**Amendment 929**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 46 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

Or. fr

### **Amendment 930**

**Artis Pabriks**

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

##### **Article 46 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

### **Amendment 931**

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

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

##### **Article 46 – paragraph 2 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 932**

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

**Proposal for a regulation**

**Article 46 – paragraph 2 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 933**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Article 46 – paragraph 2 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 934**

**Helga Stevens**

**Proposal for a regulation**

**Article 46 – paragraph 2 – point c**

*Text proposed by the Commission*

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

*Amendment*

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

Or. nl

**Amendment 935**

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

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 936**  
**Artis Pabriks**

**Proposal for a regulation**  
**Article 46 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 937**  
Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller

**Proposal for a regulation**  
**Article 46 – paragraph 4**



*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

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

**Amendment 938**

**Artis Pabriks**

**Proposal for a regulation**

**Article 46 – paragraph 5**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 939**  
**Gérard Deprez, Louis Michel**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

*Justification*

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

**Amendment 940**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

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

*Amendment*

*deleted*

Or. en

**Amendment 941**  
**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

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

**Amendment 942**  
**Brice Hortefeux, Rachida Dati**

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. fr

**Amendment 943**  
**Monika Hohlmeier**

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 944**  
**Angelika Mlinar**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 945**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 946**  
**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 947**  
**Monika Hohlmeier**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 948**  
**Angelika Mlinar**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 949**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 950**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 951**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 48 – paragraph 5 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 952**  
**Gérard Deprez, Louis Michel**

**Proposal for a regulation**  
**Article 48 – paragraph 5 – introductory part**

*Text proposed by the Commission*

*Amendment*

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

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

Or. fr

#### *Justification*

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

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

#### **Amendment 953**

**Gérard Deprez, Louis Michel**

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

**Article 48 – paragraph 5 – point c**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. fr

#### **Amendment 954**

**Gérard Deprez, Louis Michel**

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

**Article 48 – paragraph 5 – point d**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. fr

#### **Amendment 955**

**Gérard Deprez, Louis Michel**

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

#### **Article 48 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. Where a third country national has fallen under the scope of Article 2(2)(d) or (e), the authorities of that Member State shall verify whether that person has a valid travel authorisation and, where relevant, shall delete the application file without delay from the ETIAS Central System if the period of validity of the residence card or residence permit or long-stay visa is longer than the remaining period of validity of the ETIAS. The authority responsible for deleting the application file shall be:**

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

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

Or. fr

#### *Justification*

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

#### **Amendment 956**



Marie-Christine Vergiat

**Proposal for a regulation  
Article 48 – paragraph 6**

*Text proposed by the Commission*

6. Where a third country national **has fallen under** the scope of Article 2(2)(f) to (h), he or she shall inform the competent authorities of the Member State he or she next enters of this change. That Member State shall contact the ETIAS Central Unit within a time limit of 14 days. The ETIAS Central Unit shall check the accuracy of the data within a time limit of one month and, if necessary erase the application file and the data contained within from the ETIAS Central System without delay. The individual shall have access to an effective judicial remedy to ensure the data is deleted.

*Amendment*

6. Where a third country national **falls within** the scope of Article 2(2)(f) to (h), he or she shall inform the competent authorities of the Member State he or she next enters of this change. That Member State shall contact the ETIAS Central Unit within a time limit of 14 days. The ETIAS Central Unit shall check the accuracy of the data within a time limit of one month and, if necessary erase the application file and the data contained within from the ETIAS Central System without delay. The individual shall have access to an effective judicial remedy to ensure the data is deleted.

Or. fr

**Amendment 957  
Angelika Mlinar**

**Proposal for a regulation  
Article 48 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 48 a**

**Remedies**

***1. Any person may bring an action before the courts or the authority competent under the law of any Member State to access, correct, delete or obtain information or to obtain compensation in connection with a refusal of the authorization.***

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

**3. The rules on remedies provided for in this Article shall be evaluated by the Commission by 2 years from the entry into force of this Regulation.**

Or. en

**Amendment 958**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 959**  
**Brice Hortefeux, Rachida Dati**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 960**  
**Monika Hohlmeier**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 961**

**Jan Philipp Albrecht**

**Proposal for a regulation**

**Article 49 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 962**

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

**Proposal for a regulation**

**Article 49 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 963**

**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 49 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 964**  
**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation**  
**Article 49 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 965**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 49 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 966

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

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 967

Marie-Christine Vergiat

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

## Amendment 968

Marie-Christine Vergiat

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

*Text proposed by the Commission*

*Amendment*

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

Or. fr

**Amendment 969**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 52**

*Text proposed by the Commission*

*Amendment*

[...] **deleted**

Or. en

*Justification*

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

**Amendment 970**  
**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller**

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

*Text proposed by the Commission*

*Amendment*

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

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

*Guard Agency* shall cooperate on security related tasks.

Or. en

**Amendment 971**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 972**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 53**

*Text proposed by the Commission*

**Article 53**

***Self-monitoring***

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

*Amendment*

***deleted***

Or. en

*Justification*

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

**Amendment 973**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 53 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 974**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 54**

*Text proposed by the Commission*

***[...]***

*Amendment*

***deleted***

Or. en

*Justification*

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

**Amendment 975**  
**Marie-Christine Vergiat**



**Proposal for a regulation**  
**Article 54 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and Article 15, 16, 17 and 18 of [Regulation (EU) 2016/679] any applicant shall have the right to address him or herself to the ETIAS Central Unit or to the ETIAS National Unit responsible for the application, who shall examine and reply to the request. ***The person concerned must have the opportunity to appeal before the courts, with suspensive effect, as soon as possible.***

Or. fr

**Amendment 976**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

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

*Amendment*

***deleted***

*migration, security or public health risk and shall decide whether to issue an amended travel authorisation or, where it concludes that the conditions for granting the travel authorisation are no longer met, revoke the travel authorisation.*

Or. fr

#### **Amendment 977**

**Brice Hortefeux, Rachida Dati**

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

#### **Article 54 – paragraph 2 – subparagraph 3**

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

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

##### *Amendment*

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

Or. fr

#### **Amendment 978**

**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

*Justification*

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

**Amendment 979**  
**Sergei Stanishev**

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

*Text proposed by the Commission*

Where a travel authorisation is amended by the ETIAS Central Unit or an ETIAS National Unit during its validity period, the

*Amendment*

Where a travel authorisation is amended by the ETIAS Central Unit or an ETIAS National Unit during its validity period, the

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

ETIAS Central System shall carry out the automated processing laid down in Article 18 to determine whether the amended application file triggers a hit pursuant to Article 18(2) to (5). Where the automated processing does not report any hit, the ETIAS Central System shall issue an amended travel authorisation with the same validity of the original and notify the applicant. Where the automated processing reports one or several hit(s), the ETIAS National Unit of the *responsible* Member State in accordance with Article 22(1) shall assess the security or public health risk and shall decide whether to issue an amended travel authorisation or, where it concludes that the conditions for granting the travel authorisation are no longer met, revoke the travel authorisation.

Or. en

### *Justification*

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

**Amendment 980**  
**Angelika Mlinar**

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

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

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

Or. en

## **Amendment 981**

### **Artis Pabriks**

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

#### **Article 54 – paragraph 2 – subparagraph 3**

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

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

##### *Amendment*

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

**Amendment 982**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 55 – paragraph 1**

*Text proposed by the Commission*

1. Personal data stored in the ETIAS Central System *shall* not be transferred or made available to a third country, to an international organisation or any private party *with the exception of transfers to Interpol for the purpose of carrying out the automated processing referred to in Article 18(2)(b) and (m). Transfers of personal data to Interpol are subject to the provisions of Article 9 of Regulation 45/2001.*

*Amendment*

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

**Amendment 983**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

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

*Amendment*

*deleted*

*Justification*

*Article 1(2) to be deleted.*

**Amendment 984**

**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation**

**Article 55 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 985**

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

**Proposal for a regulation**

**Article 55 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 986**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 987**  
**Brice Hortefeux, Rachida Dati**

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

*Text proposed by the Commission*

*Amendment*

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

***(a) The Commission has adopted an adequacy decision with regard to the protection of personal data with the third country referred to in accordance with Article 45 (3) of Regulation (EU) 2016/679 where important reasons of***



*public interest justify it in accordance with Article 49 (1) (d) of Regulation (EU) 2016/679;*

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

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

Or. fr

**Amendment 988**  
**Brice Hortefeux, Rachida Dati**

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

*Text proposed by the Commission*

*Amendment*

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

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

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

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

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

Or. fr

**Amendment 989**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 56 – title**

*Text proposed by the Commission*

**Supervision** by the national supervisory authority

*Amendment*

**Audits** by the national supervisory authority

Or. en

**Amendment 990**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

2. Member States shall ensure that their supervisory authority has sufficient resources to fulfil the tasks entrusted to it under this Regulation.

*Amendment*

2. Member States shall ensure that their supervisory authority has sufficient resources **and expertise** to fulfil the tasks entrusted to it under this Regulation.

Or. en

**Amendment 991**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

*Amendment*

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

Or. fr

**Amendment 992**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 993**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

*Amendment*

**Supervision** by the European Data Protection Supervisor

**Audits** by the European Data Protection Supervisor

Or. en

**Amendment 994**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 57 – paragraph 1**

*Text proposed by the Commission*

The European Data Protection Supervisor shall ensure that an audit of eu-LISA's and the ETIAS Central Unit personal data processing activities is carried out in accordance with relevant international auditing standards at least every four years. A report of that audit shall be sent to the European Parliament, the Council, eu-LISA, the Commission and the Member States. eu-LISA and the European Border and Coast Guard Agency shall be given an opportunity to make comments before their reports are adopted.

*Amendment*

The European Data Protection Supervisor shall ensure that an audit of eu-LISA's and the ETIAS Central Unit personal data processing activities is carried out in accordance with relevant international auditing standards at least every four years. A report of that audit shall be sent to the European Parliament, the Council, eu-LISA, the Commission and the Member States, **and shall be made public**. eu-LISA and the European Border and Coast Guard Agency shall be given an opportunity to make comments before their reports are adopted. ***The EDPS shall be provided with sufficient resources and expertise to fulfil the tasks entrusted to it under this Regulation.***

Or. en

*Justification*

*Aligned with amendments to Article 56.*

**Amendment 995**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 57 – paragraph 1**

*Text proposed by the Commission*

The European Data Protection Supervisor shall ensure that an audit of **eu-LISA's** and the ETIAS Central **Unit** personal data processing activities is carried out in accordance with relevant international auditing standards at least every four years. A report of that audit shall be sent to the European Parliament, the Council, eu-

*Amendment*

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

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

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

Or. fr

**Amendment 996**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

*Amendment*

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

Or. fr

**Amendment 997**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

*Amendment*

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

1. ***Pursuant to Article 62 of Regulation (EU) 2017/XX... [new proposal repealing Regulation 45/2001],*** the European Data Protection Supervisor shall act in close cooperation with national supervisory authorities with respect to specific issues requiring national involvement, in particular if the European Data Protection Supervisor or a national supervisory authority finds major discrepancies between practices of Member States or finds potentially

more national supervisory authorities on the implementation and interpretation of this Regulation.

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

Or. en

**Amendment 998**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 58 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 999**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 59**

*Text proposed by the Commission*

[...]

*Amendment*

*deleted*

*Justification*

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

**Amendment 1000**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 60**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

*Justification*

*Article 1(2) to be deleted.*

**Amendment 1001**  
**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel,**  
**Péter Niedermüller**

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 1002**

Gérard Deprez, Louis Michel

**Proposal for a regulation**

**Article 61 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. fr

**Amendment 1003**

**Heinz K. Becker**

**Proposal for a regulation**

**Article 61 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 1004**

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

**Proposal for a regulation**

**Article 61 – paragraph 1 – point d**



*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1005**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 1006**  
**Gérard Deprez, Louis Michel**

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

*Text proposed by the Commission*

*Amendment*

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

Or. fr

*Justification*

*The public should be informed of this possibility;*

**Amendment 1007**  
**Monika Hohlmeier**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 1008**  
**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller**

**Proposal for a regulation**  
**Article 62 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

The Commission shall, in cooperation with the ETIAS Central Unit, and the Member States, accompany the start of the ETIAS

The Commission shall, in cooperation with the ETIAS Central Unit, and the Member States, accompany the start of the ETIAS

operation with an information campaign, to inform third country nationals falling within the scope of this Regulation of their travel authorisation requirement to be in possession of a valid travel authorisation for crossing the external borders.

operation with an information campaign, to inform third country nationals falling within the scope of this Regulation of their travel authorisation requirement to be in possession of a valid travel authorisation for crossing the external borders.

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

Or. en

**Amendment 1009**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

*Amendment*

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

Or. fr

**Amendment 1010**  
**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller**

**Proposal for a regulation**

## Article 63 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

### Amendment 1011 Marie-Christine Vergiat

#### Proposal for a regulation Article 63 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

### Amendment 1012 Marie-Christine Vergiat

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

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. fr

**Amendment 1013**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 1014**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

*Amendment*

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

*deleted*

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

Or. fr

**Amendment 1015  
Jan Philipp Albrecht**

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

*Text proposed by the Commission*

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

*Amendment*

eu-LISA shall define the design of the physical architecture of the system including its Communication Infrastructure as well as the technical specifications and their evolution as regards the Central System, the Uniform Interfaces, which shall be ***reviewed and in, case of a favourable result,*** adopted by the Management Board, subject to a favourable opinion of the Commission ***and the EDPS.*** eu-LISA shall also implement any necessary adaptations to the EES, ***or SIS*** deriving from the establishment of interoperability with the ETIAS. ***eu-LISA shall adhere to the principles of data protection by design and by default, as laid out in Regulation (EU) 2016/679.***

Or. en

*Justification*

*Recommendation by EDPS.*

## Amendment 1016

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

### Proposal for a regulation

#### Article 63 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 1017

Brice Hortefeux, Rachida Dati

### Proposal for a regulation

#### Article 63 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

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

establishment of interoperability with the ETIAS.

Or. fr

#### **Amendment 1018**

**Marie-Christine Vergiat**

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

#### **Article 63 – paragraph 3 – subparagraph 2**

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

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

##### *Amendment*

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

Or. fr

#### **Amendment 1019**

**Kinga Gál**

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

#### **Article 63 – paragraph 3 – subparagraph 2**

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

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

##### *Amendment*

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



the Commission. eu-LISA shall also implement any necessary adaptations to the EES, SIS, Eurodac, ECRIS or VIS deriving from the establishment of interoperability with the ETIAS.

eu-LISA shall also implement any necessary adaptations to the EES, SIS, Eurodac, ECRIS or VIS deriving from the establishment of interoperability with the ETIAS.

Or. en

#### *Justification*

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

#### **Amendment 1020** **Angelika Mlinar**

#### **Proposal for a regulation** **Article 63 – paragraph 3 – subparagraph 3**

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

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

##### *Amendment*

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

Or. en

#### **Amendment 1021** **Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller**

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

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

##### *Amendment*

***eu-LISA shall define the design of the physical architecture and handle the***

**Amendment 1022**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 63 – paragraph 4**

*Text proposed by the Commission*

4. During the designing and development phase, a Programme Management Board composed of a maximum of 10 members shall be established. It shall be composed of six members appointed by eu-LISA's Management Board from among its members or its alternates, the Chair of the ETIAS-EES Advisory Group referred to in Article 80, a member representing eu-LISA appointed by its Executive Director, a member representing the European Border and Coast Guard Agency appointed by its Executive Director and one member appointed by the Commission. The members appointed by eu-LISA's Management Board shall be elected only from those Member States which are fully bound under Union law by the legislative instruments governing the development, establishment operation and use of all the large-scale IT systems managed by eu-LISA and which will participate in the ETIAS. The Programme Management Board will meet once a month. It shall ensure the adequate management of the design and development phase of the ETIAS. The Programme Management Board shall submit written reports every month to the Management Board on progress of the project. It shall have no decision-making power nor any mandate to represent the members of the Management Board.

*Amendment*

4. During the designing and development phase, a Programme Management Board composed of a maximum of 10 members shall be established. It shall be composed of six members appointed by eu-LISA's Management Board from among its members or its alternates, the Chair of the ETIAS-EES Advisory Group referred to in Article 80, a member representing eu-LISA appointed by its Executive Director, a member representing the European Border and Coast Guard Agency appointed by its Executive Director, **a member of the EDPS** and one member appointed by the Commission. The members appointed by eu-LISA's Management Board shall be elected only from those Member States which are fully bound under Union law by the legislative instruments governing the development, establishment operation and use of all the large-scale IT systems managed by eu-LISA and which will participate in the ETIAS. The Programme Management Board will meet once a month. It shall ensure the adequate management of the design and development phase of the ETIAS. The Programme Management Board shall submit written reports every month to the Management Board on progress of the project. It shall have no decision-making power nor any mandate to represent the members of the Management Board.

**Amendment 1023**

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

**Proposal for a regulation****Article 64 – paragraph 1 – subparagraph 1***Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1024**

**Marie-Christine Vergiat**

**Proposal for a regulation****Article 65 – paragraph 1***Text proposed by the Commission*

**1. The European Coast and Border Guard Agency shall be responsible for:**  
**(a) the setting up and operation of the ETIAS Central Unit;**

*Amendment*

**deleted**

*(b) the automated processing of applications;*

*(c) the screening rules.*

Or. fr

**Amendment 1025**  
**Monika Hohlmeier**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 1026**  
**Gérard Deprez, Louis Michel**

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. fr

**Amendment 1027**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 67**

*Text proposed by the Commission*

*Amendment*

**Article 67**

**deleted**

**Responsibilities of Europol**

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

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

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

Or. fr

**Amendment 1028**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 67 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

*Article 18(4) to be deleted.*

**Amendment 1029**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation  
Article 67 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 1030  
Jan Philipp Albrecht**

**Proposal for a regulation  
Article 67 – paragraph 2**

*Text proposed by the Commission*

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

***deleted***

*Amendment*

Or. en

*Justification*

*Article 29 to be deleted.*

**Amendment 1031  
Gérard Deprez, Louis Michel**

**Proposal for a regulation  
Article 67 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 1032**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 67 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 1033**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 67 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. It shall be ensured that the Europol is equipped with the appropriate funding and staffing to exercise the responsibilities referred to in Article 67 (1) to (3).**

Or. en

**Amendment 1034**  
**Heinz K. Becker**

**Proposal for a regulation**  
**Article 71 a (new)**  
Regulation (EC) 539/2001  
Article 1d (new)

*Text proposed by the Commission*

*Amendment*

**Article 71 a**  
**Amendments to Regulation (EC) No**  
**539/2001**

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

**The following Article is inserted:**

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

Or. en

**Amendment 1035**  
**Sergei Stanishev, Tonino Picula**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

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



**Amendment 1036**  
**Sergei Stanishev, Tonino Picula**

**Proposal for a regulation**  
**Article 72 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

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

**Amendment 1037**  
**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Péter Niedermüller**

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

*Text proposed by the Commission*

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

*Amendment*

3. The common leaflet shall be drawn up and set up by the Commission. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 79(2) and shall contain at a minimum the information referred to in Article 61. The leaflet shall be clear and simple and available in **all the**

*language version the person concerned understands or is reasonably assumed to understand.*

*official languages of the Member States, and in at least one of the official languages of each third country whose nationals fall within the scope of this Regulation.*

Or. en

**Amendment 1038**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

*Amendment*

**(d) education;**

**deleted**

Or. en

**Amendment 1039**  
**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller**

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

*Text proposed by the Commission*

*Amendment*

**(d) education;**

**deleted**

Or. en

*Justification*

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

**Amendment 1040**  
**Marie-Christine Vergiat**

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

*Text proposed by the Commission*

*Amendment*

**(d) education;** *deleted*

Or. fr

**Amendment 1041**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 73 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

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

Or. fr

**Amendment 1042**  
**Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Tanja Fajon, Birgit Sippel, Péter Niedermüller**

**Proposal for a regulation**  
**Article 73 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

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

**Amendment 1043**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 73 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 1044**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 73 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

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

Or. fr

**Amendment 1045**  
**Jan Philipp Albrecht**

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

*Text proposed by the Commission*

*Amendment*

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

*applications and to support evidence-based Union migration policymaking. The repository shall also contain daily statistics on the data referred to in paragraph 4. Access to the central repository shall be granted by means of secured access through S-TESTA with control of access and specific user profiles solely for the purpose of reporting and statistics.*

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

Or. en

#### **Amendment 1046**

**Marie-Christine Vergiat**

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

#### **Article 73 – paragraph 2 – subparagraph 1**

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

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

##### *Amendment*

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

and specific user profiles solely for the purpose of reporting and statistics.

Or. fr

#### **Amendment 1047**

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

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

#### **Article 73 – paragraph 2 – subparagraph 1**

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

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

##### *Amendment*

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

Or. en

#### **Amendment 1048**

**Angelika Mlinar**

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

#### **Article 73 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1049**

**Artis Pabriks**

**Proposal for a regulation**

**Article 73 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

applications and to support evidence-based Union migration policymaking. The repository shall also contain daily statistics on the data referred to in paragraph 4. Access to the central repository shall be granted by means of secured access through S-TESTA with control of access and specific user profiles solely for the purpose of reporting and statistics.

applications and to support evidence-based Union migration policymaking. The repository shall also contain daily statistics on the data referred to in paragraph 4. Access to the central repository shall be granted by means of secured access through S-TESTA with control of access and specific user profiles solely for the purpose of reporting and statistics.

Or. en

**Amendment 1050**  
**Sergei Stanishev**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en



*Justification*

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

**Amendment 1051**

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

**Proposal for a regulation**

**Article 73 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

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

*Amendment*

***The Commission shall be empowered to adopt delegated acts in accordance with Article 78 on the detailed rules on the operation of the central repository and the data protection and security rules applicable to the repository.***

Or. en

**Amendment 1052**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 73 – paragraph 2 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. fr

**Amendment 1053**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 73 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 1054**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 73 – paragraph 6**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 1055**  
**Gérard Deprez, Louis Michel**

**Proposal for a regulation**  
**Article 74 – paragraph 1**

*Text proposed by the Commission*

The costs incurred in connection with the development of the ETIAS Information System, the integration of the existing national border infrastructure and the connection to the National Uniform Interface as well as by hosting the National Uniform Interface, the set-up of the ETIAS

*Amendment*

The costs incurred in connection with the development of the ETIAS Information System, the integration of the existing national border infrastructure and the connection to the National Uniform Interface as well as by hosting the National Uniform Interface, the set-up of the ETIAS

Central and National Units and the operation of the ETIAS shall be borne by the general budget of the Union.

Central and National Units and the operation of the ETIAS shall be borne by the general budget of the Union. ***Before starting any procurement procedure, the Commission shall undertake a precise analysis of the technical requirements for the integration of existing national systems, of the technical standards of the ETIAS, and of the requirements concerning the content and accessibility of the ETIAS.***

Or. fr

#### *Justification*

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

#### **Amendment 1056** **Monika Hohlmeier**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### **Amendment 1057** **Monika Hohlmeier**

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

*Text proposed by the Commission*

*Amendment*

**The following costs shall be excluded:** *deleted*

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

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

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

**(d) customisation of existing border checks;**

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

Or. en

**Amendment 1058**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 75**

*Text proposed by the Commission*

*Amendment*

**Article 75**

*deleted*

**Revenues**

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

Or. fr

**Amendment 1059**

**Jan Philipp Albrecht**

**Proposal for a regulation**

**Article 75**

*Text proposed by the Commission*

*Amendment*

**Article 75**

**deleted**

**Revenues**

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

Or. en

**Amendment 1060**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Article 75 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

Or. fr

*Justification*

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

**Amendment 1061**

**Jeroen Lenaers**

**Proposal for a regulation**  
**Article 75 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

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

Or. en

**Amendment 1062**  
**Brice Hortefeux, Rachida Dati**

**Proposal for a regulation**  
**Article 75 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 1063**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 76 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. en

*Justification*

*Article 43 to be deleted.*

**Amendment 1064**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 77 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

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

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

Or. fr

**Amendment 1065**  
**Angelika Mlinar**

**Proposal for a regulation**  
**Article 77 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 1066**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 77 – paragraph 1 – point d**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*Article 76(3) to be deleted.*

**Amendment 1067**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 78 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

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

**Amendment 1068**  
**Angelika Mlinar**



**Proposal for a regulation**  
**Article 78 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1069**  
**Gérard Deprez, Louis Michel**

**Proposal for a regulation**  
**Article 78 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 1070**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 78 – paragraph 3**

*Text proposed by the Commission*

3. The delegation of power referred to in Article **15(3) and (4), Article 16(4), Article 28(3)** and Article 72(1) and (5) may be revoked at any time by the European

*Amendment*

3. The delegation of power referred to in Article **15(4)** and Article 72(1) and (5) may be revoked at any time by the European Parliament or by the Council. A

Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

### *Justification*

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

#### **Amendment 1071**

**Angelika Mlinar**

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

#### **Article 78 – paragraph 3**

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

3. The delegation of power referred to in Article 15(3) and (4), Article 16(4), **Article 28(3)** and Article 72(1) and (5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

##### *Amendment*

3. The delegation of power referred to in Article 15(3) and (4), Article 16(4), and Article 72(1) and (5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

#### **Amendment 1072**

**Jan Philipp Albrecht**

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

#### **Article 78 – paragraph 5**

*Text proposed by the Commission*

5. A delegated act adopted pursuant to Article **15(2) and (4)**, **Article 16(4)**, **Article 28(3)** and Article 72(1) and (4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.

*Amendment*

5. A delegated act adopted pursuant to Article **15(4)** and Article 72(1) and (4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.

Or. en

*Justification*

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

**Amendment 1073**  
**Angelika Mlinar**

**Proposal for a regulation**  
**Article 78 – paragraph 5**

*Text proposed by the Commission*

5. A delegated act adopted pursuant to Article 15(2) and (4), Article 16(4), **Article 28(3)** and Article 72(1) and (4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months]

*Amendment*

5. A delegated act adopted pursuant to Article 15(2) and (4), Article 16(4), and Article 72(1) and (4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.

at the initiative of the European Parliament  
or of the Council.

Or. en

#### **Amendment 1074**

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

#### **Proposal for a regulation Article 78 – paragraph 5**

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

5. A delegated act adopted pursuant to Article 15(2) and (4), Article 16(4), Article 28(3) **and** Article 72(1) and (4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.

##### *Amendment*

5. A delegated act adopted pursuant to Article 15(2) and (4), Article 16(4), Article 28(3), Article 72(1) and (4) **and Article 73 (2)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.

Or. en

#### **Amendment 1075**

**Gérard Deprez, Louis Michel**

#### **Proposal for a regulation Article 81 – paragraph 2**

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

2. By [Six months after the entry into force of this Regulation – OPOCE, please replace with the actual date] and every six months thereafter during the development phase of the ETIAS Information System,

##### *Amendment*

2. By [Six months after the entry into force of this Regulation – OPOCE, please replace with the actual date] and every six months thereafter during the development phase of the ETIAS Information System,

eu-LISA shall submit a report to the European Parliament and the Council on the state of play of the development of the Central System, the Uniform Interfaces and the Communication Infrastructure between the Central System and the Uniform Interfaces. Once the development is finalised, a report shall be submitted to the European Parliament and the Council explaining in detail how the objectives, in particular relating to planning and costs, were achieved as well as justifying any divergences.

eu-LISA shall submit a report to the European Parliament and the Council on the state of play of the development of the Central System, the Uniform Interfaces and the Communication Infrastructure between the Central System and the Uniform Interfaces. ***That report shall include an overview of the budgetary and cost developments with a detailed technical and financial assessment, precise information on cost increases and changes in design requirements and the reasons for any such increases or changes, as well as information on any risks which could impact the overall costs of the system to be borne by the Union budget in accordance with Article 74.*** Once the development is finalised, a report shall be submitted to the European Parliament and the Council explaining in detail how the objectives, in particular relating to planning and costs, were achieved as well as justifying any divergences.

Or. fr

#### *Justification*

*Experience with the development of other large-scale IT systems at EU-level, like the SIS II and VIS systems, revealed that these initiatives often experience long delays and escalating costs. To ensure full parliamentary scrutiny and oversight of the process and to minimise the risk of cost overruns and delays, it is suggested that eu-LISA's reporting back to the Parliament and the Council during the development of ETIAS should include an obligatory update on budgetary and cost developments.*

#### **Amendment 1076**

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

#### **Proposal for a regulation Article 81 – paragraph 2**

*Text proposed by the Commission*

2. By [Six months after the entry into force of this Regulation – OPOCE, please

*Amendment*

2. By [Six months after the entry into force of this Regulation – OPOCE, please

replace with the actual date] and every six months thereafter during the development phase of the ETIAS Information System, eu-LISA shall submit a report to the European Parliament and the Council on the state of play of the development of the Central System, the Uniform Interfaces and the Communication Infrastructure between the Central System and the Uniform Interfaces. Once the development is finalised, a report shall be submitted to the European Parliament and the **Council** explaining in detail how the objectives, in particular relating to planning and costs, were achieved as well as justifying any divergences.

replace with the actual date] and every six months thereafter during the development phase of the ETIAS Information System, eu-LISA shall submit a report to the European Parliament and the Council on the state of play of the development of the Central System, the Uniform Interfaces and the Communication Infrastructure between the Central System and the Uniform Interfaces. Once the development is finalised, a report shall be submitted to the European Parliament, **the Council** and the **EDPS** explaining in detail how the objectives, in particular relating to planning and costs, were achieved as well as justifying any divergences.

Or. en

#### **Amendment 1077**

**Gérard Deprez, Louis Michel**

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

**Article 81 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. No later than one year after the entry into service of ETIAS, the Commission shall assess the desirability of establishing secure access for rail carriers enabling them to send a query to the ETIAS Central System to verify, in accordance with Article 39 (1) (2), that third-country nationals subject to the travel authorisation requirement are in possession of a valid travel authorisation.***

Or. fr

#### **Amendment 1078**

**Gérard Deprez, Louis Michel**

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

**Article 81 – paragraph 5 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

**Three years** after the start of operations of the ETIAS and every **four** years thereafter, the Commission shall evaluate ETIAS and shall make any necessary recommendations to the European Parliament and the Council. This evaluation shall include:

*Amendment*

**One year** after the start of operations of the ETIAS and every **two** years thereafter, the Commission shall evaluate ETIAS and shall make any necessary recommendations to the European Parliament and the Council, **including a detailed assessment of their budgetary implications**. This evaluation shall include:

Or. fr

*Justification*

*To ensure full parliamentary scrutiny, budgetary oversight and planning and in order to detect possible changes with a budgetary impact as early as possible, it is suggested that the overall evaluations take place after one year and then every two years and include an overview of possible budgetary implications of future operations.*

**Amendment 1079**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 81 – paragraph 5 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

**Three** years after the start of operations of the ETIAS and every **four** years thereafter, the Commission shall evaluate ETIAS and shall make any necessary recommendations to the European Parliament and the Council. This evaluation shall include:

*Amendment*

**Two** years after the start of operations of the ETIAS and every **three** years thereafter, the Commission shall evaluate ETIAS and shall make any necessary recommendations to the European Parliament and the Council. This evaluation shall include:

Or. en

**Amendment 1080**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 81 – paragraph 5 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) the impact, effectiveness and efficiency of the ETIAS performance and its working practices in relation to its objectives, mandate and tasks;

(b) the impact, effectiveness and efficiency of the ETIAS performance, ***including the ETIAS Central Unit and ETIAS National Units***, and its working practices in relation to its objectives, mandate and tasks;

Or. en

**Amendment 1081**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 81 – paragraph 5 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) ***the rules of the automated application processor used for the purpose of risk assessment;***

***deleted***

Or. en

**Amendment 1082**  
**Gérard Deprez, Louis Michel**

**Proposal for a regulation**  
**Article 81 – paragraph 5 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the rules of the automated application processor used for the purpose of risk assessment;

(c) the rules of the automated application processor used for the purpose of risk assessment ***and their implications for fundamental rights;***

Or. fr

**Amendment 1083**  
**Gérard Deprez, Louis Michel**



**Proposal for a regulation**

**Article 81 – paragraph 5 – subparagraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) the ETIAS watchlist, as defined in Article 29, and its implications for fundamental rights;**

Or. fr

**Amendment 1084**

**Jan Philipp Albrecht**

**Proposal for a regulation**

**Article 81 – paragraph 5 – subparagraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

(f) the impact on fundamental rights.

**(f) the impact on fundamental rights, in particular the protection of personal data and non-discrimination.**

Or. en

*Justification*

*Following the FRA opinion.*

**Amendment 1085**

**Monika Hohlmeier**

**Proposal for a regulation**

**Article 81 – paragraph 5 – subparagraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

**(fa) generated revenues of the EU and expenditures incurred by the EU bodies as well as Member States.**

Or. en

**Amendment 1086**

Gérard Deprez, Louis Michel

**Proposal for a regulation**

**Article 81 – paragraph 5 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***One year after the entry into service of ETIAS and every two years thereafter, the European Data Protection Supervisor shall submit to the European Parliament, the Council and the Commission a report assessing the impact, effectiveness and efficiency of the ETIAS watchlist in respect of data protection.***

Or. fr

**Amendment 1087**

**Jan Philipp Albrecht**

**Proposal for a regulation**

**Article 81 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

**8. While respecting the provisions of national law on the publication of sensitive information, each Member State and Europol shall prepare annual reports on the effectiveness of access to data stored in the ETIAS Central System for law enforcement purposes containing information and statistics on:**

***deleted***

***(a) the exact purpose of the consultation including the type of terrorist or serious criminal offence;***

***(b) reasonable grounds given for the substantiated suspicion that the suspect, perpetrator or victim is covered by this Regulation;***

***(c) the number of requests for access to the ETIAS Central System for law enforcement purposes;***

*(d) the number and type of cases which have ended in successful identifications;*

*(e) the need and use made of the exceptional case of urgency including those cases where that urgency was not accepted by the ex post verification carried out by the central access point.*

*Member States' and Europol's annual reports shall be transmitted to the Commission by 30 June of the subsequent year.*

Or. en

*Justification*

*Access for law enforcement purposes to be deleted.*

**Amendment 1088**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 81 – paragraph 8 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) reasonable grounds given for the substantiated suspicion that the suspect, perpetrator or victim is covered by this Regulation;* **deleted**

Or. fr

**Amendment 1089**

**Gérard Deprez, Louis Michel**

**Proposal for a regulation**

**Article 81 – paragraph 8 – subparagraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

*(ea) the number of travel authorisation applications refused on the basis of a*

*positive response based on the ETIAS  
watchlist provided for in Article 29;*

Or. fr

**Amendment 1090**

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

**Proposal for a regulation**

**Article 81 – paragraph 8 – subparagraph 2**

*Text proposed by the Commission*

Member States' and Europol's annual reports shall be transmitted to the Commission by 30 June of the subsequent year.

*Amendment*

Member States' and Europol's annual reports shall be transmitted to the Commission *and the European Parliament* by 30 June of the subsequent year.

Or. en