



**2018/0330B(COD)**

17.10.2019

# **AMENDMENTS**

## **37 - 73**

**Draft report**

**Roberta Metsola**

(PE641.177v01-00)

European Border and Coast Guard: false and authentic documents online  
(FADO) system and repealing Council Joint Action No 98/700/JHA

Proposal for a decision

(COM(2018)0631 – C8-0406/2018 – 2018/0330B(COD))



## Amendment 37

Jorge Buxadé Villalba, Nicola Procaccini, Robert Roos

### Proposal for a regulation

#### Recital 80

*Text proposed by the Commission*

(80) The False and Authentic Documents Online ('FADO') system was established by Joint Action 98/700/JHA within the General Secretariat of the Council, providing access to Member States' authorities to have at their disposal information on any new forgery methods that are detected and on the new genuine documents that are in circulation.

*Amendment*

(80) The False and Authentic Documents Online ('FADO') system was established by **Council** Joint Action 98/700/JHA<sup>1a</sup> within the General Secretariat of the Council, providing access to Member States' authorities to have at their disposal information on any new forgery methods that are detected and on the new genuine documents that are in circulation, ***in order to aid the combating of irregular migration and the use of fraudulent documents.***

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<sup>1a</sup> ***Council Joint Action 98/700/JHA of 3 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the setting up of a European Image Archiving System (FADO) (OJ L 333, 9.12. 1998, p. 4).***

Or. en

## Amendment 38

Paulo Rangel

### Proposal for a regulation

#### Recital 80 a (new)

*Text proposed by the Commission*

*Amendment*

***(80 a) FADO is specifically created for the purpose of hosting specimen documents and examples of genuine and falsified documents that include descriptions of methods of falsification and forgery provided by Member States,***

*third countries, territorial entities, international organisations and other entities subject to international law. As a direct consequence of the purpose of FADO, personal data should be stored in the form of different elements appearing in the specimen, genuine and falsified documents. Such personal data should be strictly limited to what is necessary for the purposes of FADO and unnecessary personal data should be anonymised in accordance with the principle of data minimisation.*

Or. en

**Amendment 39**  
**Jorge Buxadé Villalba, Robert Roos, Nicola Procaccini**

**Proposal for a regulation**  
**Recital 80 a (new)**

*Text proposed by the Commission*

*Amendment*

*(80 a) The use of false, fraudulently obtained and forged documents by third-country nationals to enter, and stay in, the Union or to use them in procedures relating to legalisation of stay, including asylum procedures, has become a concern of increasing importance for Member States. While the use of legitimate documents facilitates the entry to, and stay in, Member States, a parallel market has been created for third-country nationals who know that they cannot fulfil the criteria for entering the Union using legitimate documents and regular channels or who otherwise wish to disguise their true identity.*

Or. en

**Amendment 40**  
**Paulo Rangel**

**Proposal for a regulation**  
**Recital 80 b (new)**

*Text proposed by the Commission*

*Amendment*

***(80 b) While Member States can maintain or develop their national systems containing information on specimen documents and examples of genuine and false documents, they should be under the obligation to provide the European Border and Coast Guard Agency ('the Agency') with the information on specimen, genuine and false documents they possess. The Agency should upload that information to FADO in order to guarantee the uniformity and quality of the information. In particular, Member States should provide all security features of new versions of genuine documents issued by Member States that are covered by this Regulation.***

Or. en

**Amendment 41**

**Marina Kaljurand, Petar Vitanov, Sylwia Spurek, Sylvie Guillaume, Birgit Sippel**

**Proposal for a regulation**  
**Recital 81 a (new)**

*Text proposed by the Commission*

*Amendment*

***(81 a) FADO is specifically created for the purpose of hosting specimen documents and examples of falsified documents that include descriptions of methods of falsification and forgery provided by Member States, and might also host such documents originating from third countries, territorial entities, international organisations and other entities subject to international law. As a direct consequence of that purpose, it should be possible to store personal data in the form of facial images in FADO in***

*so far as the security features of a document cannot be separated from those facial images, or where a false, forged, counterfeit or pseudo document imitates security features that cannot be separated from a facial image. No alphanumeric personal data should be stored in FADO. The European Border and Coast Guard Agency established by Regulation (EU) 2019/... of the European Parliament and of the Council ('the Agency') should take the necessary steps to anonymise all elements of personal data which is not necessary in relation to the purposes for which the data is processed in accordance with the principle of data minimisation, provided for in point (c) of Article 4(1) of Regulation (EU) 2018/1725. It should not be possible to retrieve or search any elements of personal data in FADO.*

Or. en

#### *Justification*

*The Agency should not have an obligation to gather documents from third countries and international organisations. The uploading of available information on such documents is logical. Furthermore, the need to store personal data is limited to facial images linked to security features on the documents, the FADO system should store only that type of personal data and no other personal data.*

#### **Amendment 42**

**Saskia Bricmont**

on behalf of the Verts/ALE Group

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

#### **Recital 81 a (new)**

*Text proposed by the Commission*

*Amendment*

*(81 a) FADO is specifically created for the purpose of hosting specimen documents and examples of falsified documents that include descriptions of methods of falsification and forgery provided by Member States, third countries, territorial entities, international*

*organisations and other entities subject to international law. As a direct consequence of that purpose, personal data should be stored in FADO in the form of different elements appearing in the specimen and falsified documents. Such personal data are limited to what is necessary for the purposes of FADO. The European Border and Coast Guard Agency established by Regulation (EU) 2019/... of the European Parliament and of the Council ('the Agency') should take the necessary steps to anonymise all elements of personal data which is not necessary in relation to the purposes for which the data is processed in accordance with the principle of data minimisation, provided for in point (c) of Article 4(1) of Regulation (EU) 2018/1725. It should not be possible to retrieve or search any elements of personal data in FADO, nor should the data in the specimens be used to identify any natural person.*

Or. en

#### *Justification*

*It is theoretically possible to identify a person from the data in the specimens, but this should never be allowed.*

#### **Amendment 43**

**Jorge Buxadé Villalba, Robert Roos, Nicola Procaccini**

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

#### **Recital 81 a (new)**

*Text proposed by the Commission*

*Amendment*

***(81 a) FADO should contain information on all types of genuine and false travel, identity, residence and civil status documents, driving licenses, vehicle licenses and other related official documents issued by Member States, third countries, territorial entities, international organisations and other entities subject to***

*international law.*

Or. en

**Amendment 44**  
**Sira Rego**

**Proposal for a regulation**  
**Recital 81 a (new)**

*Text proposed by the Commission*

*Amendment*

***(81a) With the exception of public authorities responsible for border control, third parties shall not be granted access to this system.***

Or. es

**Amendment 45**  
**Marina Kaljurand, Petar Vitanov, Sylwia Spurek, Sylvie Guillaume**

**Proposal for a regulation**  
**Recital 81 b (new)**

*Text proposed by the Commission*

*Amendment*

***(81 b) FADO should contain information on all types of genuine travel, identity, residence and civil status documents, driving licenses and vehicle licenses issued by Member States and falsified versions of such documents in their possession, and might also contain other related official documents that are used when applying for travel, residence or identity documents issued by Member States. It might also contain any such documents issued by third countries, territorial entities, international organisations and other entities subject to international law.***

Or. en

### *Justification*

*There are too many possible documents that Member States have in their possession which might be a source document or feeder document for the issuing of travel, residence or identity documents. Member States should be able to provide source or feeder documents to FADO, but should not be obliged to do so.*

#### **Amendment 46**

**Marina Kaljurand, Petar Vitanov, Sylwia Spurek, Sylvie Guillaume**

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

#### **Recital 81 c (new)**

*Text proposed by the Commission*

*Amendment*

***(81 c) While Member States can maintain or develop their national systems containing information on genuine and false documents, they should be obliged to provide the Agency with information on genuine travel, identity, residence and civil status documents, driving licenses and vehicle licenses which they issue, and falsified versions of such documents in their possession. The Agency should upload that information to FADO in order to guarantee the uniformity and quality of the information. In particular, Member States should provide all security features of new versions of genuine documents issued by Member States that are covered by this Regulation.***

Or. en

### *Justification*

*There are too many possible documents that Member States have in their possession which might be a source document or feeder document for the issuing of travel, residence or identity documents. Member States should be able to provide source or feeder documents to FADO, but should not be obliged to do so.*

#### **Amendment 47**

**Marina Kaljurand, Petar Vitanov, Sylwia Spurek, Sylvie Guillaume, Evin Incir**

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

**Recital 81 d (new)**

*Text proposed by the Commission*

*Amendment*

***(81 d) In order to ensure a high level of control of document fraud by Member States, the Member States' authorities competent in the area of document fraud such as border police, other law enforcement authorities or certain other third parties should be provided with differing levels of access to FADO, depending on their requirements. As the conditions and measures for granting such access are non-essential elements supplementing this Regulation, they should be laid down by means of delegated acts. Equally, FADO should enable certain users to have at their disposal information on any new forgery methods that are detected and on new genuine documents that are in circulation.***

Or. en

**Amendment 48**

**Jorge Buxadé Villalba, Robert Roos, Nicola Procaccini**

**Proposal for a regulation**

**Recital 82**

*Text proposed by the Commission*

*Amendment*

***(82) The FADO system should keep its multi-level structure to provide different levels of information on documents to different stakeholders, including the general public.***

***(82) FADO should provide information to stakeholders, including the general public, with different levels of restriction depending on the sensitivity of the documents.***

Or. en

**Amendment 49**

**Sira Rego**

**Proposal for a regulation**  
**Recital 83 a (new)**

*Text proposed by the Commission*

*Amendment*

**(83a) This regulation shall not affect the right to international protection as laid down in international and EU law.**

Or. es

**Amendment 50**  
**Sira Rego**

**Proposal for a regulation**  
**Recital 84 a (new)**

*Text proposed by the Commission*

*Amendment*

**(84a) This regulation shall take account of the fact that the use of false or falsified identity documents is a necessity for the majority of refugees, given the lack of legal and safe pathways to the EU. This fact is recognised in Article 31 of the Convention Relating to the Status of Refugees, which prevents states from penalising refugees for entering their territory irregularly.**

Or. es

**Amendment 51**  
**Marina Kaljurand, Petar Vitanov, Sylwia Spurek, Sylvie Guillaume**

**Proposal for a regulation**  
**Recital 101 a (new)**

*Text proposed by the Commission*

*Amendment*

**(101 a) In order to ensure the effective implementation of the FADO system, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union**

*should be delegated to the Commission in respect of the establishment of measures granting access to FADO to Member States' authorities competent in the area of document fraud, and the establishment of measures granting restricted access to FADO to third parties such as airlines, Union institutions, bodies, offices and agencies, third countries or international organisations. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>1a</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and that their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.*

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<sup>1a</sup> OJ L 123, 12.5.2016, p.1

Or. en

**Amendment 52**

**Marina Kaljurand, Petar Vitanov, Sylwia Spurek, Sylvie Guillaume, Birgit Sippel**

**Proposal for a regulation**

**Article 80**

*Text proposed by the Commission*

*Amendment*

*Article 80*

*deleted*

**1.**

*The Agency shall take over and operate False and Authentic Documents Online (FADO) which is a database that shall*

*contain information on genuine travel and residence documents issued by Member States, third countries, territorial entities, international organisations and other entities subjects of international law and on falsifications thereof. The FADO system shall not contain any personal data.*

*The Member States shall transmit the data currently in FADO to the new system.*

**2. The Commission shall adopt implementing acts in accordance with the procedure referred to in Article 117(2) in order to:**

**(a) establish the technical specifications of FADO according to high standards;**

**(b) set up the procedures for controlling and verifying the information contained in FADO.**

Or. en

#### *Justification*

*This article is replaced by subsequent amendments.*

### **Amendment 53 Paulo Rangel**

#### **Proposal for a regulation Article 80 – paragraph 1 – subparagraph 1**

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

The Agency shall take over and operate False and Authentic Documents Online (FADO) which is a database that shall contain information on genuine travel and residence documents issued by Member States, third countries, territorial entities, international organisations and other entities subjects of international law and on falsifications thereof. ***The FADO system shall not*** contain ***any*** personal data.

##### *Amendment*

The Agency shall take over and operate False and Authentic Documents Online (FADO) which is a database that shall contain information on genuine travel and residence documents issued by Member States, third countries, territorial entities, international organisations and other entities subjects of international law and on falsifications thereof. ***FADO may*** contain personal data ***only insofar as it appears on***

*specimen, genuine and falsified documents.*

Or. en

**Amendment 54**  
**Sira Rego**

**Proposal for a regulation**  
**Article 80 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. The FADO system shall not contain any personal data.**

Or. es

**Amendment 55**  
**Sira Rego**

**Proposal for a regulation**  
**Article 80 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

**1b. The agency shall ensure that the authorities of the Member States responsible for identifying false or falsified documents uphold the right to international protection.**

Or. es

**Amendment 56**  
**Sira Rego**

**Proposal for a regulation**  
**Article 80 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

**1c. The FADO system shall not allow**

*the following to access the system:*

*(a) third countries*

*(b) international organisations*

*(c) third parties of any other nature, such as airlines*

*(d) the general public*

*If restricted access to the FADO system is granted to any actor other than Member States' authorities responsible for border control, the Commission shall provide that access by means of a delegated act.*

Or. es

**Amendment 57**

**Saskia Bricmont**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 80 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 80 a*

*Categories of documents and data contained in FADO*

*1. FADO shall include the following:*

*(a) information, including images, on genuine documents and their security features;*

*(b) information, including images on false, forged, counterfeit or pseudo documents and their fraud characteristics;*

*(c) summary information on forgery techniques;*

*(d) summary information on the security features of the genuine documents;*

*(e) statistics on detected false documents;*

*(f) recommendations on effective ways of detecting specific methods of forgery.*

*FADO may also contain handbooks, contact lists and information on valid travel documents and their recognition by Member States, as well as other useful related information.*

*FADO may contain personal data only in as much as it appears on specimen and falsified documents. Member States shall ensure that individuals whose personal data is used on specimen documents have volunteered for this, including for the processing of their personal data in FADO. It shall not be possible to identify a person from the personal data without additional information or to search personal data in FADO. Personal data shall be processed in accordance with point (a) of Article 5(1) of Regulation (EU) 2018/1725.*

*2. Member States shall transmit without delay the data on genuine and false documents that they control to the European Border and Coast Guard Agency ('the Agency').*

Or. en

#### *Justification*

*The processing cannot be based on consent, otherwise the person would have the right to withdraw it, and specimens would have to be deleted. We should avoid data "ownership" / "possession". "Control" is the technical term in data protection law.*

#### **Amendment 58**

**Marina Kaljurand, Petar Vitanov, Sylwia Spurek, Sylvie Guillaume, Birgit Sippel**

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

#### **Article 80 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 80 a*

*Scope*

*FADO shall contain information on genuine travel, identity, residence and*

*civil status documents, driving licenses, vehicle licenses issued by Member States and falsified versions of such documents in their possession, and may also contain other related official documents that are used when applying for travel, residence or identity documents issued by Member States, and where applicable, by third countries, territorial entities, international organisations and other entities subject to international law, and information on falsifications thereof.*

Or. en

#### *Justification*

*There are too many possible documents that Member States have in their possession which might be a source document or feeder document for the issuing of travel, residence or identity documents. Member States should be able to provide source or feeder documents to FADO, but should not be obliged to do so.*

#### **Amendment 59** **Paulo Rangel**

#### **Proposal for a regulation** **Article 80 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 80 a*

***Processing of personal data by the Agency***

***The Agency shall apply Regulation (EU) 2018/1725 when processing personal data.***

***Personal data shall be uploaded to FADO only to the extent that they are strictly necessary to describe or illustrate the method of falsification.***

***The Agency shall ensure that personal data is minimised in line with the purpose of FADO.***

Or. en

**Amendment 60**

**Jorge Buxadé Villalba, Nicola Procaccini, Robert Roos**

**Proposal for a regulation**

**Article 80 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 80 a**

**Scope**

***FADO shall contain information on genuine travel, identity, residence and civil status documents, driving licenses, vehicle licenses and other related official documents issued by Member States, third countries, territorial entities, international organisations and other entities subject to international law, and on falsifications thereof.***

Or. en

**Amendment 61**

**Marina Kaljurand, Petar Vitanov, Sylwia Spurek, Sylvie Guillaume, Birgit Sippel**

**Proposal for a regulation**

**Article 80 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 80 b**

***Categories of documents and data contained in FADO***

***1. FADO shall include the following:***

***(a) information, including images, on genuine documents and their security features;***

***(b) information, including images on false, forged, counterfeit or pseudo documents and their fraud characteristics;***

***(c) summary information on forgery techniques;***

*(d) summary information on the security features of the genuine documents;*

*(e) statistics on detected false documents;*

*(f) recommendations on effective ways of detecting specific methods of forgery.*

*FADO may also contain handbooks, contact lists and information on valid travel documents and their recognition by Member States, as well as other useful related information.*

*FADO shall not contain personal data, except for facial images in so far as the security features of a document cannot be separated from those facial images, or where the false, forged, counterfeit or pseudo document imitates security features that cannot be separated from a facial image. No alphanumeric personal data shall be stored in FADO. Member States shall ensure that individuals whose personal data is contained in specimen documents have given their consent, including for processing of their personal data in FADO.*

*2. Member States shall transmit the data on genuine and fraudulent travel, identity, residence and civil status documents, driving licenses and vehicle licenses that they possess to the European Border and Coast Guard Agency ('the Agency'). Member States may also transmit to the Agency data on other genuine official documents that are used when applying for travel, residence or identity documents issued by Member States or falsifications of any of those documents.*

Or. en

#### *Justification*

*As the need to store personal data is limited to facial images linked to security features on the documents, the FADO system should store only that type of personal data. There are too many possible documents that Member States have in their possession which might be a source document or feeder document for the issuing of travel, residence or identity documents. Member States should be able to provide such documents to FADO, but should*

*not be obliged to do so.*

**Amendment 62**

**Saskia Bricmont**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 80 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 80 b**

***FADO architecture and access to the system***

***The FADO architecture shall enable:***

***(a) designated document experts of the Member States' authorities competent in the area of document fraud, such as border police and other law enforcement authorities, to access the system in an unrestricted manner;***

***(b) Member States' authorities that do not require detailed information regarding the security features and falsification of documents to access the system in a restricted manner;***

***(c) third parties, such as Union institutions, bodies, offices and agencies, to access the system in a restricted manner where and insofar as they require access to information regarding the security features and falsification of documents;***

***(d) third parties, such as third countries or international organisations that do not require detailed information regarding the security features and falsification of documents to access the system in a restricted manner but shall not grant them access to any personal data that are not subject to the voluntary agreement of the individual concerned;***

***(e) third parties, such as airlines, that do not require detailed information***

*regarding the security features and falsification of documents to access the system in a restricted manner but shall not grant them access to any personal data;*

*(f) the public to access the system in a restricted manner for specimen documents but shall not grant it access to personal data that are not subject to the consent of the individual concerned; the public shall only be provided with access to public information on security features.*

Or. en

*Justification*

*Airlines and other private entities should have more limited access than third countries or international organisations.*

**Amendment 63**

**Jorge Buxadé Villalba, Robert Roos, Nicola Procaccini**

**Proposal for a regulation**

**Article 80 b (new)**

*Text proposed by the Commission*

*Amendment*

*Article 80 b*

*FADO architecture*

*FADO architecture shall enable different levels of access to the system for competent authorities of the Member States such as border police, other law enforcement authorities, or other third parties in accordance with Article (X), as well as public access.*

Or. en

*Justification*

*Article (X) stands for the Article laying down implementing measures.*

**Amendment 64**  
**Paulo Rangel**

**Proposal for a regulation**  
**Article 80 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 80 b**

***Entry into force and implementation***

***This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.***

***It shall apply from ... [two years after the entry into force of this Regulation].***

Or. en

**Amendment 65**  
**Marina Kaljurand, Petar Vitanov, Sylwia Spurek, Sylvie Guillaume, Evin Incir**

**Proposal for a regulation**  
**Article 80 c (new)**

*Text proposed by the Commission*

*Amendment*

**Article 80 c**

***Responsibilities of the Agency***

***1. The Agency shall be responsible for establishing FADO in accordance with this Regulation. The Agency shall ensure the functioning of FADO 24 hours a day, 7 days a week and provide for its maintenance and updating.***

***2. The Agency shall provide the Member States' competent authorities with near real-time assistance in the detection and identification of falsified documents.***

***3. The Agency shall be responsible for uploading the information received from the Member States in a timely and efficient manner in order to guarantee the uniformity and quality of the data while***

*ensuring the respect for the principle of data minimisation provided for in point (c) of Article 4(1) of Regulation (EU) 2018/1725.*

*4. The Agency shall be responsible for uploading information on documents from third countries, territorial entities, international organisations and other entities subject to international law, and information on falsifications thereof.*

Or. en

#### *Justification*

*It is not clear what actions the Agency would have to take to fulfil an obligation to “gather” documents from third countries, territorial entities and international organisations. The uploading of available information on such documents is logical but requiring the Agency to gather such information is beyond the scope of this Regulation.*

#### **Amendment 66**

**Saskia Bricmont**

on behalf of the Verts/ALE Group

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

**Article 80 c (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 80 c*

*Processing of personal data by the Agency*

*The Agency shall apply Regulation (EU) 2018/1725 when processing personal data.*

*The Agency shall only upload personal data to the extent that they are strictly necessary to describe or illustrate the security features or method of falsification. The Agency shall ensure that such data are adequately anonymised to the extent that is possible in a way that prevents the identification of any individual through FADO without additional data. The identification of any individual through FADO shall be prohibited.*

***Third parties that have access to FADO shall enter into a binding and enforceable agreement with the Agency to not use FADO for the identification of individuals whose personal data is in FADO, pursuant to Article point (a) of 48(2) of Regulation (EU) 2018/1725.***

Or. en

*Justification*

*Aligned with the Regulation on Data Protection in EU Institutions and Agencies, also to ensure the safeguards from Article 48 apply.*

**Amendment 67**

**Jorge Buxadé Villalba, Nicola Procaccini, Robert Roos**

**Proposal for a regulation**

**Article 80 c (new)**

*Text proposed by the Commission*

*Amendment*

***Article 80 c***

***Implementing measures***

***The Commission shall adopt, taking into account the sensitivity of the documents concerned, implementing acts in order to establish:***

***(a) the technical specifications for entering information into, and storing it in, FADO according to high standards;***

***(b) the procedures for controlling and verifying the information contained in FADO;***

***(c) measures granting different levels of restricted access to FADO to third parties such as airlines, Union institutions, bodies, offices and agencies, third countries or international organisations.***

***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article X(X).***

*Justification*

*Article X (X) stands for the second paragraph of the Article laying down the committee procedure.*

**Amendment 68****Marina Kaljurand, Petar Vitanov, Sylwia Spurek, Sylvie Guillaume, Evin Incir****Proposal for a regulation****Article 80 d (new)***Text proposed by the Commission**Amendment****Article 80 d******FADO architecture and access to the system******The FADO architecture shall enable:******(a) document experts of the Member States' authorities competent in the area of document fraud, such as border police and other law enforcement authorities, to access the system in an unrestricted manner;******(b) Member States' authorities and third parties, such as Union institutions, bodies, offices and agencies, to access the system in a restricted manner where they require access to limited information regarding the security features and falsification of documents;******(c) third parties, such as airlines, third countries or international organisations that do not require detailed information regarding the security features and falsification of documents to access the system in a restricted manner, but shall not grant them access to any personal data that are not subject to the consent of the individual concerned;******(d) the public to access the system in a restricted manner for specimen documents but shall not grant it access to personal data that are not subject to the***

***consent of the individual concerned; the public shall only be provided with access to public information on security features.***

Or. en

*Justification*

*If access is not unrestricted, then there is a limitation on the amount of information provided to this user. In such cases, the user will need some information on security features but not all information as per the category of user in (a). There appears to be no clear difference between categories (b) and (c) in the draft report, they could therefore be merged for legislative efficiency.*

**Amendment 69**

**Saskia Bricmont**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 80 d (new)**

*Text proposed by the Commission*

*Amendment*

***Article 80 d***

***Repeal and transitional provisions***

***1. Joint Action 98/700/JHA is repealed with effect from the date of the effective implementation of the system by the European Border and Coast Guard Agency, to be determined by means of an implementing act adopted in accordance with the examination procedure referred to in Article 80i(2).***

***2. The General Secretariat of the Council shall transmit the current FADO data on genuine and false documents into the system.***

Or. en

*Justification*

*"Shall agree" is a contradictory formulation. Once the Regulation is in force, the transmission will take place on its basis, no further agreement should be necessary.*

**Amendment 70**

**Jorge Buxadé Villalba, Nicola Procaccini, Robert Roos**

**Proposal for a regulation**

**Article 80 d (new)**

*Text proposed by the Commission*

*Amendment*

**Article 80 d**

**Committee procedure**

**1. The Commission shall be assisted by the committee established by Council Regulation (EC) 1683/95<sup>1a</sup>. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.**

**2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.**

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**<sup>1a</sup> Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995).**

Or. en

**Amendment 71**

**Marina Kaljurand, Petar Vitanov, Sylwia Spurek, Sylvie Guillaume, Birgit Sippel**

**Proposal for a regulation**

**Article 80 e (new)**

*Text proposed by the Commission*

*Amendment*

**Article 80 e**

**Processing of personal data by the Agency**

**The Agency shall apply Regulation (EU) 2018/1725 when processing personal data.**

**In accordance with Article 80b, the Agency shall upload personal data, in the form of facial images, only to the extent that those images are strictly necessary to describe or illustrate the security feature or the method of falsification.**

*Justification*

*In line with the changes proposed in Article 80b, only facial images should be uploaded in FADO. A facial image cannot be anonymised.*

**Amendment 72**

**Marina Kaljurand, Petar Vitanov, Sylwia Spurek, Sylvie Guillaume**

**Proposal for a regulation**

**Article 80 f (new)**

*Text proposed by the Commission*

*Amendment*

**Article 80 f**

***Delegated and implementing acts***

***1. The Commission shall adopt delegated acts in accordance with Article 80g acts concerning:***

***(a) the establishment of measures granting access to FADO to Member States' authorities competent in the area of document fraud;***

***(b) the establishment of measures granting restricted access to FADO to third parties such as airlines, Union institutions, bodies, offices and agencies, third countries or international organisations.***

***2. The Commission shall adopt implementing acts in accordance with Article X concerning the establishment of:***

***(a) the technical specifications for entering and storing information into the system;***

***(b) the procedures for controlling and verifying the information contained in the system;***

***(c) the determination of the date of the effective implementation of FADO by the Agency.***

***Those implementing acts shall be adopted in accordance with the examination***

*procedure referred to in Article X.*

Or. en

*Justification*

*The elements listed in paragraph 2(a) and (b) are supplementary non-essential elements of the legislation in accordance with Article 290 TFEU. On the contrary, the elements listed in paragraph 1(a), (b) and (c) require uniform conditions for implementation of the Regulation in accordance with Article 291 TFEU.*

**Amendment 73**

**Marina Kaljurand, Petar Vitanov, Sylwia Spurek, Sylvie Guillaume**

**Proposal for a regulation**

**Article 80 g (new)**

*Text proposed by the Commission*

*Amendment*

**Article 80 g**

***Exercise of delegation***

***1. The power to adopt delegated acts is conferred on to the Commission subject to the conditions laid down in this Article.***

***2. The power to adopt delegated acts referred to in Article 80f(1) shall be conferred on the Commission for an indeterminate period of time from ... [date of entry into force of this Regulation].***

***3. The delegation of power referred to in Article 80f(1) 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.***

***4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in***

*accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.*

*5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

*6. A delegated act adopted pursuant to Article 80f(1) 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 to 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