AMENDMENTS
38 - 96

Draft report
Jeroen Lenaers
(PE643.218v01-00)

Establishing the conditions for accessing the other EU information systems and amending Regulation (EU) 2018/1862 and Regulation (EU) 2018/xxx [ECRIS-TCN]

Proposal for a regulation
Amendment 38
Cornelia Ernst

Draft legislative resolution
Paragraph 1

<table>
<thead>
<tr>
<th>Draft legislative resolution</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>Adopts its position at first reading</strong> hereinafter set out;</td>
<td>1. <strong>Rejects the Commission proposal</strong>;</td>
</tr>
</tbody>
</table>

Or. en

Amendment 39
Patrick Breyer
on behalf of the Verts/ALE Group

Draft legislative resolution
Paragraph 1

<table>
<thead>
<tr>
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<th>Amendment</th>
</tr>
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<tr>
<td>1. <strong>Adopts its position at first reading</strong> hereinafter set out;</td>
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</tr>
</tbody>
</table>

Or. en

Amendment 40
Dragoș Tudorache, Ramona Strugariu, Michal Šimečka, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík

Proposal for a regulation
Recital 6

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(6) For efficiency reasons and in order to decrease costs, ETIAS should, as provided for in Article 6(3) of Regulation (EU) 2018/1240, re-use hardware and software components developed for the Entry/Exit System (‘EES’) for the development of the shared identity repository. This repository used for the storage of the identity alphanumeric data of both ETIAS applicants and third-country</td>
<td>(6) For efficiency reasons and in order to decrease costs, ETIAS should, as provided for in Article 6(3) of Regulation (EU) 2018/1240, re-use hardware and software components developed for the Entry/Exit System (‘EES’) for the development of the shared identity repository. This repository used for the storage of the identity alphanumeric data of both ETIAS applicants and third-country</td>
</tr>
</tbody>
</table>
nationals registered in the EES, should be developed in a way enabling its extension to become the future Common Identity Repository. In the same spirit, the tool to be established to enable ETIAS to compare its data with the ones of every other system consulted through a single query should be developed in a way enabling its evolution to become the future European Search Portal.

Amendment 41
Dragoş Tudorache, Ramona Strugariu, Michal Šimečka, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

(6 a) The European Search Portal (ESP), established by Regulation (EU) 2019/817 of the European Parliament and of the Council will enable competent authorities to simultaneously query the underlying systems and the combined results will be displayed on a single screen.

Amendment

Or. en

Amendment 42
Jorge Buxadé Villalba

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) It is necessary, for the purposes of ensuring the full attainment of ETIAS objectives, as well as to further the Schengen Information System (‘SIS’) objectives, to include in the scope of the

Amendment

(8) It is necessary, for the purposes of ensuring the full attainment of ETIAS objectives, as well as to further the Schengen Information System (‘SIS’) objectives, to include in the scope of the
automated verifications a new alert category introduced by the recent revision of SIS, namely the alert on persons subject to inquiry checks.

automated verifications new alert categories introduced by the recent revision of SIS, namely the alert on persons subject to inquiry checks and the alert on illegal migrants subject to a return decision.

Amendment 43
Fabienne Keller

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

(9a) Information on the same third-country national may have been stored at different time intervals and may therefore be of differing nature or quality. It is important that the ETIAS Central Unit and the ETIAS National Units study this data simultaneously, not separately, when it is requested. In particular, it is important that the units take account of this data, or the absence of such data, in the event of an ECRIS-TCN alert.

Or. fr

Amendment 44
Petar Vitanov, Maria Grapini, Isabel Santos

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) In accordance with Regulation (EU) 2018/xxxx of the European Parliament and of the Council and in line with the intention expressed in Regulation (EU) 2018/1240, ETIAS should be able to verify if correspondences exist between data in the
ETIAS application files and the European Criminal Records Information System – Third Country Nationals (‘ECRIS-TCN’) data in the Common Identity Repository (‘CIR’) as regards which Member States hold conviction information on third-country nationals and stateless persons for a terrorist offence or other serious criminal offence.


Amendment 45
Dragoş Tudorache, Ramona Strugariu, Michal Šimečka, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) According to Article 73 of Regulation (EU) 2018/1240, the European agency for the operational management of large-scale information systems in the area of freedom, security and justice (‘eu-LISA’), established by Regulation (EU) 2018/1726 of the European Parliament and of the Council30, should be responsible for the design and development phase of the ETIAS Information System.

Amendment

(12) According to Article 73 of Regulation (EU) 2018/1240, the European agency for the operational management of large-scale information systems in the area of freedom, security and justice (‘eu-LISA’), established by Regulation (EU) 2018/1726 of the European Parliament and of the Council30, should be responsible for the design and technical development phase of the ETIAS Information System.

Amendment 46
Cornelia Ernst

Proposal for a regulation
Article 1 – paragraph 3
Regulation (EU) 2018/1862
Article 50(a)

Text proposed by the Commission

I. The ETIAS Central Unit, established within the European Border and Coast Guard Agency in accordance with Article 7 of Regulation (EU) 2018/1240, shall have, for the purpose of performing its tasks conferred on it by Regulation (EU) 2018/1240, the right to access and search relevant data entered in SIS. Article 50(4) to (8) of this Regulation shall apply to this access and search.

Amendment

deleted

(This Amendment, deleting direct temporary access of Central or National Units to Systems for which originally this access is not foreseen, applies on all relevant parts of the proposal.)

Or. en

Amendment 47
Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 1 – paragraph 3
Regulation (EU) 2018/1862
Article 50(a)

Text proposed by the Commission

1. The ETIAS Central Unit, established within the European Border and Coast Guard Agency in accordance with Article 7 of Regulation (EU) 2018/1240, shall have, for the purpose of performing its tasks conferred on it by Regulation (EU) 2018/1240, the right to access and search relevant data entered in SIS. Article 50(4) to (8) of this Regulation shall apply to this access and search.

Amendment

1. The ETIAS Central Unit, established within the European Border and Coast Guard Agency in accordance with Article 7 of Regulation (EU) 2018/1240, shall have, for the purpose of performing its tasks conferred on it by Regulation (EU) 2018/1240, in a read-only format, the right to access and search relevant data entered in SIS. Article 50(4) to (8) of this Regulation shall apply to this access and search.

Or. en

Amendment 48
Petar Vitanov, Maria Grapini, Isabel Santos

Proposal for a regulation
Article 1 – paragraph 3
Regulation (EU) 2018/1862
Article 50a

Text proposed by the Commission

1. The ETIAS Central Unit, established within the European Border and Coast Guard Agency in accordance with Article 7 of Regulation (EU) 2018/1240, shall have, for the purpose of performing its tasks conferred on it by Regulation (EU) 2018/1240, the right to access and search relevant data entered in SIS. Article 50(4) to (8) of this Regulation shall apply to this access and search.

Amendment

1. The ETIAS Central Unit, established within the European Border and Coast Guard Agency in accordance with Article 7 of Regulation (EU) 2018/1240, shall have, for the purpose of performing its tasks conferred on it by Regulation (EU) 2018/1240, on read-only format, the right to access and search relevant data entered in SIS. Article 50(4) to (8) of this Regulation shall apply to this access and search.

Or. en

Amendment 49
Dragoș Tudorache, Ramona Strugariu, Michal Šimečka, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík
1. From the start of operations of ETIAS, as provided for in Article 88(1) of Regulation (EU) 2018/1240, the Central System of SIS shall be connected to the tool referred to in Article 11 of Regulation (EU) 2018/1240 to enable the automated processing referred to in that Article.

3. For the purpose of verifications referred to in Article 20(2)(a), (d) and (m)(i) and Article 23 of Regulation (EU) 2018/1240, the ETIAS Central System shall use the tool referred to in Article 11 of that Regulation to compare the data referred to in Article 11(5) Regulation 2018/1240 to data in SIS, in accordance with Article 11(8) of that Regulation.
Article 1 – point d

Text proposed by the Commission

the conditions under which data included in the ECRIS-TCN system may be used for the purpose of border management in accordance with Regulation (EU) 2018/1240 of the European Parliament and of the Council*. The data kept in the criminal records of the Member States, and thus in the ECRIS-TCN, shall not be modified or extended on the basis of assisting with this objective or of other EU Information Systems.

Amendment

the conditions under which data of third country nationals or stateless persons included in the ECRIS-TCN system may be used for supporting the objectives of Regulation (EU) 2018/1240 of the European Parliament and of the Council* as listed in its Article 4(a). The data kept in the criminal records of the Member States, and thus in the ECRIS-TCN, shall not be modified or extended on the basis of assisting with this objective or of other EU Information Systems.

Or. en

Amendment 52

Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Regulation (EU) 2019/816

Article 1 – point d

Text proposed by the Commission

the conditions under which data included in the ECRIS-TCN system may be used for the purpose of border management in accordance with Regulation (EU) 2018/1240 of the European Parliament and of the Council*.

Amendment

the conditions under which data of third country nationals or stateless persons included in the ECRIS-TCN system may be used for supporting the objectives of Regulation (EU) 2018/1240 of the European Parliament and of the Council* as listed in its Article 4(a). The data kept in the criminal records of the Member States, and thus in the ECRIS-TCN, shall not be modified or extended on the basis of assisting with this objective or of other EU Information Systems.

Or. en

Amendment 53
Jorge Buxadé Villalba

Proposal for a regulation
Article 2 – paragraph 1 – point 1
Regulation (EU) 2019/816
Article 1 – point d

Text proposed by the Commission
the conditions under which data included
in the ECRIS-TCN system may be used for
the purpose of border management in
accordance with Regulation (EU)
2018/1240 of the European Parliament and
of the Council*.

Amendment
the conditions under which data included
in the ECRIS-TCN system may be used for
the purpose of supporting the objectives
under Regulation (EU) 2018/1240 of the
European Parliament and of the Council, in
particular with assessing whether the
entry of the ETIAS applicants into the
Union would pose a security threat to
public policy, internal security or
international relations for any of the
Member States.

Or. en

Amendment 54
Dragoș Tudorache, Ramona Strugariu, Michal Šimečka, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík, Abir Al-Sahlani

Proposal for a regulation
Article 2 – paragraph 1 – point 1
Regulation (EU) 2019/816
Article 1 – point d

Text proposed by the Commission
the conditions under which data included
in the ECRIS-TCN system may be used for
the purpose of border management in
accordance with Regulation (EU)
2018/1240 of the European Parliament and
of the Council*.

Amendment
the conditions under which data included
in the ECRIS-TCN system may be used by
the ETIAS Central Unit for identifying an
application that might be security risk to
the Schengen area, for the purpose of
ETIAS, in accordance with Regulation
(EU) 2018/1240 of the European
Parliament and of the Council*.

Or. en

Amendment 55

AM\1214742EN.docx 11/35 PE658.804v01-00
Petar Vitanov, Maria Grapini, Isabel Santos

Proposal for a regulation
Article 2 – paragraph 1 – point 1
Regulation (EU) 2019/816
Article 1 – point d

Text proposed by the Commission

the conditions under which data included in the ECRIS-TCN system may be used for the purpose of border management in accordance with Regulation (EU) 2018/1240 of the European Parliament and of the Council*.

Amendment

the conditions under which data of third country nationals or stateless persons included in the ECRIS-TCN system may be used for supporting the objectives of Article 4(a) of Regulation (EU) 2018/1240 of the European Parliament and of the Council*.

Or. en

Amendment 56
Jorge Buxadé Villalba

Proposal for a regulation
Article 2 – paragraph 1 – point 2
Regulation (EU) 2019/816
Article 2 – paragraph 1

Text proposed by the Commission

This Regulation applies to the processing of identity information of third country nationals who have been subject to convictions in the Member States for the purpose of identifying the Member State(s) where such convictions were handed down, as well as for the purposes of border management [and contributing to facilitating and assisting in the correct identification of persons].

Amendment

This Regulation applies to the processing of identity information of third country nationals who have been subject to convictions in the Member States for the purpose of identifying the Member State(s) where such convictions were handed down, as well as for the purposes of facilitating and assisting in the correct identification of persons in accordance with this Regulation and with Regulation (EU) 2019/818. This Regulation also supports the ETIAS objectives of identifying whether the presence of ETIAS applicants in the territory of the Member States would pose a security threat to public policy, internal security or international relations for any of the Member States.

Or. en
Amendment 57
Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 2 – paragraph 1 – point 2
Regulation (EU) 2019/816
Article 2 – paragraph 1

Text proposed by the Commission

This Regulation applies to the processing of identity information of third country nationals who have been subject to convictions in the Member States for the purpose of identifying the Member State(s) where such convictions were handed down, as well as for the purposes of border management [and contributing to facilitating and assisting in the correct identification of persons].

Amendment

This Regulation applies to the processing of identity information of third country nationals who have been subject to convictions in the Member States as stated in the Annex to Regulation (EU) 2018/1240 of the European Parliament and of the Council for the purpose of identifying the Member State(s) where such convictions were handed down in the previous 20 or 10 years depending on their nature, as well as for the purposes of that Regulation as listed in its Article 4(a).

Or. en

Amendment 58
Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 1 – point 2
Regulation (EU) 2019/816
Article 2 – paragraph 1

Text proposed by the Commission

This Regulation applies to the processing of identity information of third country nationals who have been subject to convictions in the Member States for the purpose of identifying the Member State(s) where such convictions were handed down, as well as for the purposes of border management [and contributing to facilitating and assisting in the correct identification of persons].

Amendment

This Regulation applies to the purpose of identifying the Member State(s) where convictions as stated in the Annex to Regulation (EU) 2018/1240 of the European Parliament and of the Council were handed down in the previous 20 or 10 years depending on their nature, as well as for the purposes of that Regulation as listed in its Article 4(a).
Amendment 59
Dragoș Tudorache, Ramona Strugariu, Michal Šimečka, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík, Abir Al-Sahlani

Proposal for a regulation
Article 2 – paragraph 1 – point 2
Regulation (EU) 2019/816
Article 2 – paragraph 1

Text proposed by the Commission

This Regulation applies to the processing of identity information of third country nationals who have been subject to convictions in the Member States for the purpose of identifying the Member State(s) where such convictions were handed down, as well as for the purposes of border management [and contributing to facilitating and assisting in the correct identification of persons].

Amendment

This Regulation applies to the processing of identity information of third country nationals who have been subject to convictions in the Member States for the purpose of identifying the Member State(s) where such convictions were handed down, and contributing to facilitating and assisting in the correct identification of persons that pose a security risk.

Amendment 60
Petar Vitanov, Maria Grapini, Isabel Santos

Proposal for a regulation
Article 2 – paragraph 1 – point 2
Regulation (EU) 2019/816
Article 2 – paragraph 1

Text proposed by the Commission

This Regulation applies to the processing of identity information of third country nationals who have been subject to convictions in the Member States for the purpose of identifying the Member State(s) where such convictions were handed down, as well as for the purposes of border management [and contributing to facilitating and assisting in the correct identification of persons].

Amendment

This Regulation applies to the processing of identity information of third country nationals who have been subject to convictions in the Member States for the purpose of identifying the Member State(s) where such convictions were handed down, as well as for the purposes of Article 4(a) of Regulation (EU) 2018/1240 of the European Parliament and of the Council*. 
Amendment 61
Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 2 – paragraph 1 – point 2
Regulation (EU) 2019/816
Article 2 – paragraph 2

Text proposed by the Commission
With the exception of point (ii) of Article 5(1)(b), the provisions of this Regulation that apply to third country nationals also apply to citizens of the Union who also hold a nationality of a third country and who have been subject to convictions in the Member States.;

Amendment
With the exception of provisions relating to supporting the purposes of Regulation (EU) 2018/1240 and point (ii) of Article 5(1)(b), the provisions of this Regulation that apply to third country nationals also apply to citizens of the Union who also hold a nationality of a third country and who have been subject to convictions in the Member States.;

Or. en

Amendment 62
Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 1 – point 2
Regulation (EU) 2019/816
Article 2 – paragraph 2

Text proposed by the Commission
With the exception of point (ii) of Article 5(1)(b), the provisions of this Regulation that apply to third country nationals also apply to citizens of the Union who also hold a nationality of a third country and who have been subject to convictions in the Member States.;

Amendment
With the exception of provisions relating to supporting the purposes of Regulation (EU) 2018/1240 and point (ii) of Article 5(1)(b), the provisions of this Regulation that apply to third country nationals also apply to citizens of the Union who also hold a nationality of a third country and who have been subject to convictions in the Member States.;

Or. en
Amendment 63
Petar Vitanov, Maria Grapini, Isabel Santos

Proposal for a regulation
Article 2 – paragraph 1 – point 2
Regulation (EU) 2019/816
Article 2 – paragraph 2

Text proposed by the Commission

With the exception of point (ii) of Article 5(1)(b), the provisions of this Regulation that apply to third country nationals also apply to citizens of the Union who also hold a nationality of a third country and who have been subject to convictions in the Member States;

Amendment

With the exception of provisions related to Article 4(a) of Regulation (EU) 2018/1240 and point (ii) of Article 5(1)(b), the provisions of this Regulation that apply to third country nationals also apply to citizens of the Union who also hold a nationality of a third country and who have been subject to convictions in the Member States;

Or. en

Amendment 64
Petar Vitanov, Maria Grapini, Isabel Santos

Proposal for a regulation
Article 2 – paragraph 1 – point 2
Regulation (EU) 2019/816
Article 2 – paragraph 2a (new)

Text proposed by the Commission

The provisions relating to fulfilling the objectives of Article 4(a) of Regulation (EU) 2018/1240 shall not further modify or extend the data of third country nationals and stateless persons and the modalities of data processing prescribed in this Regulation.

Amendment

The provisions relating to fulfilling the objectives of Article 4(a) of Regulation (EU) 2018/1240 shall not further modify or extend the data of third country nationals and stateless persons and the modalities of data processing prescribed in this Regulation.

Or. en

Amendment 65
Petar Vitanov, Maria Grapini, Isabel Santos
Proposal for a regulation
Article 2 – paragraph 1 – point 3 – point a – introductory part

Text proposed by the Commission
(a) point (f) is replaced by the following:

Amendment
(a) point (6) is replaced by the following:

Or. en

Amendment 66
Petar Vitanov, Maria Grapini, Isabel Santos

Proposal for a regulation
Article 2 – paragraph 1 – point 3 – point a
Regulation (EU) 2019/816
Article 3 – point (f)

Text proposed by the Commission
(f) 'competent authorities' means the central authorities and the Union bodies (Eurojust, Europol, the European Public Prosecutor's Office, the ETIAS Central Unit established within the European Border and Coast Guard Agency) competent to access or query the ECRIS-TCN system in accordance with this Regulation;

Amendment
(f) (6) 'competent authorities' means the central authorities and Eurojust, Europol, the European Public Prosecutor's Office, and the ETIAS Central Unit established within the European Border and Coast Guard Agency, competent to access or query the ECRIS-TCN system in accordance with this Regulation;

Or. en

Amendment 67
Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 1 – point 3 – point b
Regulation (EU) 2019/816
Article 3 – point t and u

Text proposed by the Commission
(b) the following points are added: deleted

‘(t) 'terrorist offence' means an offence which corresponds or is equivalent to one
of the offences referred to in Directive
(EU) 2017/541 of the European
Parliament and of the Council*;

(u) 'serious criminal offence' means an
offence which corresponds or is
equivalent to one of the offences referred
to in Article 2(2) of Council Framework
Decision 2002/584/JHA**, if it is
punishable under national law by a
custodial sentence or a detention order for
a maximum period of at least three years.

* Directive (EU) 2017/541 of the
European Parliament and of the Council
of 15 March 2017 on combating terrorism
and replacing Council Framework
Decision 2002/475/JHA and amending
88, 31.3.2017, p. 6)

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

Amendment 68
Petar Vitanov, Maria Grapini, Isabel Santos

Proposal for a regulation
Article 2 – paragraph 1 – point 3 – point b
Regulation (EU) 2019/816
Article 3 – point t

Text proposed by the Commission Amendment
(t) ‘terrorist offence' means an deleted
offence which corresponds or is
equivalent to one of the offences referred
to in Directive (EU) 2017/541 of the
European Parliament and of the
Council*;
Amendment 69
Petar Vitanov, Maria Grapini, Isabel Santos

Proposal for a regulation
Article 2 – paragraph 1 – point 3 – point b
Regulation (EU) 2019/816
Article 3 – point u

Text proposed by the Commission

(u) 'serious criminal offence' means an offence which corresponds or is equivalent to one of the offences referred to in Article 2(2) of Council Framework Decision 2002/584/JHA**, if it is punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years.

Amendment

deleted

Or. en

Amendment 70
Petar Vitanov, Maria Grapini, Isabel Santos

Proposal for a regulation
Article 2 – paragraph 1 – point 4 – point a
Regulation (EU) 2019/816
Article 5 – paragraph 1 – point c

Text proposed by the Commission

(c) where applicable, a flag indicating that the person concerned has been convicted for a terrorist offence or other serious criminal offence, and in those cases the code of the convicting Member State(s);

Amendment

(c) where applicable, a flag indicating that the person concerned has been convicted for a terrorist offence over the previous 20 years or other serious criminal offence as listed in the Annex to Regulation (EU) 2018/1240 over the previous 10 years, where those criminal offences are punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years, and in those cases the code of the convicting Member State(s);

Or. en
Justification

As per Article 17(4)(a) and the Annex of Regulation 2018/1240 (ETIAS)

Amendment 71
Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 2 – paragraph 1 – point 4 – point a
Regulation (EU) 2019/816
Article 5 – paragraph 1 – point c

Text proposed by the Commission

(c) where applicable, a flag indicating that the person concerned has been convicted for a terrorist offence or other serious criminal offence, and in those cases the code of the convicting Member State(s).;

Amendment

(c) where applicable, a flag indicating that the person concerned has been convicted for a terrorist offence over the previous 20 years or for another serious criminal offence over the previous 10 years, if this is punishable under national law by a custodial sentence or a detention order of a maximum period of at least three years, as listed in the Annex to Regulation (EU) 2018/1240 (ETIAS), and in those cases the code of the convicting Member State(s).;

Or. en

Amendment 72
Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 1 – point 4 – point a
Regulation (EU) 2019/816
Article 5 – paragraph 1 – point c

Text proposed by the Commission

(c) where applicable, a flag indicating that the person concerned has been convicted for a terrorist offence or other serious criminal offence, and in those cases the code of the convicting Member State(s).;

Amendment

(c) where applicable, a flag indicating that the person concerned has been convicted for a terrorist offence over the previous 20 years or, over the previous 10 years, for another serious criminal offence if this is punishable under national law by a custodial sentence or a detention order
of a maximum period of at least three years, as listed in the Annex to Regulation (EU) 2018/1240 (ETIAS), and in those cases the code of the convicting Member State(s);

Justification

Following the logic of the Annex of the ETIAS Regulation, which provides for time limitation for the relevance of the data relating to convictions, and as Member States do not have a harmonised system on data retention periods of their national criminal registers, it is essential to provide that the criminal offences checked correspond to those requested in the Annex and that the corresponding time limitation is ensured.

Amendment 73
Dragoș Tudorache, Ramona Strugariu, Michal Šimečka, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík, Abir Al-Sahlani

Proposal for a regulation
Article 2 – paragraph 1 – point 4 – point a
Regulation (EU) 2019/816
Article 5 – paragraph 1 – point c

(c) where applicable, a flag indicating that the person concerned has been convicted for a terrorist offence or any other serious criminal offence as specified in the Annex to Regulation (EU) 2018/1240 punishable under national law with a detention sentence of at least three years and in those cases the code of the convicting Member State(s);

Amendment 74
Petar Vitanov, Maria Grapini, Isabel Santos

Proposal for a regulation
Article 2 – paragraph 1 – point 4 – point a
Regulation (EU) 2019/816
Article 5 – paragraph 1 – point ca (new)
Text proposed by the Commission

(c a) flags and the code of the convicting Member State(s) as referred to in point (c) of paragraph 1 shall not be visible to any authority other than the central authority of the convicting Member State that created the flagged record.

Or. en

Amendment 75
Petar Vitanov, Maria Grapini, Isabel Santos

Proposal for a regulation
Article 2 – paragraph 1 – point 4 – point b
Regulation (EU) 2019/816
Article 5 – paragraph 1a

Text proposed by the Commission

1a. The CIR shall contain the data referred to in points (b) and (c) of paragraph 1 and in paragraph 2, as well as the following data referred to in point (a) of paragraph 1: surname (family name); first name(s) (given name(s)); date of birth; place of birth (town and country); nationality or nationalities; gender; the type and number of the person’s travel document(s), as well as the name of the issuing authority thereof; and where applicable previous names, pseudonyms(s) and/or alias name(s), as well as, in the cases referred to in point (c) of paragraph 1, the code of the convicting Member State. The remaining ECRIS-TCN data shall be stored in the ECRIS-TCN Central System.\[1a. The CIR shall contain the data referred to in points (b) and (c) of paragraph 1 and in paragraph 2, as well as the following data referred to in point (a) of paragraph 1: surname (family name); first name(s) (given name(s)); date of birth; place of birth (town and country); nationality or nationalities; gender; the type and number of the person’s travel document(s), as well as the name of the issuing authority thereof; and where applicable previous names, \textit{if applicable}, pseudonyms(s) and/or alias name(s), where available, the type and number of the person’s travel documents or identification documents, the name of the issuing authority as well as, in the cases referred to in point (c) of paragraph 1, the code of the convicting Member State. The remaining ECRIS-TCN data shall be stored in the ECRIS-TCN Central System.\]

Or. en
Amendment 76
Petar Vitanov, Maria Grapini, Isabel Santos

Proposal for a regulation
Article 2 – paragraph 1 – point 5 – introductory part

Text proposed by the Commission  
(5) in Article 7, paragraph 5 is replaced by the following:

Amendment
(5) in Article 7, paragraph 7 is replaced by the following:

Or. en

Amendment 77
Jorge Buxadé Villalba

Proposal for a regulation
Article 2 – paragraph 1 – point 5
Regulation (EU) 2019/816
Article 7 – paragraph 5

Text proposed by the Commission  
5. In the event of a hit, the Central System [or the CIR] shall automatically provide the competent authority with information on the Member State(s) holding criminal record information on the third country national, along with the associated reference number(s) referred to in Article 5(1) and any corresponding identity information. Such identity information shall only be used for the purpose of verification of the identity of the third country national concerned. The result of a search in the Central System may only be used for the purpose of making a request according to Article 6 of Framework Decision 2009/315/JHA, a request referred to in Article 16(4) of this Regulation, or for the purposes of border management and facilitating and assisting in the correct identification of persons registered in the ECRIS-TCN system.

Amendment
5. In the event of a hit, the Central System [or the CIR] shall automatically provide the competent authority with information on the Member State(s) holding criminal record information on the third country national, along with the associated reference number(s) referred to in Article 5(1) and any corresponding identity information. Such identity information shall only be used for the purpose of verification of the identity of the third country national concerned. The result of a search in the Central System may only be used for the purpose of making a request according to Article 6 of Framework Decision 2009/315/JHA, a request referred to in Article 16(4) of this Regulation, for the purposes of facilitating and assisting in the correct identification of persons and for the purpose of supporting the objective under Regulation (EU) 2018/1240 of identifying whether the presence of ETIAS applicants in the territory of the Union would pose a security threat to public policy, internal...
security or international relations for any of its Member States.

Amendment 78
Dragoș Tudorache, Ramona Strugariu, Michal Šimečka, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík, Abir Al-Sahlani

Proposal for a regulation
Article 2 – paragraph 1 – point 5
Regulation (EU) 2019/816
Article 7 – paragraph 5

Text proposed by the Commission

5. In the event of a hit, the Central System [or the CIR] shall automatically provide the competent authority with information on the Member State(s) holding criminal record information on the third country national, along with the associated reference number(s) referred to in Article 5(1) and any corresponding identity information. Such identity information shall only be used for the purpose of verification of the identity of the third country national concerned. The result of a search in the Central System may only be used for the purpose of making a request according to Article 6 of Framework Decision 2009/315/JHA, a request referred to in Article 16(4) of this Regulation, or for the purposes of border management [and facilitating and assisting in the correct identification of persons registered in the ECRIS-TCN system].

Amendment

5. In the event of a hit, the Central System [or the CIR] shall automatically provide the competent authority with information on the Member State(s) holding criminal record information on the third country national, along with the associated reference number(s) referred to in Article 5(1) and any corresponding identity information. Such identity information shall only be used for the purpose of verification of the identity of the third country national concerned. The result of a search in the Central System may only be used for the purpose of making a request according to Article 6 of Framework Decision 2009/315/JHA, a request referred to in Article 16(4) of this Regulation and facilitating and assisting in the correct identification of persons registered in the ECRIS-TCN system].

Amendment 79
Petar Vitanov, Maria Grapini, Isabel Santos

Proposal for a regulation
Article 2 – paragraph 1 – point 5
Regulation (EU) 2019/816
Article 7 – paragraph 5

5. In the event of a hit, the Central System [or the CIR] shall automatically provide the competent authority with information on the Member State(s) holding criminal record information on the third country national, along with the associated reference number(s) referred to in Article 5(1) and any corresponding identity information. Such identity information shall only be used for the purpose of verification of the identity of the third country national concerned. The result of a search in the Central System may only be used for the purpose of making a request according to Article 6 of Framework Decision 2009/315/JHA, a request referred to in Article 16(4) of this Regulation, or for the purposes of supporting the objectives of Article 4(a) of Regulation (EU) 2018/1240 of the European Parliament and of the Council;

Or. en

Amendment 80
Sophia in 't Veld, Dragoș Tudorache

Proposal for a regulation
Article 2 – paragraph 1 – point 6
Regulation (EU) 2019/816
Article 7a – paragraph 1

1. The ETIAS Central Unit, established within the European Border and Coast Guard Agency in accordance with Article 7 of Regulation (EU) 2018/1240, shall have, for the purpose of performing its tasks conferred on it by Regulation (EU) 2018/1240, the right to access and search ECRIS-TCN data in the [CIR]. However, it shall only have access
to data records to which a flag has been added in accordance with Article 5(1)(c) of this Regulation. It shall not have access to data records of dual nationals.

Justification

Dual nationals by definition will not apply for an ETIAS authorisation as they are EU nationals and therefore enjoy free EU movement rights. It is not necessary to compare ETIAS authorisations with data records of dual nationals, as they will not generate a hit by default. This can be done by marking or blocking records data on dual nationals.

Amendment 81
Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 2 – paragraph 1 – point 6
Regulation (EU) 2019/816
Article 7a – paragraph 1

Text proposed by the Commission

1. The ETIAS Central Unit, established within the European Border and Coast Guard Agency in accordance with Article 7 of Regulation (EU) 2018/1240, shall have, for the purpose of performing its tasks conferred on it by Regulation (EU) 2018/1240, in a read-only format, the right to access and search ECRIS-TCN data in the [CIR]. However, it shall only have access to data records to which a flag has been added in accordance with Article 5(1)(c) of this Regulation.

Amendment

1. The ETIAS Central Unit, established within the European Border and Coast Guard Agency in accordance with Article 7 of Regulation (EU) 2018/1240, shall have, for the purpose of performing its tasks conferred on it by Regulation (EU) 2018/1240, in a read-only format, the right to access and search ECRIS-TCN data in the [CIR]. However, it shall only have access to data records to which a flag has been added in accordance with Article 5(1)(c) of this Regulation.

Amendment 82
Petar Vitanov, Maria Grapini, Isabel Santos

Proposal for a regulation
Article 2 – paragraph 1 – point 6
Regulation (EU) 2019/816
Article 7a – paragraph 1

Text proposed by the Commission

1. The ETIAS Central Unit, established within the European Border and Coast Guard Agency in accordance with Article 7 of Regulation (EU) 2018/1240, shall have, for the purpose of performing its tasks conferred on it by Regulation (EU) 2018/1240, the right to access and search ECRIS-TCN data in the [CIR]. However, it shall only have access to data records to which a flag has been added in accordance with Article 5(1)(c) of this Regulation.

Amendment

1. The ETIAS Central Unit, in accordance with Article 7 of Regulation (EU) 2018/1240, shall have, for the purpose of performing its tasks conferred on it by Regulation (EU) 2018/1240, on a read-only format, the right to access and search ECRIS-TCN data in the [CIR]. However, it shall only have access to data records to which a flag has been added in accordance with Article 5(1)(c) of this Regulation.

Or. en

Amendment 83
Petar Vitanov, Maria Grapini, Isabel Santos

Proposal for a regulation
Article 2 – paragraph 1 – point 7
Regulation (EU) 2019/816
Article 8 – paragraph 2

Text proposed by the Commission

2. Upon expiry of the retention period referred to in paragraph 1, the central authority of the convicting Member State shall erase the data record, including any fingerprints, facial images or flags as referred to in Article 5(1)(c), from the Central System [and the CIR]. In those cases where the data related to a conviction for a terrorist offence or other form of serious crime as referred to in Article 5(1)(c) are deleted from the national criminal record, but information on other convictions of the same person is retained, only the flag referred to in Article 5(1)(c) shall be removed from the data record. This erasure shall take place automatically, where possible, and in any event no later than one month after the expiry of the retention period.;

Amendment

2. Upon expiry of the retention period referred to in paragraph 1, the central authority of the convicting Member State shall erase the data record, including any fingerprints, facial images or flags as referred to in Article 5(1)(c), from the Central System [and the CIR]. In those cases where the data related to a conviction for a terrorist offence or other serious criminal offences as listed in the Annex to Regulation (EU) 2018/1240, are deleted from the national criminal record, but information on other convictions of the same person is retained, only the flag referred to in Article 5(1)(c) shall be removed from the data record. This erasure shall be automated, where possible, and in any event no later than one week after the expiry of the retention period.;
Amendment 84
Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 1 – point 7
Regulation (EU) 2019/816
Article 8 – paragraph 2

2. Upon expiry of the retention period referred to in paragraph 1, the central authority of the convicting Member State shall erase the data record, including any fingerprints, facial images or flags as referred to in Article 5(1)(c), from the Central System [and the CIR]. In those cases where the data related to a conviction for a terrorist offence or other form of serious crime as referred to in Article 5(1)(c) are deleted from the national criminal record, but information on other convictions of the same person is retained, only the flag referred to in Article 5(1)(c) shall be removed from the data record. This erasure shall take place automatically, where possible, and in any event no later than one month after the expiry of the retention period.;

Amendment

2. Upon expiry of the retention period referred to in paragraph 1, the central authority of the convicting Member State shall erase the data record, including any fingerprints, facial images or flags as referred to in Article 5(1)(c), from the Central System [and the CIR]. In those cases where the data related to a conviction for a terrorist offence or other form of serious crime as referred to in Article 5(1)(c) are deleted from the national criminal record, but information on other convictions of the same person is retained, only the flag referred to in Article 5(1)(c) shall be removed from the data record. This erasure shall be automated, as a rule and where possible, and in any event no later than one week after the expiry of the retention period.;

Amendment 85
Petar Vitanov, Maria Grapini, Isabel Santos

Proposal for a regulation
Article 2 – paragraph 1 – point 8 – introductory part

2. Upon expiry of the retention period referred to in paragraph 1, the central authority of the convicting Member State shall erase the data record, including any fingerprints, facial images or flags as referred to in Article 5(1)(c), from the Central System [and the CIR]. In those cases where the data related to a conviction for a terrorist offence or other form of serious crime as referred to in Article 5(1)(c) are deleted from the national criminal record, but information on other convictions of the same person is retained, only the flag referred to in Article 5(1)(c) shall be removed from the data record. This erasure shall be automated, as a rule and where possible, and in any event no later than one week after the expiry of the retention period.;

Amendment

(8) in Article 22, paragraph 1 is replaced by the following:

Text proposed by the Commission

(8) in Article 24, paragraph 1 is replaced by the following:

Amendment
Amendment 86  
Jorge Buxadé Villalba  
Proposal for a regulation  
Article 2 – paragraph 1 – point 8  
Regulation (EU) 2019/816  
Article 22 – paragraph 1

Text proposed by the Commission

1. The data included in the Central System [and the CIR] shall only be processed for the purpose of the identification of the Member State(s) holding the criminal records information of third country nationals, as well as for the purposes of **border management (as well as for facilitating and assisting in the correct identification of persons registered in the ECRIS-TCN system)**.

Amendment

1. The data included in the Central System [and the CIR] shall only be processed for the purpose of the identification of the Member State(s) holding the criminal records information of third country nationals, as well as for the purposes of facilitating and assisting in the correct identification of persons and for the purpose of supporting the **ETIAS objectives of identifying whether the presence of ETIAS applicants in the territory of the Union would pose a security threat to public policy, internal security or international relations for any of its Member States**.

Or. en

Amendment 87  
Petar Vitanov, Maria Grapini, Isabel Santos  
Proposal for a regulation  
Article 2 – paragraph 1 – point 8  
Regulation (EU) 2019/816  
Article 22 – paragraph 1

Text proposed by the Commission

1. The data included in the Central System [and the CIR] shall only be processed for the purpose of the identification of the Member State(s) holding the criminal records information of third country nationals, as well as for **the purposes of border management (as well as for facilitating and assisting in the**

Amendment

1. The data included in the Central System [and the CIR] shall only be processed for the purpose of the identification of the Member State(s) holding the criminal records information of third country nationals, as well as for **supporting the objectives of Article 4(a) of Regulation (EU) 2018/1240 of the**
correct identification of persons registered in the ECRIS-TCN system].;

European Parliament and of the Council;

Or. en

Amendment 88
Dragoș Tudorache, Ramona Strugariu, Michal Šimečka, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík, Abir Al-Sahlani

Proposal for a regulation
Article 2 – paragraph 1 – point 8
Regulation (EU) 2019/816
Article 22 – paragraph 1

Text proposed by the Commission

1. The data included in the Central System [and the CIR] shall only be processed for the purpose of the identification of the Member State(s) holding the criminal records information of third country nationals, as well as for the purposes of border management [as well as for facilitating and assisting in the correct identification of persons registered in the ECRIS-TCN system];

Amendment

1. The data included in the Central System [and the CIR] shall only be processed for the purpose of the identification of the Member State(s) holding the criminal records information of third country nationals as well as for facilitating and assisting in the correct identification of persons registered in the ECRIS-TCN system for the purposes of ETIAS;

Amendment 89
Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 1 – point 8
Regulation (EU) 2019/816
Article 22 – paragraph 1

Text proposed by the Commission

1. The data included in the Central System [and the CIR] shall only be processed for the purpose of the identification of the Member State(s) holding the criminal records information of third country nationals, as well as for the purposes of border management [as well

Amendment

1. The data included in the Central System [and the CIR] shall only be processed for the purpose of the identification of the Member State(s) holding the criminal records information of third country nationals as well as for supporting the objectives of Regulation
as for facilitating and assisting in the correct identification of persons registered in the ECRIS-TCN system; (EU) 2018/1240 of the European Parliament and of the Council, as listed in its Article 4(a);

Amendment 90
Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 2 – paragraph 1 – point 8
Regulation (EU) 2019/816
Article 22 – paragraph 1

Text proposed by the Commission

1. The data included in the Central System [and the CIR] shall only be processed for the purpose of the identification of the Member State(s) holding the criminal records information of third country nationals, as well as for the purposes of border management [as well as for facilitating and assisting in the correct identification of persons registered in the ECRIS-TCN system];

Amendment

1. The data included in the Central System [and the CIR] shall only be processed for the purpose of the identification of the Member State(s) holding the criminal records information of third country nationals, as well as for supporting the objectives of Regulation (EU) 2018/1240 of the European Parliament and of the Council, as listed in its Article 4(a);

Amendment 91
Petar Vitanov, Maria Grapini, Isabel Santos

Proposal for a regulation
Article 2 – paragraph 1 – point 9 – introductory part

Text proposed by the Commission

(9) in Article 30(4), the second subparagraph is replaced by the following:

Amendment

(9) in Article 32(3), the second subparagraph is replaced by the following:

Amendment 92
Every month eu-LISA shall submit to the Commission statistics without allowing for individual identification relating to the recording, storage and exchange of information extracted from criminal records through the ECRIS-TCN system and the ECRIS Reference implementation, including on the data records which include a flag in accordance with Article 5(1)(c).

Those statistics shall be evaluated by the Commission and the EDPS after the first year and then every two years, in order to evaluate the necessity and proportionality of the extension of the purposes of the ECRIS-TCN for border management and, more specifically, the provisions of Article 4(a) of the Regulation (EU) 2018/1240 of the European Parliament and of the Council. The evaluation reports shall be transmitted to the European Parliament and to the Council, and shall be made public.
individual identification relating to the recording, storage and exchange of information extracted from criminal records through the ECRIS-TCN system and the ECRIS Reference implementation, including on the data records which include a flag in accordance with Article 5(1)(c).

Eu-LISA shall ensure that it is not possible to identify individuals on the basis of those statistics.

Those statistics shall be evaluated by the Commission, the European Parliament and the EDPS, after the first year and then every two years to evaluate the necessity and proportionality of the extension of the purposes of the ECRIS-TCN for the provisions of Article 4(a) of the Regulation (EU) 2018/1240 of the European Parliament and of the Council.

Amendment 94
Cornelia Ernst
Proposal for a regulation
Article 2 – paragraph 1 – point 9
Regulation (EU) 2019/816
Article 30 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Every month eu-LISA shall submit to the Commission statistics without allowing for individual identification relating to the recording, storage and exchange of information extracted from criminal records through the ECRIS-TCN system and the ECRIS Reference implementation, including on the data records which include a flag in accordance with Article 5(1)(c).

Amendment

Every month eu-LISA shall submit to the Commission statistics without allowing for individual identification relating to the recording, storage and exchange of information extracted from criminal records through the ECRIS-TCN system and the ECRIS Reference implementation, including on the data records which include a flag in accordance with Article 5(1)(c).

Those statistics shall be evaluated, by the Commission, the European Parliament and the EDPS, after the first year and then every two years to evaluate the necessity and proportionality of the
extension of the purposes of the ECRIS-TCN for border management and, more specifically, the provisions of Article 4(a) of Regulation (EU) 2018/1240 of the European Parliament and of the Council.

Or. en

Justification

The extension of the purposes of a criminal justice System for border management objectives is an extremely significant one and the statistics collected should, among others, serve the co-legislators in the evaluation of its necessity and proportionality allowing them to proceed with adequate corrective measures where necessary.

Amendment 95
Petar Vitanov, Maria Grapini, Isabel Santos

Proposal for a regulation
Article 2 – paragraph 1 – point 10
Regulation (EU) 2019/816
Article 31(1)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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<tbody>
<tr>
<td>Article 29a</td>
<td>Article 31a</td>
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<tr>
<td>Keeping of logs for the purpose of ETIAS</td>
<td>Keeping of logs for the purpose of interoperability with ETIAS</td>
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</tbody>
</table>

Or. en

Amendment 96
Petar Vitanov, Maria Grapini, Isabel Santos

Proposal for a regulation
Article 2 – paragraph 1 – point 11
Regulation (EU) 2019/816
Annex II

<table>
<thead>
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<th>Amendment</th>
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<tr>
<td>Table of correspondences referred to in Article 7a</td>
<td>Table of correspondences referred to in Article 7a</td>
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<tr>
<td>The ECRIS-TCN corresponding data of Article 5(1) of this Regulation in [the CIR] against which the ETIAS data</td>
<td></td>
</tr>
</tbody>
</table>

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should be checked
surname (family name)
previous name(s)
first name(s) (given name(s))
pseudonym and/or alias name(s)
date of birth
place of birth (town and country)
place of birth (town and country)
gender
nationality or nationalities
nationality or nationalities
type of the person’s travel or identification documents
number of the person’s travel or identification documents
name of the issuing authority

Or. en