AMENDMENTS
52 - 135

Draft report
Jeroen Lenaers
(PE655.702v01-00)


Proposal for a regulation
Amendment 52
Patrick Breyer
on behalf of the Verts/ALE Group

Draft legislative resolution
Paragraph 1

1. **Adopts its position at first reading hereinafter set out;**

Amendment

1. **Rejects the Commission proposal;**

Or. en

Amendment 53
Cornelia Ernst

Draft legislative resolution
Paragraph 1

1. **Adopts its position at first reading hereinafter set out;**

Amendment

1. **Rejects the Commission proposal;**

Or. en

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

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) 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

Amendment

(5) 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
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.

Or. en

Amendment 55
Cornelia Ernst

Proposal for a regulation
Recital 5

(5) 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 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.

Or. en

Amendment 56
Dragoș Tudorache, Michal Šimečka, Ramona Strugariu, Malik Azmani, Olivier Chastel,
Fabienne Keller, Ondřej Kovařík

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

(5 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 57
Jorge Buxadé Villalba

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) 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.

Amendment

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

Or. en

Amendment 58
Fabienne Keller

Proposal for a regulation
Recital 9 a (new)
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.

Amendment 59
Dragoş Tudorache, Michal Šimečka, Ramona Strugariu, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík, Abir Al-Sahlanı

Proposal for a regulation
Recital 10

The conditions under which the ETIAS Central Unit and ETIAS National Units may consult data stored in other EU information systems for the purposes of ETIAS should be safeguarded by clear and precise rules regarding the access by the ETIAS Central Unit and ETIAS National Units to the data stored in other EU information systems, the type of queries and categories of data, all of which should be limited to what is strictly necessary for the performance of their duties. In the same vein, the data stored in the ETIAS application file should only be visible to those Member States that are operating the underlying information systems in accordance with the modalities of their participation. As an example, the provisions of this Regulation relating to the Schengen Information System and the Visa Information System constitute provisions building upon all the provisions of the Schengen acquis, for which the Council

(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.

(10) The access rights and conditions under which the ETIAS Central Unit and ETIAS National Units may consult data stored in other EU information systems for the purposes of ETIAS should be safeguarded by clear and precise rules regarding the access by the ETIAS Central Unit and ETIAS National Units to the data stored in other EU information systems, the type of queries and categories of data, all of which should be limited to what is strictly necessary for the performance of their duties. In the same vein, the data stored in the ETIAS application file should only be visible to those Member States that are operating the underlying information systems in accordance with the modalities of their participation. As an example, the provisions of this Regulation relating to the Schengen Information System and the Visa Information System constitute provisions building upon all the provisions of the Schengen acquis, for which the Council
Decisions\textsuperscript{35} on the application of the provisions of the Schengen acquis relating to the Schengen Information System and the Visa Information System are relevant.


Or. en

Amendment 60
Dragoș Tudorache, Michal Šimečka, Ramona Strugariu, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík

Proposal for a regulation
Recital 11

\textit{Text proposed by the Commission}

(11) 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

\textit{Amendment}

(11) 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 Council\textsuperscript{36} should be responsible for the design and technical development phase of the ETIAS Information System.


Amendment 61
Cornelia Ernst

Proposal for a regulation
Article 1 – paragraph 1
Regulation (EU) 2018/1240
Article 3(1)(23)

\textit{Text proposed by the Commission}

(23) ‘other EU information systems’ means the Entry/Exit System (‘EES’), the Visa Information System (‘VIS’), the Schengen Information System (‘SIS’) \textit{and the European Criminal Record Information System – Third Country Nationals (‘ECRIS-TCN’)};

\textit{Amendment}

(23) ‘other EU information systems’ means the Entry/Exit System (‘EES’), the Visa Information System (‘VIS’) \textit{and the Schengen Information System (‘SIS’)};

\textit{Justification}

Access of ETIAS to the ECRIS-TCN is beyond the latter’s purposes as they have been originally intended thus does not respect the purpose-limitation principle. In addition, data on criminal convictions are more sensitive and subject to special safeguards creating doubts on the respect of the proportionality principle if processed further for the additional purposes of ETIAS.
### Amendment 62

**Patrick Breyer**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 1**

Regulation (EU) 2018/1240

Article 3 – paragraph 1 – point 23

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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### Amendment 63

**Jorge Buxadé Villalba**

**Proposal for a regulation**

**Article 1 – paragraph 1**

Regulation (EU) 2018/1240

Article 3 – paragraph 1 – point 23

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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### Amendment 64

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

**Proposal for a regulation**
Article 1 – paragraph 4 a (new)
Regulation (EU) 2018/1240
Article 7 – paragraph 3a (new)

Text proposed by the Commission

(4 a) The ETIAS Central Unit shall provide periodical reports to the Commission and eu-Lisa concerning false hits generated during the automated processing referred to in Article 20 (2). The ETIAS Central Unit shall seek the cooperation and information from ETIAS National Units in this regard.

Or. en

Justification

The core task of the ETIAS Central Unit is to verify the hits generated during the automated processing of ETIAS applications against various information systems. The ETIAS Central Unit should be able to compile statistics on the false hits generated and also analyse the underlying issues in cooperation with the ETIAS National Units.

Amendment 65
Paulo Rangel

Proposal for a regulation
Article 4 a (new)
Regulation (EU) 2018/1240
Article 7 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

Article 4 a
Article 7 (3b)

The ETIAS Central Unit shall provide periodical reports to the Commission and eu-Lisa concerning false hits generated during the automated processing referred to in Article 20(2). The ETIAS Central Unit shall seek the cooperation and information from the ETIAS National Units in this regard.

Or. en
Amendment 66
Dragoș Tudorache, Michal Šimečka, Ramona Strugariu, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík, Abir Al-Sahlani

Proposal for a regulation
Article 1 – paragraph 4
Regulation (EU) 2018/1240
Article 11– paragraph 1 – subparagraph 1

Text proposed by the Commission

[Interoperability shall rely on the European Search Portal (‘ESP’), established by Article 6 of Regulation (EU) 2018/XXX (interoperability). During a transitional period, before the ESP is available, the automated processing shall rely on a tool developed by eu-LISA for the purpose of this paragraph. This tool shall be used as the basis for the development and implementation of the ESP, in accordance with Article 52 of that Regulation].

Amendment

[Interoperability shall rely on the European Search Portal (‘ESP’), established by Article 6 of Regulation (EU) 2019/817 of the European Parliament and of the Council (interoperability).]

Or. en

Amendment 67
Jorge Buxadé Villalba

Proposal for a regulation
Article 1 – paragraph 4
Regulation (EU) 2018/1240
Article 11– paragraph 4 – introductory part

Text proposed by the Commission

4. For the purpose of proceeding to the verifications referred to in Article 20(2)(c), (m)(ii) and (o), and Article 23(1), the automated processing referred to in Article 11(1), shall enable the ETIAS Central System to query the SIS established by Regulation (EU) 2018/1860 (border checks) with the following data of Articles 17(2)(a) to (d) and Article 17(2)(k):

Amendment

4. For the purpose of proceeding to the verifications referred to in Article 20(2)(c), (m)(ii) and (o), and Article 23(1), the automated processing referred to in Article 11(1), shall enable the ETIAS Central System to query the SIS established by Regulation (EU) 2018/1861 (border checks) and (EU) 2018/1860 (returns) of the European Parliament and of the Council with the following data of Articles 17(2)(a) to (d) and Article
17(2)(k):

Amendment 68
Jorge Buxadé Villalba

Proposal for a regulation
Article 1 – paragraph 4
Regulation (EU) 2018/1240
Article 11 – paragraph 6 – point d a (new)

Text proposed by the Commission

(d a) country of birth;

Amendment

Or. en

Amendment 69
Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 1 – paragraph 4
Regulation (EU) 2019/1240
Article 11 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Where hits are identified, the tool referred to in Article 11, shall make temporarily available the results in the application file to the ETIAS Central Unit, until the end of the manual process pursuant to Article 22(2) and Article 23(2). Where the data made available correspond to those of the applicant or where doubts remain, the unique ID code of the data having triggered a hit shall be kept in the application file.

Amendment

Where hits are identified, the tool referred to in Article 11, shall, in a read-only format, make temporarily available the results in the application file to the ETIAS Central Unit, until the end of the manual process pursuant to Article 22(2) and Article 23(2). Where the data made available correspond to those of the applicant or where doubts remain, the unique ID code of the data having triggered a hit shall be kept in the application file.

Or. en

Amendment 70
Where hits are identified, the tool referred to in Article 11, shall **make temporarily available** the results in the application file to the ETIAS Central Unit, until the end of the manual process pursuant to Article 22(2) and Article 23(2). Where the data made available correspond to those of the applicant or where doubts remain, the unique ID code of the data having triggered a hit shall be kept in the application file.

**Amendment**

Where hits are identified, the tool referred to in Article 11, shall **provide temporary read-only access to** the results in the application file to the ETIAS Central Unit, until the end of the manual process pursuant to Article 22(2) and Article 23(2). Where the data made available correspond to those of the applicant or where doubts remain, the unique ID code of the data having triggered a hit shall be kept in the application file.

Or. en
Amendment 72
Cornelia Ernst

Proposal for a regulation
Article 1 – paragraph 4
Regulation (EU) 2018/1240
Article 11 – paragraph 9

Text proposed by the Commission

9. A hit shall be triggered where all or some of the data from the ETIAS application file used for the query correspond fully or partially to the data present in a record, alert or file of the other EU information systems consulted. The Commission shall, by means of an implementing act, define partial correspondence, including a degree of probability.

Amendment

9. A hit shall be triggered where all or some of the data from the ETIAS application file used for the query correspond fully or partially to the data present in a record, alert or file of the other EU information systems consulted. In order to avoid false hits, all authorities that insert data shall ensure their high quality and accuracy. The Commission shall, by means of a delegated act, define partial correspondence, including a degree of probability.

Or. en

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

Proposal for a regulation
Article 1 – paragraph 4
Regulation (EU) 2018/1240
Article 11 – paragraph 9

Text proposed by the Commission

9. A hit shall be triggered where all or some of the data from the ETIAS application file used for the query correspond fully or partially to the data present in a record, alert or file of the other EU information systems consulted. The Commission shall, by means of an implementing act, define partial correspondence, including a degree of probability.

Amendment

9. A hit shall be triggered where all or some of the data from the ETIAS application file used for the query correspond fully or partially to the data present in a record, alert or file of the other EU information systems consulted. The Commission shall, by means of an implementing act, define partial correspondence, including a degree of probability to limit the number of false hits and to limit the number of ETIAS queries to what is necessary.
Amendment 74
Petar Vitanov, Isabel Santos, Maria Grapini

Proposal for a regulation
Article 1 – paragraph 4
Regulation (EU) 2018/1240
Article 11 – paragraph 9

Text proposed by the Commission

9. A hit shall be triggered where all or some of the data from the ETIAS application file used for the query correspond fully or partially to the data present in a record, alert or file of the other EU information systems consulted. The Commission shall, by means of an implementing act, define partial correspondence, including a degree of probability.

Amendment

9. A hit shall be triggered where all or some of the data from the ETIAS application file used for the query correspond fully or partially to the data present in a record, alert or file of the other EU information systems consulted. The Commission shall, by means of a delegated act, define partial correspondence, including a degree of probability.

Or. en

Amendment 75
Dragoș Tudorache, Michal Šimečka, Ramona Strugariu, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík, Abir Al-Sahlani

Proposal for a regulation
Article 1 – paragraph 4
Regulation (EU) 2018/1240
Article 11 – paragraph 10

Text proposed by the Commission

10. For the purpose of paragraph 1, the Commission, shall, by means of an implementing act, define the technical modalities for the implementation of Article 24(6)(c)(ii) and Article 54(1)(b) related to data retention.

Amendment

10. For the purpose of paragraph 1, the Commission, shall, by means of a delegated act, define the technical modalities for the implementation of Article 24(6)(c)(ii) and Article 54(1)(b) related to data retention while fully respecting the principle of data minimisation and the relevant retention periods.

Or. en
Amendment 76
Cornelia Ernst

Proposal for a regulation
Article 1 – paragraph 4
Regulation (EU) 2018/1244
Article 11 – paragraph 10

Text proposed by the Commission

10. For the purpose of paragraph 1, the Commission, shall, by means of an implementing act, define the technical modalities for the implementation of Article 24(6)(c)(ii) and Article 54(1)(b) related to data retention.

Amendment

10. For the purpose of paragraph 1, the Commission, shall, by means of delegated act, define the technical modalities for the implementation of Article 24(6)(c)(ii) and Article 54(1)(b) related to data retention observing the principle of data minimisation and the existing time limits.

Justification
The temporary, direct access by different Authorities to Systems were originally they had no access entails the risk of either storing data in two (or more) different Systems or extending the initially agreed data-retention period by the co-legislators. These two would be in breach with the overall principles of EU data protection law and principles. In any case, it is an issue of essence and, as such, should be dealt with under delegated act.

Amendment 77
Petar Vitanov, Isabel Santos, Maria Grapini

Proposal for a regulation
Article 1 – paragraph 4
Regulation (EU) 2018/1240
Article 11 – paragraph 10

Text proposed by the Commission

10. For the purpose of paragraph 1, the Commission, shall, by means of an implementing act, define the technical modalities for the implementation of Article 24(6)(c)(ii) and Article 54(1)(b) related to data retention.

Amendment

10. For the purpose of paragraph 1, the Commission, shall, by means of a delegated act, define the technical modalities for the implementation of Article 24(6)(c)(ii) and Article 54(1)(b) related to data retention.
Amendment 78
Dragoș Tudorache, Michal Šimečka, Ramona Strugariu, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík, Abir Al-Sahlani

Proposal for a regulation
Article 1 – paragraph 4
Regulation (EU) 2018/1240
Article 11 – paragraph 11

Text proposed by the Commission

For the purpose of Article 25(2), Article 28(8) and Article 29(9) when registering the data related to hits into the ETIAS application file, the origin of the data shall be indicated. This shall include the type of the alert, except for alerts referred to in Article 23(1), the source of the data (which other EU information systems or Europol data), the unique identification number used in the source of the data having triggered the hit and the Member State that entered or supplied the data having triggered the hit and, where available, the date and time when the data was entered in the other EU information systems or Europol data.

Amendment

For the purpose of Article 25(2), Article 28(8) and Article 29(9) when registering the data related to hits into the ETIAS application file, the origin of the data shall be indicated. This shall include the type of the alert, except for alerts referred to in Article 23(1), the source of the data (which other EU information systems or Europol data), the unique identification number used in the source of the data having triggered the hit and the Member State that entered or supplied the data having triggered the hit and, where available, the date and time when the data was entered in the other EU information systems or Europol data. When a hit leads to a negative decision, and without prejudice to any limitations existing in the EU information system that has triggered the hit, the applicant shall be informed of the system which generated the hit for the purposes of ensuring the applicant's right to an effective remedy.

Or. en

Amendment 79
Cornelia Ernst

Proposal for a regulation
Article 1 – paragraph 4
Regulation (EU) 2018/1240
Article 11 – paragraph 11
For the purpose of Article 25(2), Article 28(8) and Article 29(9) when registering the data related to hits into the ETIAS application file, the origin of the data shall be indicated. This shall include the type of the alert, except for alerts referred to in Article 23(1), the source of the data (which other EU information systems or Europol data), the unique identification number used in the source of the data having triggered the hit and the Member State that entered or supplied the data having triggered the hit and, where available, the date and time when the data was entered in the other EU information systems or Europol data.

When a hit leads to a negative decision, and without prejudice to any limitations existing in the EU information system that has triggered the hit, the applicant shall be informed of the system which generated the hit for the purposes of ensuring the applicant's right to an effective remedy.

Justification

It is crucial that individuals whose applications were refused have knowledge that a record exists, and which information system has generated a hit that led to the refusal of their application. This will enable them to exercise their individual rights under the ETIAS Regulation, but also under the legal instruments in other EU information systems, as stated in the relevant EPRS Study.

Amendment 80
Petar Vitanov, Isabel Santos, Maria Grapini

Proposal for a regulation
Article 1 – paragraph 4
Regulation (EU) 2018/1240
Article 11 – paragraph 11
28(8) and Article 29(9) when registering the data related to hits into the ETIAS application file, the origin of the data shall be indicated. This shall include the type of the alert, except for alerts referred to in Article 23(1), the source of the data (which other EU information systems or Europol data), the unique identification number used in the source of the data having triggered the hit and the Member State that entered or supplied the data having triggered the hit and, where available, the date and time when the data was entered in the other EU information systems or Europol data.

When a hit leads to a negative decision, and without prejudice to any limitations existing in that EU information system having triggered the hit, the applicant shall be informed of which system generated the hit for the purposes of ensuring the applicant's right to an effective remedy.

Or. en

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

Proposal for a regulation
Article 1 – paragraph 4
Regulation (EU) 2018/1240
Article 11 – paragraph 11

Text proposed by the Commission

For the purpose of Article 25(2), Article 28(8) and Article 29(9) when registering the data related to hits into the ETIAS application file, the origin of the data shall be indicated. This shall include the type of the alert, except for alerts referred to in Article 23(1), the source of the data (which other EU information systems or Europol data), the unique identification number used in the source of the data having triggered the hit and the Member State that entered or supplied the data having

Amendment

For the purpose of Article 25(2), Article 28(8) and Article 29(9) when registering the data related to hits into the ETIAS application file, the origin of the data shall be indicated. This shall include the type of the alert, except for alerts referred to in Article 23(1), the source of the data (which other EU information systems or Europol data), the unique identification number used in the source of the data having triggered the hit and the Member State that entered or supplied the data having
triggered the hit and, where available, the date and time when the data was entered in the other EU information systems or Europol data.

triggered the hit and, where available, the date and time when the data was entered in the other EU information systems or Europol data. When a hit leads to a negative decision, the applicant shall be informed of the System which generated the hit for the purposes of ensuring the applicant's right to an effective remedy.

Or. en

Amendment 82
Jorge Buxadé Villalba

Proposal for a regulation
Article 1 – paragraph 5
Regulation (EU) 2018/1240
Article 11a

Text proposed by the Commission

For the purpose of Articles 6, 14 and 17 of Regulation (EU) 2017/2226, an automated process, using the secure communication infrastructure of Article 6(2)(d) of this Regulation, shall query and import from the ETIAS Central System, the information referred to in Article 47(2) of this Regulation, as well as the application number and the end of validity period of an ETIAS travel authorisation, and update the entry/exit record in the EES accordingly.

Amendment

For the purpose of Articles 6, 14, 17 and 18 of Regulation (EU) 2017/2226, an automated process, using the secure communication infrastructure of Article 6(2)(d) of this Regulation, shall query and import from the ETIAS Central System, the information referred to in Article 47(2) of this Regulation, as well as the application number and the end of validity period of an ETIAS travel authorisation, and update the entry/exit record or the refusal of entry record in the EES accordingly.

Or. en

Amendment 83
Cornelia Ernst

Proposal for a regulation
Article 1 – paragraph 5
Regulation (EU) 2018/1240
Article 11a
Text proposed by the Commission

For the purpose of Articles 6, 14 and 17 of Regulation (EU) 2017/2226, an automated process, using the secure communication infrastructure of Article 6(2)(d) of this Regulation, shall query and import from the ETIAS Central System, the information referred to in Article 47(2) of this Regulation, as well as the application number and the end of validity period of an ETIAS travel authorisation, and update the entry/exit record in the EES accordingly.;

Amendment

For the purpose of Articles 6, 14 and 17 of Regulation (EU) 2017/2226, an automated process, using the secure communication infrastructure of Article 6(2)(d) of this Regulation, shall query and import from the ETIAS Central System, the information referred to in points (a) to (c) of Article 47(2) of this Regulation, as well as the application number and the end of validity period of an ETIAS travel authorisation, and update the entry/exit record in the EES accordingly.;

Or. en

Justification

This is to respect storing of data according to purpose limitation and avoid registering in the EES additional data which are not necessary for its purpose.

Amendment 84
Petar Vitanov, Isabel Santos, Maria Grapini

Proposal for a regulation
Article 1 – paragraph 5
Regulation (EU) 2018/1240
Article 11a

Text proposed by the Commission

For the purpose of Articles 6, 14 and 17 of Regulation (EU) 2017/2226, an automated process, using the secure communication infrastructure of Article 6(2)(d) of this Regulation, shall query and import from the ETIAS Central System, the information referred to in Article 47(2) of this Regulation, as well as the application number and the end of validity period of an ETIAS travel authorisation, and update the entry/exit record in the EES accordingly.;

Amendment

For the purpose of Articles 6, 14 and 17 of Regulation (EU) 2017/2226, an automated process, using the secure communication infrastructure of Article 6(2)(d) of this Regulation, shall query and import from the ETIAS Central System, the information referred to in points (a) to (c) of Article 47(2) of this Regulation, as well as the application number and the end of validity period of an ETIAS travel authorisation, and update the entry/exit record in the EES accordingly.;

Or. en
Amendment 85
Cornelia Ernst

Proposal for a regulation
Article 1 – paragraph 6
Regulation (EU) 2018/1240
Article 12 – paragraph 2 (new)

Text proposed by the Commission

2. For the purpose of paragraph 1, a cooperation agreement is to be agreed upon between the European Union and INTERPOL. This cooperation agreement shall provide for the modalities for the exchange of information and safeguards for the protection of personal data.;

Amendment

2. For the purpose of paragraph 1, a cooperation agreement is to be agreed upon between the European Union and INTERPOL. This cooperation agreement shall provide for the modalities for the exchange of information and safeguards for the protection of personal data. This cooperation agreement shall, among others and in any case, ensure that all relevant logs will be kept, that no information shall be revealed to the owner of the data of the Interpol alert and that, in any case, no onward transfers of data shall take place.;

Or. en

Amendment 86
Petar Vitanov, Isabel Santos, Maria Grapini

Proposal for a regulation
Article 1 – paragraph 6
Regulation (EU) 2018/1240
Article 12 – paragraph 2 (new)

Text proposed by the Commission

2. For the purpose of paragraph 1, a cooperation agreement is to be agreed upon between the European Union and INTERPOL. This cooperation agreement shall provide for the modalities for the exchange of information and safeguards for the protection of personal data.;

Amendment

2. For the purpose of paragraph 1, a cooperation agreement is to be agreed upon between the European Union and INTERPOL. This cooperation agreement shall provide for the modalities for the exchange of information and safeguards for the protection of privacy and personal data. The cooperation agreement shall ensure that all relevant logs will be kept, no information shall be revealed to the country triggering the INTERPOL alert,
and that no onward transfers of personal data shall take place.

Or. en

Amendment 87
Paulo Rangel

Proposal for a regulation
Article 1 – paragraph 6
Regulation 2018/1240
Article 12 – paragraph 2 (new)

Text proposed by the Commission

2. For the purpose of paragraph 1, a cooperation agreement is to be agreed upon between the European Union and INTERPOL. This cooperation agreement shall provide for the modalities for the exchange of information and safeguards for the protection of personal data;

Amendment

2. If the implementation of paragraph 1 is not ensured, ETIAS shall not query Interpol’s databases.

Or. en

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

Proposal for a regulation
Article 1 – paragraph 6
Regulation (EU) 2018/1240
Article 12 – paragraph 2 (new)

Text proposed by the Commission

2. For the purpose of paragraph 1, a cooperation agreement is to be agreed upon between the European Union and INTERPOL. This cooperation agreement shall provide for the modalities for the exchange of information and safeguards for the protection of personal data;

Amendment

2. For the purpose of paragraph 1, a cooperation agreement is to be agreed upon between the European Union and INTERPOL. This cooperation agreement shall provide for the modalities for the exchange of information and safeguards for the protection of personal data and subject to Article 218 TFEU;

Or. en
Amendment 89
Petar Vitanov, Isabel Santos, Maria Grapini

Proposal for a regulation
Article 1 – paragraph 7
Regulation (EU) 2018/1240
Article 20 – paragraph 2 – point n

Text proposed by the Commission
(n) whether the applicant corresponds to a person whose data is recorded in the ECRIS-TCN for terrorists offences and other serious criminal offences;

Amendment
(n) whether the applicant corresponds to a person whose data is recorded in the ECRIS-TCN for terrorists offences over the previous 20 years or other serious criminal offences as listed in the Annex to this Regulation over the previous ten 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;

Or. en

Amendment 90
Cornelia Ernst

Proposal for a regulation
Article 1 – paragraph 7
Regulation (EU) 2018/1240
Article 20 – paragraph 2 – point n

Text proposed by the Commission
(n) whether the applicant corresponds to a person whose data is recorded in the ECRIS-TCN for terrorists offences and other serious criminal offences;

Amendment
(n) whether the applicant corresponds to a person whose data is recorded in the ECRIS-TCN convicted for a criminal offence listed in the Annex to this Regulation, if that offence is punishable under national law by a custodial sentence or a detention order of a maximum period of at least three years, over the previous ten years and, in the case of terrorist offences, over the previous 20 years.

Or. en
Justification

Following the logic of the Annex 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 also for time limitation on the hits that may be triggered and not only on the type/seriousness of the criminal offence.

Amendment 91
Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 1 – paragraph 7
Regulation (EU) 2018/1240
Article 20 – paragraph 2 – point n

Text proposed by the Commission

(n) whether the applicant corresponds to a person whose data is recorded in the ECRIS-TCN for terrorists offences and other serious criminal offences;

Amendment

(n) whether the applicant corresponds to a person whose data is recorded in the ECRIS-TCN convicted for a criminal offence listed in the Annex to this Regulation, if that offence is punishable under national law by a custodial sentence or a detention order of a maximum period of at least three years, over the previous ten years and, in the case of terrorist offences, over the previous 20 years;

Or. en

Amendment 92
Jorge Buxadé Villalba

Proposal for a regulation
Article 1 – paragraph 7 – point a (new)

Text proposed by the Commission

(a) (7a) in Article 20(2), the following point is added:

"(na) whether the applicant is subject to an alert on return entered in SIS"
Amendment 93
Jorge Buxadé Villalba

Proposal for a regulation
Article 1 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

(7 a) In Article 20(2), the first subparagraph is replaced by the following:

The ETIAS Central System shall launch a query by using the ESP to compare the relevant data referred to in points (a), (aa), (b), (c), (d), (f), (g), (j), (k), and (m) of Article 17(2) and in Article 17(8) to the data present in a record, file or alert registered in an application file stored in the ETIAS Central System, SIS, the EES, VIS, Eurodac, ECRIS-TCN, Europol data and in the Interpol SLTD and TDAWN databases.

Amendment 94
Jorge Buxadé Villalba

Proposal for a regulation
Article 1 – paragraph 9 – point a a (new)

Text proposed by the Commission

Amendment

(a a) in paragraph 1, the following point is added:

"(ca) an alert on illegal migrants subject to a return decision"

Amendment 95
Dragoș Tudorache, Michal Šimečka, Ramona Strugariu, Malik Azmani, Olivier Chastel,
2. Where the comparison referred to in paragraph 1 reports one or several hits, the ETIAS Central System shall send an automated notification to the ETIAS Central Unit. When notified, the ETIAS Central Unit shall have access to the application file and any linked application files, in order to verify whether the applicant’s personal data correspond to the personal data contained in the alert having triggered that hit and if a correspondence is confirmed, the ETIAS Central System shall send an automated notification to the SIRENE Bureau of the Member State that entered the alert. The SIRENE Bureau concerned shall further verify whether the applicant’s personal data correspond to the personal data contained in the alert having triggered the hit and take any appropriate follow-up action.;
Amendment 97
Petar Vitanov, Isabel Santos, Maria Grapini

Proposal for a regulation
Article 1 – paragraph 10
Regulation (EU) 2018/1240
Article 25a – paragraph 2

Text proposed by the Commission

2. The ETIAS National Units shall also have access to the national criminal records registers in order to obtain the information on third country nationals and stateless persons convicted for a terrorist offence or other serious criminal offence for the purposes referred to in paragraph 1.

Amendment

2. Insofar as a hit results from a verification under point (n) of Article 20(2), the duly authorised staff of the ETIAS National Units shall also have access, in accordance with national law, to the national criminal records registers of their respective Member State in order to obtain the information on third-country nationals and stateless persons convicted for a terrorist offence or any other criminal offence as listed in the annex to this Regulation for the purposes referred to in paragraph 1.

Or. en

Amendment 98
Dragoș Tudorache, Michal Šimečka, Ramona Strugariu, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík, Abir Al-Sahlani

Proposal for a regulation
Article 1 – paragraph 10
Regulation (EU) 2018/1240
Article 25a – paragraph 2

Text proposed by the Commission

2. The ETIAS National Units shall also have access to the national criminal records registers in order to obtain the information on third country national and stateless persons convicted for a terrorist offence or other serious criminal offence for the purposes referred to in paragraph 1.

Amendment

2. The ETIAS National Units shall also have access to the national criminal records registers in order to obtain the information on third country national and stateless persons convicted for a terrorist offence or any other serious criminal offences as specified in the Annex to Regulation (EU) 2018/1240 for the purposes referred to in paragraph 1.
Amendment 99
Jorge Buxadé Villalba

Proposal for a regulation
Article 1 – paragraph 10
Regulation (EU) 2018/1240

Text proposed by the Commission

2. The ETIAS National Units shall also have access to the national criminal records registers in order to obtain the information on third country national and stateless persons convicted for a terrorist offence or other serious criminal offence for the purposes referred to in paragraph 1.

Amendment

2. The ETIAS National Units shall also have access, in accordance with national law, to the national criminal records registers in order to obtain the information on third country national and stateless persons convicted for a terrorist offence or any other serious criminal offence for the purposes referred to in paragraph 1.

Amendment 100
Paulo Rangel

Proposal for a regulation
Article 1 – paragraph 11 a (new)

Text proposed by the Commission

(11 a) In article 26, the following paragraph is inserted:

3a. In the event of hits on SIS Return, the ETIAS national Unit of the Member State that is processing the application shall:

a) where the return decision is accompanied by an entry ban, immediately inform the issuing Member State through the exchange of supplementary information. The issuing Member State shall immediately delete the alert on return and enter an alert for refusal of entry and stay pursuant to point (b) of Article 24(1) of Regulation (EU)
b) where the return decision is not accompanied by an entry ban, immediately inform the issuing Member State through the exchange of supplementary information, in order that the issuing Member State delete the alert on return without delay.

Amendment 101
Sophia in 't Veld, Dragoș Tudorache

Proposal for a regulation
Article 1 – paragraph 11 a (new)
Regulation (EU) 2018/1240
Article 38, paragraph 2, point (c) (new)

Text proposed by the Commission

(11 a) in Article 38(2), point (c) is replaced by the following:

(c) a statement of the grounds for refusal of the travel authorisation indicating the applicable grounds from those listed in Article 37(1) and (2), including information on which information system has generated a hit that led to refusal of the application, enabling the applicant to lodge an appeal. This shall be without prejudice to any limitations in the exercise of the right to information as laid down in Regulation (EC) No 767/2008, Regulation (EU) 2017/2226, Regulation (EU) 2018/1861 and Regulation (EU) 2019/816;

Justification

In light of the right to an effective remedy as enshrined in Article 47 of the EU Charter and Article 13 ECHR, an applicant should receive sufficiently clear indication of the ground(s) for refusal to efficiently exercise his or her appeal and contest the reasons for refusal. It is therefore crucial that individuals whose applications were refused have knowledge that a record exists, and which information system has generated a hit that led to the refusal of their
application. This will enable them to exercise their individual rights under the ETIAS Regulation, but also under the legal instruments in other EU information systems.

Amendment 102
Jorge Buxadé Villalba

Proposal for a regulation
Article 1 – paragraph 12 a (new)
Regulation (EU) 2018/1240
Article 45 a (new)

Text proposed by the Commission

Amendment

(12 a) Article 45a

Carrier Assistance Centre

1. A Carrier Assistance Centre shall be established within the ETIAS Central Unit in order to support carriers in the implementation of Article 45 of this Regulation, Article 13 of Regulation (EU) 2017/2226 [EES] and Article 45b of the Proposal COM (2018) 302 [VIS].

2. The Carrier Assistance Centre shall be responsible for:

(a) establishing and maintaining in consultation with the Member States a central register of carriers transporting passengers for commercial purposes to the external borders.

(b) providing operational and technical support to the carriers in connection with the queries to be performed on passengers in accordance with Article 45 of this Regulation, Article 13 of Regulation (EU) 2017/2226 [EES] and Article 45b of the Proposal COM (2018) 302 [VIS].

3. The duly authorised staff of the Carrier Assistance Centre shall have access to the datafiles stored in the CIR, ETIAS Central System, EES Central System and VIS Central System for the purpose of verifying the status of the passengers in order to provide the operational support referred to in point (b) of paragraph 2.

4. Commission shall, by means of an
implementing act establish the rules regarding the registration of the carriers referred to in point (a) of paragraph 2 and access to the ETIAS, EES and VIS for the Carriers Assistance Centre staff referred to in paragraph 3.

Amendment 103
Petar Vitanov, Isabel Santos, Maria Grapini

Proposal for a regulation
Article 1 – paragraph 12 a (new)
Regulation (EU) 2018/1240
Article 69 – paragraph 1– point (ca) (new)

Text proposed by the Commission

Amendment

(12 a) In Article 69(1), a new point (ca) is added:

(ca) the data used through interoperability with other information systems for the processing of the applications, specifically in the cases of manual processing;

Amendment 104
Petar Vitanov, Isabel Santos, Maria Grapini

Proposal for a regulation
Article 1 – paragraph 12 b (new)
Regulation (EU) 2018/1240
Article 69 – paragraph 4

Text proposed by the Commission

Amendment

(12 b) Article 69(4) is replaced by the following:

4. Such logs may be used only for monitoring the admissibility of data processing, to ensure data security and integrity, and to ensure the right to effective remedy of the applicant. The logs
shall be protected by appropriate measures against unauthorised access. They shall be deleted one year after the retention period referred to in Article 54 has expired, if they are not required for monitoring procedures which have already begun.

Or. en

Amendment 105
Petar Vitanov, Isabel Santos, Maria Grapini

Proposal for a regulation
Article 1 – paragraph 12 c (new)
Regulation (EU) 2018/1240
Article 69 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(12 c) In Article 69, a new paragraph is added:

4a. For the purpose of paragraph 4, the Commission, shall, by means of a delegated act, define the technical modalities for its implementation.

Or. en

Amendment 106
Petar Vitanov, Isabel Santos, Maria Grapini

Proposal for a regulation
Article 1 – paragraph 13 – point c
Regulation (EU) 2018/1240
Article 88 – paragraph 6

Text proposed by the Commission

Amendment

6. The interoperability, referred to in Article 11, with ECRIS-TCN shall start when [the CIR] enters into operations, which is scheduled in 2022. ETIAS’ operations shall start irrespective of whether that interoperability with ECRIS-
TCN is put in place.

Amendment 107
Paulo Rangel

Proposal for a regulation
Article 1 – paragraph 13 – point c
Regulation 2018/1240
article 88 – paragraph 7

**Text proposed by the Commission**

7. ETIAS shall start its operations irrespective of whether a cooperation agreement between the European Union and INTERPOL as referred to in Article 12(2) has been concluded and irrespective of whether it is possible to query Interpol’s databases.

**Amendment**

7. ETIAS shall start its operations irrespective of whether it is possible to query Interpol’s databases.

Amendment 108
Petar Vitanov, Isabel Santos, Maria Grapini

Proposal for a regulation
Article 1 – paragraph 13 – point c
Regulation (EU) 2018/1240
Article 88 – paragraph 7

**Text proposed by the Commission**

7. ETIAS shall **start its operations irrespective of whether** a cooperation agreement between the European Union and INTERPOL as referred to in Article 12(2) **has been concluded and irrespective of whether it is possible to query Interpol’s databases.**

**Amendment**

7. ETIAS shall **not query INTERPOL databases before** a cooperation agreement between the European Union and INTERPOL, as referred to in Article 12(2), **has entered into force.**
Amendment 109
Petar Vitanov, Isabel Santos, Maria Grapini

Proposal for a regulation
Article 1 – paragraph 13 a (new)
Regulation (EU) 2018/1240
Article 89 – paragraph 2 (new)

Text proposed by the Commission

(13 a) Article 89 is amended as follows:
(a) paragraph 2 is replaced by the following:

‘2. The power to adopt delegated acts referred to in Article 6(4), Article 11(9), Article 11(10), Article 17(3), (5) and (6), Articles 18(4), 27(3), Article 31, Articles 33(2), 36(4), 39(2), 54(2), Article 69(4a), Article 83(1) and (3) and Article 85(3) shall be conferred on the Commission for a period of five years from 9 October 2018. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.’;

Or. en

Amendment 110
Petar Vitanov, Isabel Santos, Maria Grapini

Proposal for a regulation
Article 1 – paragraph 13 b (new)
Regulation (EU) 2018/1240
Article 89 – paragraph 3

Text proposed by the Commission

(13 b) (b) paragraph 3 is replaced by the following:
3. The delegation of power referred to in Article 6(4), Article 11(9), Article 11(10), Article 17(3), (5) and (6), Articles 18(4), 27(3), Article 31, Articles 33(2), 36(4), 39(2), 54(2), Article 83(1) and (3) and Article 85(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Amendment 111
Petar Vitanov, Isabel Santos, Maria Grapini

Proposal for a regulation
Article 1 – paragraph 13 c (new)
Regulation (EU) 2018/1240
Article 89 – paragraph 6

Text proposed by the Commission

(13 c) paragraph 6 is replaced by the following:

6. A delegated act adopted pursuant to Article 6(4), Article 11(9), Article 11(10), Article 17(3), (5) or (6), Article 18(4), 27(3), Article 31, Article 33(2), 36(4), 39(2), 54(2), Article 83(1) or (3) or Article 85(3) 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
Amendment 112
Petar Vitanov, Isabel Santos, Maria Grapini

Proposal for a regulation
Article 1 – paragraph 13 d (new)
Regulation (EU) 2018/1240
Article 92 – paragraph 5 – point –a

Text proposed by the Commission

Amendment

(13 d) (13a) in Article 92(5), the following point is inserted:

(-a) the querying of ECRIS-TCN through ETIAS;

Amendment 113
Paulo Rangel

Proposal for a regulation
Article 2 – paragraph 1 – point 1
Regulation (EC) No 767/2008
Article 6 – paragraph 2

Access to the VIS for consulting the data shall be reserved exclusively to the duly authorised staff of the authorities of each Member State, including to duly authorised staff of the ETIAS National Units, designated pursuant to Article 8 of Regulation (EU) 2018/1240 of the European Parliament and of the Council*, which are competent for the purposes laid down in Articles 15 to 22, and for the duly authorised staff of the national authorities of each Member States and of the EU bodies which are competent for the purposes laid down in Articles 20 and 21 of Regulation 2019/817 on interoperability.

Access to the VIS for consulting the data shall be reserved exclusively for the duly authorised staff of the national authorities of each Member State and of the EU bodies which are competent for the purposes laid down in Article 6a and 6b, Articles 15 to 22, Articles 22g as well as for the purposes laid down in Articles 20 and 21 of Regulation 2019/817 on interoperability.
and Article 21 of the Regulation 2018/xx on interoperability] limited to the extent that the data are required for the performance of their tasks in accordance with those purposes, and proportionate to the objectives pursued.”;

Amendment 114
Paulo Rangel

Proposal for a regulation
Article 2 – paragraph 1 – point 2
Regulation (EC) No 767/2008
Articles 18b, 18c and 18d

Text proposed by the Commission

Amendment

[...]

deleted

Amendment 115
Dragoș Tudorache, Michal Šimečka, Ramona Strugariu, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík

Proposal for a regulation
Article 2 – paragraph 1 – point 2
Regulation (EC) No 767/2008
Article 18b – paragraph 1

Text proposed by the Commission

Amendment

1. From the start of operations of ETIAS, as provided for in Article 88(1) of Regulation (EU) 2018/1240, the ‘CS-VIS’ 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.

1. From the start of operations of ETIAS, as provided for in Article 88(1) of Regulation (EU) 2018/1240, the ‘CS-VIS’ shall be connected to the ESP to enable the automated processing referred to in Article 11 of Regulation (EU) 2018/1240.
Amendment 116
Dragoș Tudorache, Michal Šimečka, Ramona Strugariu, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík

Proposal for a regulation
Article 2 – paragraph 1 – point 2
Regulation (EC) No 767/2008
Article 18b – paragraph 2

**Text proposed by the Commission**

2. The automated processing referred to in Article 11 of Regulation (EU) 2018/1240 shall enable the verifications provided for in Article 20 of that Regulation and the subsequent verifications of Articles 22 and 26 of that Regulation.

For the purpose of proceeding to the verifications point (i) of Article 20(2) 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 in ETIAS with the data in the VIS, in accordance with Article 11(8) of that Regulation, using the correspondences listed in the table in annex II.

**Amendment**

2. The automated processing referred to in Article 11 of Regulation (EU) 2018/1240 shall enable the verifications provided for in Article 20 of that Regulation and the subsequent verifications of Articles 22 and 26 of that Regulation.

For the purpose of proceeding to the verifications point (i) of Article 20(2) of Regulation (EU) 2018/1240, the ETIAS Central System shall use the **ESP** to compare the data in ETIAS with the data in the VIS, in accordance with Article 11(8) of that Regulation, using the correspondences listed in the table in annex II.

Or. en

Amendment 117
Dragoș Tudorache, Michal Šimečka, Ramona Strugariu, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík, Abir Al-Sahlanı

Proposal for a regulation
Article 2 – paragraph 1 – point 2
Regulation (EC) No 767/2008
Article 18c – 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

**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, the right to access and search relevant data in VIS in accordance with Article 11(8) of that Regulation.

**Amendment 118**
Petar Vitanov, Isabel Santos, Maria Grapini

Proposal for a regulation
Article 2 – paragraph 1 – point 2
Regulation (EC) No 767/2008
Article 18c – 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 relevant data in VIS in accordance with Article 11(8) of that 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, **on a read-only format**, the right to access and search relevant data in VIS in accordance with Article 11(8) of that Regulation.

**Amendment 119**
Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 2 – paragraph 1 – point 2
Regulation (EC) 767/2008
Article 18c – 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)

**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, the right to access and search relevant data in VIS in accordance with Article 11(8) of that Regulation.

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 in VIS in accordance with Article 11(8) of that Regulation.

Or. en

Amendment 120
Dragoș Tudorache, Michal Šimečka, Ramona Strugariu, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík, Abir Al-Sahli

Proposal for a regulation
Article 2 – paragraph 1 – point 2
Regulation (EC) No 767/2008
Article 18d – paragraph 2

Text proposed by the Commission

2. The ETIAS National Units, designated pursuant to Article 8(1) of Regulation (EU) 2018/1240, shall have access to and may consult VIS, in a read-only format, for the purpose of examining applications for travel authorisation pursuant to Article 8(2) of that Regulation. The ETIAS National Units may consult the data referred to in Articles 9 to 14 of this Regulation.

Amendment

2. The ETIAS National Units, designated pursuant to Article 8(1) of Regulation (EU) 2018/1240, shall have temporary access to consult VIS, in a read-only format, for the purpose of examining applications for travel authorisation pursuant to Article 8(2) of that Regulation. The ETIAS National Units may consult the data referred to in Articles 9 to 14 of this Regulation.

Or. en

Amendment 121
Paulo Rangel

Proposal for a regulation
Article 2 – paragraph 1 – point 3
Regulation (EC) No 767/2008
Article 34a

Text proposed by the Commission

(3) the following article is inserted: deleted

‘Article 34aKeeping of logs

Amendment

(3) the following article is inserted: deleted

‘Article 34aKeeping of logs
For the consultations listed in Article 18b of this Regulation, a log of each data processing operation carried out within VIS and ETIAS shall be kept in accordance with Article 34 of this Regulation and Article 69 of Regulation (EU) No 2018/1240.

Or. en

Amendment 122
Jorge Buxadé Villalba

Proposal for a regulation
Article 2 – paragraph 1 – point 3 a (new)
Regulation (EC) No 767/2008 [VIS]
New Article 45 b bis (new)

Text proposed by the Commission

Amendment

(3 a) New Article 45 ba

Carrier Assistance Centre

1. A Carriers Assistance Centre shall be established within the ETIAS Central Unit in order to support carriers in the implementation of Article 45 of Regulation (EU) 2018/1240 [ETIAS], Article 13 of Regulation (EU) 2017/2226 [EES] and Article 45b of the Proposal COM (2018) 302 [VIS].

2. The Carriers Assistance Centre shall be responsible for:

(a) establishing and maintaining in consultation with the Member States a central register of carriers transporting passengers for commercial purposes to the external borders.

(b) providing operational and technical support to the carriers in connection with the queries to be performed on passengers in accordance with Article 45 of Regulation (EU) 2018/1240 [ETIAS], Article 13 of Regulation (EU) 2017/2226 [EES] and Article 45b of the Proposal COM (2018) 302 [VIS].
3. The duly authorised staff of the Carrier Assistance Centre shall have access to the datafiles stored in the CIR, ETIAS Central System, EES Central System and VIS Central System for the purpose of verifying the status of the passengers in order to provide the operational support referred to in point (b) of paragraph 2.

4. The Commission shall, by means of an implementing act, establish the rules regarding the registration of the carriers referred to in point (a) of paragraph 2 and access to the ETIAS, EES and VIS for the Carriers Assistance Centre staff referred to in paragraph 3.

Amendment 123
Paulo Rangel

Proposal for a regulation
Article 2 – paragraph 1 – point 4
Regulation (EC) No 767/200
Annex

Text proposed by the Commission

(4) the annex is numbered as Annex I deleted

and the following annex is added:

‘Annex II

Table of correspondences referred to in Article 18b

[...]

Amendment 124
Jorge Buxadé Villalba

Proposal for a regulation
Article 3 – paragraph 1 – point 2
Regulation (EU) 2017/2226
Article 8a – paragraph 2 – introductory part
Where an entry/exit record of a visa exempt third country national is created, the automated process shall enable the Central System of the EES the following:

Text proposed by the Commission

Amendment

Where an entry/exit record or a refusal of entry record of a visa exempt third country national is created, the automated process shall enable the Central System of the EES the following:

Or. en

Amendment 125
Jorge Buxadé Villalba

Proposal for a regulation
Article 3 – paragraph 1 – point 2
Regulation (EU) 2017/2226
Article 8a – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(b a) to update the refusal of entry record in the EES in accordance with point (b) of Article 18(1) of this Regulation.

Or. en

Amendment 126
Jorge Buxadé Villalba

Proposal for a regulation
Article 3 – paragraph 1 – point 3 a (new)
Regulation (EU) 2017/2226
Article 13 a (new)

Text proposed by the Commission

Amendment

(3 a) Article 13a
Carrier Assistance Centre

1. A Carriers Assistance Centre shall be established within the ETIAS Central Unit in order to support carriers in the implementation of Article 45 of Regulation (EU) 2018/1240 [ETIAS], Article 13 of this Regulation and Article
2. The Carriers Assistance Centre shall be responsible for:

(a) establishing and maintaining in consultation with the Member States a central register of carriers transporting passengers for commercial purposes to the external borders.

(b) providing operational and technical support to the carriers in connection with the queries to be performed on passengers in accordance with Article 45 of Regulation (EU) 2018/1240 [ETIAS], Article 13 of Regulation (EU) 2017/2226 [EES] and Article 45b of the Proposal COM (2018) 302 [VIS].

3. The duly authorised staff of the Carrier Assistance Centre shall have access to the datafiles stored in the CIR, ETIAS Central System, EES Central System and VIS Central System for the purpose of verifying the status of the passengers in order to provide the operational support referred to in point (b) of paragraph 2.

4. Commission shall, by means of an implementing act establish the rules regarding the registration of the carriers referred to in point (a) of paragraph 2 and access to the ETIAS, EES and VIS for the Carriers Assistance Centre staff referred to in paragraph 3.

Or. en

Amendment 127
Cornelia Ernst

Proposal for a regulation
Article 3 – paragraph 1 – point 5
Regulation (EU) 2017/2226
Article 25a – paragraph 1

Text proposed by the Commission

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, the right to access and search data in the EES in accordance with Article 11(8) of that Regulation.

(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

Justification

Access rights to EU Systems are regulated in the original legislation concerning each one of them. Using the interoperability of the systems, so the mere technical possibility to have direct access, in order to grant direct access to all Authorities/users in all Systems is dangerous, outside any principle of purpose limitation and proportionality. On the contrary, in case of a hit produced by a search against a given System, the normal procedure for requesting access to the data shall apply on behalf of those Authorities who are not original foreseen to have access to that given System.

Amendment 128
Dragoș Tudorache, Michal Šimečka, Ramona Strugariu, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík, Abir Al-Sahani

Proposal for a regulation
Article 3 – paragraph 1 – point 5
Regulation (EU) 2017/2226
Article 25a – 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 data in the EES in a read-only format and in accordance with Article 11(8) of that 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, the right to access and search data in the EES in a read-only format and in accordance with
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 data in the EES in accordance with Article 11(8) of that Regulation.

Amendment 130
Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 3 – paragraph 1 – point 5
Regulation (EU) 2017/2226
Article 25a – 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 data in the EES in
accordance with Article 11(8) of that Regulation.

in the EES in accordance with Article 11(8) of that Regulation.

Amendment 131
Petar Vitanov, Isabel Santos, Maria Grapini

Proposal for a regulation
Article 3 – paragraph 1 – point 6
Regulation (EU) 2017/2226
Article 28

**Text proposed by the Commission**

Data retrieved from the EES pursuant to Articles 24, 25, 26 and 27 may be kept in national files and data retrieved from the EES pursuant to Article 25a may be kept in the ETIAS application files only where necessary in an individual case, in accordance with the purpose for which they were retrieved and with relevant Union law, in particular on data protection, and for no longer than strictly necessary in that individual case.;

**Amendment**

Data retrieved from the EES pursuant to Articles 24, 25, 26 and 27 may be kept in national files and data retrieved from the EES pursuant to Article 25a may be kept in the ETIAS application files only where necessary in an individual case, in accordance with the purpose for which they were retrieved, and in accordance with relevant Union law, in particular on data protection, and for no longer than strictly necessary for that individual case.;

Amendment 132
Cornelia Ernst

Proposal for a regulation
Article 4 – paragraph 1 – point 3
Regulation (EU) 2018/1861
Article 36a – 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

**Amendment**

deleted
access and search relevant data entered in SIS. The provisions of Article 36(4)-(8) apply to this access and search.

Or. en

Amendment 133
Petar Vitanov, Isabel Santos, Maria Grapini

Proposal for a regulation
Article 4 – paragraph 1 – point 3
Regulation (EU) 2018/1861
Article 36a – 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 relevant data entered in SIS. The provisions of Article 36(4)-(8) 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 a read-only format, the right to access and search relevant data entered in SIS. The provisions of Article 36(4)-(8) apply to this access and search.

Or. en

Amendment 134
Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 4 – paragraph 1 – point 3
Regulation (EU) 2018/1861
Article 36a – 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

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, the right to access and search relevant data entered in SIS. The provisions of Article 36(4)-(8) apply to this access and search.

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Amendment 135
Dragoș Tudorache, Michal Šimečka, Ramona Strugariu, Malik Azmani, Olivier Chastel, Fabienne Keller, Ondřej Kovařík, Abir Al-Sahlani

Proposal for a regulation
Article 4 – paragraph 1 – point 3
Regulation (EU) 2018/1861
Article 36a – 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 relevant data entered in SIS. The provisions of Article 36(4)-(8) 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 provisions of points (4) to (8) of Article 36 apply to this access and search.