



27.3.2023

COMPROMISE AMENDMENTS

Introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817

Proposal for a regulation
(COM(2020)0612 - C9-0307/2020 – 2020/0278(COD))

Rapporteur: Birgit Sippel

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Amendment 1

Compromise amendment replacing Amendment(s): 149 (Weimers, Huhtasaari)

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The Schengen area was created to achieve ***the Union's objective of establishing*** an area without internal frontiers in which the free movement of persons is ensured, as set out in Article 3(2) of the Treaty on European Union (TEU). The good functioning of this area relies on mutual trust between the Member States and efficient management of the external border.

Amendment

(1) The Schengen area was created to achieve an area without internal frontiers in which the free movement of persons is ensured, as set out in Article 3(2) of the Treaty on European Union (TEU). The good functioning of this area relies on mutual trust between the Member States and efficient management of the external border.

Or. en

Amendment 2

Compromise amendment replacing Amendment(s): 2 (Sippel), 154 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 156 (Strik), 157 (Tobé, Düpont, Ressler, Zoido Álvarez, Vozemberg-Vrionidi, Lenaers), 158 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlan, Keller, Šimečka, Azmani, in 't Veld)

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The rules governing border control of persons crossing the external borders of the Member States of the Union are laid down in Regulation (EU) 2016/399 of the European Parliament and of the Council (Schengen Borders Code)²¹ as adopted under Article 77(2)(b) of the Treaty on the Functioning of the European Union (TFEU). To further develop the Union's policy with a view to carrying out checks on persons and efficiently monitoring the crossing of external borders referred to in the first paragraph of Article 77 TFEU,

Amendment

(2) The rules governing border control of persons crossing the external borders of the Member States of the Union are laid down in Regulation (EU) 2016/399 of the European Parliament and of the Council (Schengen Borders Code)²¹ as adopted under Article 77(2)(b) of the Treaty on the Functioning of the European Union (TFEU). To further develop the Union's policy with a view to carrying out checks on persons and efficiently monitoring the crossing of external borders referred to in the first paragraph of Article 77 TFEU,

additional measures should address situations where third-country nationals **manage to avoid border checks at** the external borders, **or** where third-country nationals are disembarked following search and rescue operations **as well as** where third-country nationals request international protection at a border crossing point without fulfilling entry conditions. The present regulation complements and specifies Regulation (EU) 2016/399 with regard to those three sets of situations.

²¹ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 77, 23.3.2016, p.1.

additional measures should address situations where third-country nationals **are apprehended in connection with an irregular crossing of** the external borders, where third-country nationals are disembarked following search and rescue operations **and** where third-country nationals request international protection at a border crossing point without fulfilling entry conditions. The present regulation complements and **clarifies** Regulation (EU) 2016/399 with regard to those three sets of situations.

²¹ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 77, 23.3.2016, p.1.

Or. en

Amendment 3

Compromise amendment replacing Amendment(s): 3 (Sippel), 160 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 161 (Strik), 162 (Tobé, Düpont, Ressler, Zoido Álvarez, Vozemberg-Vrionidi, Lenaers), 165 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlan, Keller, Šimečka, Azmani, in 't Veld)

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) It is essential to ensure that in those three sets of situations, the third country nationals are screened, in order to facilitate a proper identification and to **allow for them being referred efficiently** to the **relevant procedures** which, depending on the circumstances, **can be procedures** for international protection **or** procedures respecting Directive 2008/115/EC of the European Parliament and of the Council

Amendment

(3) It is essential to ensure that in those three sets of situations, the third country nationals are screened, in order to facilitate a proper identification and to **enable an efficient referral** to the **correct procedure**, which, depending on the circumstances, **might be the procedure** for international protection **as laid down in Regulation (EU) XXXX/202X of the European Parliament and of the Council [Asylum**

(the “Return Directive”)²² . The screening should seamlessly complement the checks carried out at the external border *or compensate* for the *fact that those checks have been circumvented by the third country nationals when crossing the external border.*

Procedures Regulation] or the procedure respecting Directive 2008/115/EC of the European Parliament and of the Council (the “Return Directive”)²² *without prejudice to Member States’ discretion in accordance with Article 6(5) of Regulation (EU) 2016/399. Persons identified as stateless or at risk of statelessness during the screening should be referred to the competent authorities to determine whether the individual is stateless and offer adequate protection, in accordance with national law.* The screening should seamlessly complement the checks carried out at the external border. *Where applicable, the checks carried out in the context of the screening may also form part of the checks to be performed in the context of subsequent procedures.*

²² Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348, 24.12.2008, p. 98.

²² Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348, 24.12.2008, p. 98.

Or. en

Amendment 4

Compromise amendment replacing Amendment(s): 4 (Sippel), 167 (Strik), 168 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 171 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 173 (Strik), 177 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier)

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Border control is in the interest *not only* of the Member States at whose external borders it is carried out but of all Member States *which have abolished*

Amendment

(4) Border control is *not only* in the interest of the Member States at whose external borders it is carried out but of all Member States. Border control should help

internal border control. Border control should help ***to combat illegal migration and*** trafficking of human beings and ***to*** prevent any threat to the Member States' internal security, public ***policy, public*** health and international relations. As such, measures taken at the external borders are important elements of a comprehensive approach to migration, ***allowing to address the challenge of mixed flows of migrants and persons seeking international protection.***

reduce irregular migration, protect victims of trafficking of human beings and prevent any threat to the Member States' internal security, public health and international relations. ***At the same time, when carrying out border control, Member States should act in compliance with relevant Union and international law, including the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967 ("the Geneva Convention"), obligations related to international protection, in particular the principle of non-refoulement, and fundamental rights.*** As such, measures taken at the external borders are important elements of a comprehensive approach to ***asylum and*** migration.

Or. en

Amendment 5

Compromise amendment replacing Amendment(s): 5 (Sippel), 151 (Strik), 174 (Tobé, Düpont, Ressler, Zoido Álvarez, Vozemberg-Vrionidi, Lenaers)

Proposal for a regulation Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) As part of a comprehensive approach to migration and border management, and in accordance with Article 80 TFEU, Union law should contain appropriate measures to give effect to the principle of solidarity and fair sharing of responsibility.

Or. en

Amendment 6

Compromise amendment replacing Amendment(s): 6 (Sippel), 178 (Strik)

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) In accordance with Article 2 of Regulation (EU) 2016/399, border control consists of border checks carried out at the border crossing points and border surveillance, which is carried out between the border crossing points, in order to prevent third-country nationals from circumventing border checks. In accordance with Article 13 of Regulation (EU) 2016/399 a person who has crossed a border in an **unauthorised** manner and who has no right to stay on the territory of the Member State concerned shall be apprehended and made subject to procedures respecting Directive 2008/115/EC. **In accordance with** Article 3 of Regulation (EU) 2016/399, border control should be carried out without prejudice to the rights of refugees and persons requesting international protection, in particular as regards non-refoulement.

Amendment

(5) In accordance with Article 2 of Regulation (EU) 2016/399, border control consists of border checks carried out at the border crossing points and border surveillance, which is carried out between the border crossing points in order to prevent third-country nationals from circumventing border checks. In accordance with Article 13 of Regulation (EU) 2016/399 a person who has crossed a border in an **irregular** manner and who has no right to stay on the territory of the Member State concerned shall be apprehended and made subject to procedures respecting Directive 2008/115/EC. **However**, Article 3 of Regulation (EU) 2016/399 **clarifies that** border control should be carried out without prejudice to the rights of refugees and persons requesting international protection, in particular as regards non-refoulement.

Or. en

Amendment 7

Compromise amendment replacing Amendment(s): 7 (Sippel), 180 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 181 (Strik), 183 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 185 (Tobé, Düpont, Ressler, Zoido Álvarez, Vozemberg-Vrionidi, Lenaers)

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Border guards are often **confronted** with third-country nationals who are requesting international protection **without**

Amendment

(6) Border guards are often **faced** with third-country nationals **who have no travel or identification documents and** who are

travel documents, both following apprehension during border surveillance and during checks at the border crossing points. Moreover, at some border sections the border guards *are confronted* with large numbers of arrivals at the same time. In such circumstances, it is particularly *difficult* to ensure that *all* relevant databases are consulted and to *immediately* determine the appropriate *asylum or return* procedure.

requesting international protection, both following apprehension during border surveillance and during checks at the border crossing points. Moreover, at some border sections the border guards *may be faced* with large numbers of arrivals at the same time. In such circumstances, it is particularly *important* to ensure that relevant databases are consulted and to determine the appropriate procedure *as quickly as possible*.

Or. en

Amendment 8

Compromise amendment replacing Amendment(s): 8 (Sippel), 187 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 188 (Strik), 189 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld)

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) In order to ensure *a* swift handling of third-country nationals who *try to avoid* border checks or who request international protection at a border crossing point without fulfilling the entry conditions or who are disembarked following a search and rescue operation, it is necessary to provide a stronger framework for cooperation between the different national authorities responsible for border control, the protection of public health, the examination of the need for international protection and the application of return procedures.

Amendment

(7) In order to ensure *an improved and* swift handling of third-country nationals who *have not been subject to* border checks, or who request international protection at a border crossing point without fulfilling the entry conditions, or who are disembarked following a search and rescue operation, it is necessary to provide a stronger framework for cooperation between the different national authorities responsible for border control, the protection of public health, *child protection*, the examination of the need for international protection and the application of return procedures.

Or. en

Amendment 9

Compromise amendment replacing Amendment(s): 9 (Sippel), 193 (Strik)

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) In particular, the screening should help to ensure that the third-country nationals concerned are referred to the appropriate procedures at the earliest stage possible and that the procedures are continued without interruption and delay. At the same time, the screening **should help to counter the practice whereby some applicants for international protection abscond after having been authorised to enter the territory of a Member State based on their request for international protection, in order to pursue such requests in another Member State or not at all.**

Amendment

(8) In particular, the screening should help to ensure that the third-country nationals concerned are referred to the appropriate procedures at the earliest stage possible and that the procedures are continued without interruption and delay. At the same time, the screening **could help discourage secondary movements in the Schengen area.**

Or. en

Amendment 10

Compromise amendment replacing Amendment(s): 10 (Sippel), 195 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 197 (Strik), 198 (Kofod, Madison, Huhtasaari, Vandendriessche, Fest, Haider, Bay, Garraud, Vilimsky, Tardino), 200 (Tobé, Düpont, Ressler, Lenaers)

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) With regard to those persons who apply for international protection, the screening should **be followed by an examination of the need** for international protection. **It should allow to collect and share with the authorities competent for that examination** any information that is relevant **for** the latter to identify the appropriate procedure for the examination of the application, **thus speeding up that**

Amendment

(9) With regard to those persons who apply for international protection, **and without prejudice to Regulation (EU) No XX/XXX [Asylum and Migration Management Regulation]**, the screening should **enable the screening authorities to collect and share with the competent authorities for examining an application** for international protection any information that is relevant, **without assessing the**

examination. The screening should also **ensure that** persons with special needs **are identified** at an early stage, so that any special reception and procedural needs are fully taken into account in the determination of and the pursuit of the applicable procedure.

value of that information. The screening should also **contribute to identifying vulnerable persons and** persons with special needs at an early stage, so that any **medical,** special reception **or** procedural needs are fully taken into account in the determination of and the pursuit of the applicable procedure.

Or. en

Proposal for a regulation

Recital 10

Text proposed by the Commission

Amendment

(10) The obligations stemming from this Regulation should be without prejudice to the provisions concerning responsibility for examining an application for international protection regulated in Regulation (EU) No XX/XXX [Asylum and Migration Management Regulation].

deleted

Or. en

Amendment 11

Compromise amendment replacing Amendment(s): 11 (Sippel), 205 (Strik), 206 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier)

Proposal for a regulation

Recital 11

Text proposed by the Commission

Amendment

(11) This Regulation should apply to third-country nationals and stateless persons who are apprehended in connection with **the unauthorised crossings** of the external border of a Member State by land, sea or air, except **third country nationals** for whom the Member State is not required to take the biometric data pursuant to Article 14(1) and (3) of the Eurodac Regulation for

(11) This Regulation should apply to third-country nationals and stateless persons who are apprehended in connection with **an irregular crossing** of the external border of a Member State by land, sea or air, except **those** for whom the Member State is not required to take the biometric data pursuant to Article 14(1) and (3) of the Eurodac Regulation for reasons other than their age, as well as to

reasons other than their age, as well as to **persons** who have been disembarked following search and rescue **operations, regardless of whether they apply or not for international protection. This Regulation should also apply** to those **who seek** international protection at the border crossing points or in transit zones without fulfilling the entry conditions

those third-country nationals who have been disembarked following search and rescue **operations and do not fulfil the entry conditions set out in Article 6 of Regulation (EU) 2016/399 and to those third country nationals who apply for international protection at the border crossing points or in transit zones without fulfilling the entry conditions set out in Article 6 of Regulation (EU) 2016/399.**

Or. en

Amendment 12

Compromise amendment replacing Amendment(s): 12 (Sippel), 19 (Sippel), 207 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 208 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 209 (Strik), 210 (Morano), 212 (Tobé, Düpont, Ressler, Zoido Álvarez, Lenaers), 249 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier)

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) The screening **should** be conducted at or in proximity to the external border, **before the persons concerned are authorised to enter the territory. The Member States should apply measures pursuant to national law to prevent the persons concerned from entering the territory during the screening. In individual cases, where required, this may include detention, subject to the national law regulating that matter.**

Amendment

(12) The screening **may** be conducted **at any appropriate and adequate location within the territory of a Member State. Member States should designate any location used for the Screening, which may be located** at or in proximity to the external border **taking into account geography and existing infrastructures.**

Or. en

Proposal for a regulation

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12 a) In individual cases, where

required, the screening may include detention, subject to the relevant Union and national law regulating that matter, in particular Directive (EU) xxxx/xxxx [Reception Conditions Directive]. The provisions regarding detention set out in that directive should apply mutatis mutandis to all persons subject to the screening.

Or. en

Proposal for a regulation

Recital 20

Text proposed by the Commission

Amendment

(20) The Member States should determine appropriate locations for the screening at or in proximity to the external border taking into account geography and existing infrastructures, ensuring that apprehended third-country nationals as well as those who present themselves at a border crossing point can be swiftly submitted to the screening. The tasks related to the screening may be carried out in hotspot areas as referred to in point (23) of Article 2 of Regulation (EU) 2019/1896 of the European Parliament and of the Council²³.

deleted

²³ *Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard, OJ L 295, 14.11.2019, p. 1.*

Or. en

Amendment 13

Compromise amendment replacing Amendment(s): 13 (Sippel), 220 (Strik)

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) Wherever it becomes clear during the screening **that** a third-country national **subject to it** fulfils the conditions of Article 6 of Regulation (EU) 2016/399, the screening should end and the **third-country national** concerned should be authorised to enter the territory, without prejudice to the application of penalties as referred to in Article 5(3) of that **regulation**.

Amendment

(13) Wherever it becomes clear during the screening **of** a third-country national **that he or she** fulfils the conditions of Article 6 of Regulation (EU) 2016/399, the screening should end and, **if it is not already the case**, the **person** concerned should be authorised to enter the territory, without prejudice to the application of penalties as referred to in Article 5(3) of that **Regulation**.

Or. en

Amendment 14

Compromise amendment replacing Amendment(s): 14 (Sippel), 322 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier)

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) All persons subject to the screening should be submitted to checks in order to establish their identity and to **ascertain that they do not** pose a threat to internal security or public health. In the case of persons requesting international protection at border crossing points, the identity and security checks carried out in the context of border checks should be taken into account to avoid duplication.

Amendment

(15) All persons subject to the screening should be submitted to checks in order to **verify or** establish their identity and to **verify whether they might** pose a threat to internal security or public health. In the case of persons requesting international protection at border crossing points, the identity and security checks carried out in the context of border checks should be taken into account to avoid duplication.

Or. en

Proposal for a regulation
Recital 35

Text proposed by the Commission

Amendment

(35) The screening should also assess whether the entry of the third-country nationals into the Union could pose a threat to internal security or to public policy.

deleted

Or. en

Amendment 15

Compromise amendment replacing Amendment(s): 15 (Sippel), 229 A (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 230 (Strik), 231 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 232 (Tobé, Düpont, Ressler, Zoido Álvarez, Vozemberg-Vrionidi, Lenaers)

Proposal for a regulation

Recital 16

Text proposed by the Commission

Amendment

(16) On completion of the screening, the third-country nationals concerned should be referred to the *relevant* procedure to establish responsibility for examining an application for and to assess the need for international protection, or be made subject to procedures respecting Directive **2008/115** (return directive), as appropriate. **The *relevant information obtained during the screening* should be provided to the competent authorities to support the further assessment of each individual case, in full respect of fundamental rights. The procedures established by Directive **2008/115** should start applying only after the screening has ended. *Article 26 and 27 of the Asylum Procedures Regulation should apply only after the screening has ended. This should be without prejudice to the fact that the persons applying for international protection at the moment of apprehension, in the course of border control at the border crossing point or***

(16) On completion of the screening, the third-country nationals concerned should be *either* referred to the procedure to establish responsibility for examining an application for and to assess the need for international protection, or be made subject to procedures respecting Directive **2008/115/EC** [Return Directive *without prejudice to Article 6(5) of Regulation (EU) 2016/399*]. The screening *form containing the collected information* should be provided to the competent authorities to support the further assessment of each individual case, in full respect of fundamental rights. The procedures established by Directive **2008/115/EC** should start applying only after the screening has ended. Persons *expressing a wish to apply or* applying for international protection at the moment of apprehension, in the course of border control at the border crossing point or during the screening, should be considered

during the screening, should be considered applicants.

applicants *for international protection from the moment they express their wish to apply for international protection and Regulation (EU) xxxx/xxxx [Asylum Procedure Regulation] and Directive (EU) xxxx/xxxx [Reception Conditions Directive] should apply to them.*

Or. en

Amendment 16

Compromise amendment replacing Amendment(s): 16 (Sippel), 234 (Strik), 235 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 236 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld)

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) ***The screening could also be followed by relocation*** under the mechanism for solidarity established by Regulation (EU) XXX/XXX [Asylum and Migration Management] ***where a Member State is contributing to solidarity on a voluntary basis or the*** applicants for international protection ***are not subject to the border procedure pursuant to Regulation (EU) No. XXX/XXX (Asylum Procedures Regulation),*** or under the mechanism addressing situations of crisis established by Regulation (EU) XXX/XXX [Regulation on situations of crisis].

Amendment

(17) Under the mechanism for solidarity established by Regulation (EU) XXX/XXX [Asylum and Migration Management] ***or under the mechanism addressing situations of crisis established by Regulation (EU) XXX/XXX [Regulation on situations of crisis], Member States are encouraged to relocate*** applicants for international protection ***swiftly and without undue delay after the screening.***

Or. en

Amendment 17

Compromise amendment replacing Amendment(s): 20 (Sippel), 21 (Sippel), 253 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 254 (Strik), 256 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 259 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Šimečka, Azmani, in 't Veld), 260 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 261 (Strik)

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) In order to achieve the objectives of the screening, close cooperation should be ensured between the competent national authorities referred to in Article 16 of **Regulation 2016/399**, those referred to in Article 5 of *the* [Asylum Procedures Regulation] as well as those responsible for carrying out return procedures respecting Directive **2008/115**. ***Child protection authorities should also be closely involved in the screening wherever necessary to ensure that the best interests of the child are duly taken into account throughout the screening.*** Member States should be allowed to avail themselves of the support of the relevant agencies, in particular the European Border and Coast Guard Agency and the [European Union Agency for Asylum], within the limits of their mandates. Member States should involve the national Rapporteurs for Anti-trafficking wherever the screening reveals facts relevant for trafficking in line with Directive 2011/36/EU of the European Parliament and of the Council²⁴.

²⁴ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, OJ L 101, 15.4.2011, p. 1.

Amendment

(21) In order to achieve the objectives of the screening, close cooperation should be ensured between the competent national authorities referred to in Article 16 of **Regulation (EU) 2016/399**, those referred to in Article 5 of **Regulation (EU) xxxx/xxxx** [Asylum Procedures Regulation] as well as those responsible for carrying out return procedures respecting Directive **2008/115/EC**. ***In that regard, it is important to avoid the duplication of obligations on Member States and applicants for international protection regarding the procedures in place, and the duplication of rules concerning reception conditions and grounds on which persons might be detained.*** Member States should be allowed ***and are encouraged*** to avail themselves of the support of the relevant agencies, in particular the European Border and Coast Guard Agency and the European Union Agency for Asylum, within the limits of their mandates. Member States should involve the national Rapporteurs for Anti-trafficking wherever the screening reveals facts relevant for trafficking in line with Directive 2011/36/EU of the European Parliament and of the Council²⁴.

²⁴ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, OJ L 101, 15.4.2011, p. 1.

Or. en

Proposal for a regulation
Recital 21 a (new)

(21 a) During the screening procedure, the child's best interests should always be a primary consideration in accordance with Article 24(2) of the Charter of Fundamental Rights of the European Union. Child protection authorities should, wherever necessary, be closely involved in the screening to ensure that the best interests of the child are duly taken into account throughout the screening. A representative should be appointed to represent and assist the unaccompanied minor during the screening. Where applicable, this representative should be the same as the representative to be appointed in accordance with Article 23 of Directive (EU) XXX/XXX [Reception Conditions Directive].

Or. en

Amendment 18

Compromise amendment replacing Amendment(s): 22 (Sippel), 259 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Šimečka, Azmani, in 't Veld)

Proposal for a regulation

Recital 22

Text proposed by the Commission

Amendment

(22) When ***conducting the screening, the competent authorities*** should comply with the Charter of Fundamental Rights of the European Union and ensure the respect for human dignity and should not discriminate against persons on grounds of sex, racial, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinions, membership of a national minority, disability, age or sexual orientation. Particular attention should be paid to the

(22) When ***applying this Regulation, the Member States*** should comply with the Charter of Fundamental Rights of the European Union, ***relevant international law, including the Convention Relating to the Status of Refugees done at Geneva on 28 July 1951 ('the Geneva Convention')***, and ensure the respect for human dignity and should not discriminate against persons on grounds of sex, racial, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other

best interests of the child.

opinions, membership of a national minority, disability, age or sexual orientation. Particular attention should be paid to the best interests of the child.

Or. en

Amendment 19

Compromise amendment replacing Amendment(s): 23 (Sippel), 179 (Tobé, Düpont, Ressler, Zoido Álvarez, Vozemberg-Vrionidi, Lenaers), (268 (Strik), 269 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 270 (Tobé, Düpont, Ressler, Zoido Álvarez, Vozemberg-Vrionidi, Lenaers), 271 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 564 (Strik), 576 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), (579 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 791 (Juknevičienė), 449-partly (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 492-partly (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld)

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) In order to ensure compliance with EU and international law, including the Charter of Fundamental Rights, during **the screening**, each Member State should establish a monitoring mechanism and put in place adequate safeguards for the independence **thereof**. The monitoring mechanism should **cover in particular** the respect for fundamental rights in relation to the screening, as well as the respect for the applicable **national** rules regarding detention and compliance with the principle of non-refoulement as referred to in Article 3(b) of Regulation (EU) 2016/399. **The Fundamental Rights Agency should establish general guidance as to the establishment and the independent functioning of such monitoring mechanism. Member States should furthermore be allowed to request the support of the Fundamental Rights Agency for developing their national**

Amendment

(23) In order to ensure compliance with EU and international law, including the Charter of Fundamental Rights, during **border surveillance and the screening procedure**, each Member State should establish **or designate** a monitoring mechanism and put in place adequate safeguards for the independence **of that mechanism in accordance with the Paris Principles, the Venice Principles, the UN General Assembly Resolution of 2020 on the role of Ombudsman, and the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, in particular by involving national human rights institutions, national ombudspersons or international organisations in the management and operation of the mechanism. Member States may also involve relevant non-governmental organisations. The bodies**

monitoring mechanism. Member States should also be allowed to seek advice from the Fundamental Rights Agency with regard to establishing the methodology for this monitoring mechanism and with regard to appropriate training measures. Member States should also be allowed to invite relevant and competent national, international and non-governmental organisations and bodies to participate in the monitoring. The independent monitoring mechanism should be without prejudice to the monitoring of fundamental rights provided by the European Border and Coast Guard Agency's fundamental rights monitors provided for in Regulation (EU) 2019/1896. The Member States should investigate allegations of the breach of the fundamental rights during the screening, including by ensuring that complaints are dealt with expeditiously and in an appropriate way.

responsible for the mechanism should establish and maintain close links with the national data protection authorities and the European Data Protection Supervisor. The mechanism should monitor the respect for fundamental rights in relation to border surveillance and the screening procedure, as well as the respect for the applicable rules regarding detention and compliance with the principle of non-refoulement as referred to in Article 3(b) of Regulation (EU) 2016/399.

Or. en

**Proposal for a regulation
Recital 23 a (new)**

Text proposed by the Commission

Amendment

(23 a) The Fundamental Rights Agency (FRA) should establish general guidance as to the establishment and the independent functioning of such monitoring mechanisms. Member States should furthermore be allowed to request the support of the FRA for developing their national monitoring mechanism. Member States should also be allowed to seek advice from the FRA with regard to establishing the methodology for this monitoring mechanism and with regard to appropriate training measures.

Or. en

**Proposal for a regulation
Recital 23 b (new)**

Text proposed by the Commission

Amendment

(23 b) The independent monitoring mechanism should be in addition and without prejudice to the monitoring of fundamental rights provided by the European Border and Coast Guard Agency's fundamental rights monitors provided for in Regulation (EU) 2019/1896, the monitoring mechanism for the purpose of monitoring the operational and technical application of the Common European Asylum System (CEAS) as set out in Article 14 of Regulation (EU) xxxx/xxxx [EU Asylum Agency Regulation], the Schengen Evaluation and Monitoring Mechanism provided for in Council Regulation (EU) 2022/922 and monitoring carried out by existing national or international monitoring bodies. The Member States should investigate all allegations of non-respect of fundamental rights during border surveillance and the screening procedure, including by ensuring that complaints are dealt with promptly, expeditiously and are capable of leading to the identification and sanction of those responsible in an appropriate manner.

Or. en

**Proposal for a regulation
Recital 23 c (new)**

Text proposed by the Commission

Amendment

(23 c) Member States should ensure that the implementation of the screening procedure, and the set up and operation of the independent monitoring mechanism, are adequately financed and

resourced. To that end, they may request funding for the establishment and operation of the independent monitoring mechanism from EU funding sources, in particular the Integrated Border Management Fund (IBMF) provided for in Regulation (EU) 2021/1148.

Or. en

Proposal for a regulation
Recital 23 d (new)

Text proposed by the Commission

Amendment

(23 d) The obligations on Member States to establish or designate an existing independent monitoring mechanism during border surveillance and the screening procedure set out in this Regulation as well as during the asylum and return border procedure set out in Article [XX] of Regulation (EU) xxxx/xxxx [Asylum Procedure Regulation] should be fulfilled through the establishment or designation of one mechanism that covers all relevant phases and procedures specified in the respective regulations.

Or. en

Amendment 20

Compromise amendment replacing Amendment(s): 24 (Sippel), 276 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 279 (Strik), 280 (Zoido Álvarez, Lenaers), 282 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Šimečka, Azmani, in 't Veld), 283 (Strik)

Proposal for a regulation
Recital 24

Text proposed by the Commission

Amendment

(24) By the end of the screening, the authorities responsible for the screening should fill in a *de-briefing* form. The form

(24) By the end of the screening, the authorities responsible for the screening should fill in a *screening* form. The form

should be transmitted to the authorities examining applications for international protection or to the authorities competent for return – depending *on* whom the *individual* is referred *to*. *In the former case, the authorities responsible for the screening should also indicate any elements which may seem to be relevant for determining whether the competent authorities should submit the application of the third-country national concerned to an accelerated examination procedure or to the border procedure.*

should be transmitted to the authorities examining applications for international protection or to the authorities competent for return – depending *to* whom the *person* is referred.

Or. en

Proposal for a regulation
Recital 24 a (new)

Text proposed by the Commission

Amendment

(24 a) The information in the screening form should be recorded in such a way that it is amenable to administrative and judicial review during any subsequent asylum or return procedure. The person subject to the screening should have the possibility to indicate to the competent authorities that the information contained in the form is incorrect. Any such indication should be recorded in the screening form without delaying the completion of the screening.

Or. en

Proposal for a regulation
Recital 24 aa (new)

Text proposed by the Commission

Amendment

(24 aa) The person concerned should be provided with a copy of the screening form before it is transmitted to the relevant authorities. In the case of minors, the copy of the form should be provided to the adult(s) responsible for the

child. In the case of unaccompanied minors, the form should be provided to the child's representative.

Or. en

Amendment 35

Compromise amendment replacing Amendment(s): 216 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 217 (Strik), 273 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 274 (Strik), 581 (Strik), 629 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 630 (Strik)

Proposal for a regulation Recital 24 b (new)

Text proposed by the Commission

Amendment

(24b) The processing of data during the screening procedure should always be carried out in accordance with Regulation (EU) 2016/679, Regulation 2018/1725 or, where relevant, Directive 2018/680, including the general principles of data minimisation and purpose limitation. Particular attention should be given to Article 13 of Regulation (EU) 2016/679 [GDPR], Article 13 of Directive (EU) 2016/680 [Police Directive] and Article 15 of Regulation (EU) 2018/1725, including the right to request from the data controller access to and rectification or erasure of personal data and the right to lodge a complaint with a supervisory authority. When implementing this regulation, all relevant opinions and recommendations of the European Data Protection Board and European Data Protection Supervisor should be taken into account.

Or. en

Amendment 21

Compromise amendment replacing Amendment(s): 25 (Sippel), 32 (Sippel), 284 (Strik), 285 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 316 (Strik), 317 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier)

Proposal for a regulation

Recital 25

Text proposed by the Commission

Amendment

(25) The biometric data taken during the screening should, together with the data referred to in Articles [12, 13, 14 and 14a] of the Eurodac Regulation be transmitted to Eurodac by the competent authorities in accordance with the deadlines provided for in that Regulation.

deleted

Or. en

Proposal for a regulation

Recital 33

Text proposed by the Commission

Amendment

(33) The identification of persons during border checks at the border crossing point and any consultation of the databases in the context of border surveillance or police checks in the external border area by the authorities who referred the person concerned to the screening should be considered as part of the screening and should not be repeated, unless there are special circumstances justifying such repetition.

(33) The identification of persons during border checks at the border crossing point and any consultation of the databases in the context of border surveillance or police checks in the external border area by the authorities who referred the person concerned to the screening should be considered as part of the screening and should not be repeated, unless there are special circumstances justifying such repetition. ***It is neither necessary nor proportionate to consult the same database multiple times in respect of the same person. The collection of personal data, and in particular the taking of biometric data for the purpose of both verification or identification and of the registration in accordance with the requirements of Regulation (EU) xxxx/xxxx [Eurodac Regulation], should take place once as part of the screening.***

Amendment 22

Compromise amendment replacing Amendment(s): 26 (Sippel), 286 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 288 (Strik), 289 (Oetjen), 290 (Tobé, Düpont, Ressler, Zoido Álvarez, Vozemberg-Vrionidi, Lenaers), 291 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 292 (Tobé, Düpont, Ressler, Zoido Álvarez, Vozemberg-Vrionidi, Lenaers)

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

(26) A preliminary health examination should be carried out on all persons submitted to the screening ***at the external borders*** with a view to identifying persons in need of immediate care or requiring other measures to be taken, for instance isolation on public health grounds. The specific needs of minors and vulnerable persons should be taken into account. ***If it is clear from the circumstances that such examination is not needed, in particular because the overall condition of the person appears to be very good, the examination should not take place and the person concerned should be informed of that fact.*** The preliminary health examination should be carried out by the health authorities of the Member State concerned. ***With regard to third-country nationals apprehended within the territory, the preliminary medical examination should be carried out where it is deemed necessary at first sight.***

Amendment

(26) A preliminary health examination should be carried out on all persons submitted to the screening with a view to identifying persons in need of immediate care or requiring other measures to be taken, for instance isolation on public health grounds. The specific needs of minors and vulnerable persons should be taken into account. The preliminary health examination should be carried out by ***qualified medical professionals of*** the health authorities of the Member State concerned.

Proposal for a regulation**Recital 26 a (new)**

(26 a) A preliminary vulnerability check should be carried out on all persons submitted to the screening with a view to identifying persons who are in a vulnerable situation, are victims of torture or other inhuman or degrading treatment, are stateless or at risk of statelessness, or have special reception or procedural needs within the meaning of Article [21] of Directive (EU) xxxx/xxxx [Reception Conditions Directive] and Article [20] of Regulation (EU) xxxx/xxxx [Asylum Procedure Regulation]. The vulnerability check should be carried out by qualified professionals of the Member State concerned.

Or. en

Amendment 23

Compromise amendment replacing Amendment(s): 27 (Sippel), 295 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 296 (Strik), 297 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld)

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) During the screening, all persons concerned should be guaranteed a standard of living complying with the Charter of Fundamental Rights of the European Union and have access to emergency health care and essential treatment of illnesses. Particular attention should be paid to individuals with vulnerabilities, such as pregnant women, elderly persons, single parent families, persons with ***an immediately identifiable*** physical or mental disability, persons ***visibly having suffered*** psychological ***or*** physical ***trauma***

Amendment

(27) During the screening, all persons concerned should be guaranteed a standard of living complying with the Charter of Fundamental Rights of the European Union and have access to emergency health care and essential treatment of illnesses. ***Directive (EU) XXX/XXX [Reception Conditions Directive] applies to applicants for international protection.*** Particular attention should be paid to individuals with vulnerabilities, such as ***minors, unaccompanied minors,*** pregnant women, elderly persons, single parent families,

and unaccompanied minors. In particular, in case of a minor, information should be provided in a child-friendly and age appropriate manner. All the authorities involved in the performance of the tasks related to the screening should respect human dignity, privacy, and refrain from any discriminating actions or behaviour.

victims of trafficking in human beings, persons with a serious illness, persons with a mental disorder, persons with a physical or mental disability, persons who have been subjected to torture, rape or other serious forms of psychological physical or sexual violence. In particular, in *the* case of a minor, information should be provided in a child-friendly and age appropriate manner *and should also be provided to the minor's representative.* All the authorities involved in the performance of the tasks related to the screening should respect human dignity, privacy, and refrain from any discriminating actions or behaviour.

Or. en

Amendment 24

Compromise amendment replacing Amendment(s): 28 (Sippel), 299 (Tobé, Düpont, Ressler, Zoido Álvarez, Vozemberg-Vrionidi, Lenaers), 300 (Strik), 301 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier)

Proposal for a regulation Recital 28

Text proposed by the Commission

(28) Since third-country nationals subject to the screening may not *carry* the necessary identity and travel documents required for the legal crossing of the external border, an identification procedure should be *provided for* as part of the screening.

Amendment

(28) Since third-country nationals subject to the screening may not *have* the necessary identity and travel documents required for the legal crossing of the external border, *a verification of identity or* an identification procedure should be *carried out* as part of the screening.

Or. en

Amendment 25

Compromise amendment replacing Amendment(s): 29 (Sippel), 303 (Strik)

Proposal for a regulation Recital 29

(29) The Common Identity Repository (“CIR”) was established by Regulation (EU) 2019/817 of the European Parliament and of the Council (Interoperability Regulation)²⁵ to facilitate and assist in the correct identification of persons registered in the Entry/Exit System (“EES”), the Visa Information System (“VIS”), the European Travel Information and Authorisation System (“ETIAS”), Eurodac and in the European Criminal Records Information System for third country nationals (“ECRIS-TCN”), including of unknown persons who are unable to identify themselves. For that purpose, the CIR contains only the identity, travel document and biometric data recorded in EES, VIS, ETIAS, Eurodac and ECRIS-TCN, logically separated. Only the personal data strictly necessary to perform an accurate identity check is stored in the CIR. The personal data recorded in the CIR *is kept for no longer than strictly necessary for the purposes of the underlying systems and should* automatically *be* deleted where the data are deleted from the underlying systems. Consultation of the CIR enables a reliable and exhaustive identification of persons, by making it possible to consult all identity data present in the EES, VIS, ETIAS, Eurodac and ECRIS-TCN in one go, in a fast and reliable manner, while ensuring *a maximum* protection of the data and avoiding unnecessary processing or duplication of data.

²⁵ Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC)

(29) The Common Identity Repository (“CIR”) was established by Regulation (EU) 2019/817 of the European Parliament and of the Council (Interoperability Regulation) 25 to facilitate and assist in the correct identification of persons registered in the Entry/Exit System (“EES”), the Visa Information System (“VIS”), the European Travel Information and Authorisation System (“ETIAS”), Eurodac and in the European Criminal Records Information System for third country nationals (“ECRIS-TCN”), including of unknown persons who are unable to identify themselves. For that purpose, the CIR contains only the identity, travel document and biometric data recorded in EES, VIS, ETIAS, Eurodac and ECRIS-TCN, logically separated. Only the personal data strictly necessary to perform an accurate identity check is stored in the CIR. The personal data recorded in the CIR *are* automatically deleted where the data are deleted from the underlying systems. Consultation of the CIR enables a reliable and exhaustive *verification of identity or* identification of persons, by making it possible to consult all identity data present in the EES, VIS, ETIAS, Eurodac and ECRIS-TCN in one go, in a fast and reliable manner, while ensuring *the* protection of the data and avoiding unnecessary processing or duplication of data.

²⁵ Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC)

No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA, OJ L 135, 22.5.2019, p. 27.

No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA, OJ L 135, 22.5.2019, p. 27.

Or. en

Amendment 26

Compromise amendment replacing Amendment(s): 30 (Sippel), 308 (Strik), 309 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier)

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) In order to establish the identity of the persons subject to the screening, a verification should be initiated in the CIR in the presence of the person during the screening. During that verification, the biometric data of the person should be checked against the data contained in the CIR. Where the biometric data of a person cannot be used or if a *query* with that data fails, the *query* could be carried out with identity data of the person in combination with travel document data, where such data are available. In accordance with the principles of necessity and proportionality, and where the *query* indicates that data on that person are stored in the CIR, Member State authorities should have access to the CIR to consult the identity data, travel document data and biometric data of that person, without the CIR providing any indication as to which EU information system the data belong to.

Amendment

(30) In order to *verify or* establish the identity of the persons subject to the screening, a verification should be initiated in the CIR in the presence of the person during the screening. During that verification, the biometric data of the person should be checked against the data contained in the CIR. Where the biometric data of a person cannot be used or if a *consultation* with that data fails, the *consultation* could be carried out with identity data of the person in combination with travel document data, where such data are available. In accordance with the principles of necessity and proportionality, and where the *consultation* indicates that data on that person are stored in the CIR, Member State authorities should have access to the CIR to consult the identity data, travel document data and biometric data of that person, without the CIR providing any indication as to which EU information system the data belong to.

Or. en

Amendment 27

Compromise amendment replacing Amendment(s): 31 (Sippel)

Proposal for a regulation

Recital 32

Text proposed by the Commission

(32) Given that many persons submitted to the screening may not **carry** any travel documents, the authorities conducting the screening should have access to any other relevant documents held by the persons concerned in cases where the biometric data of such persons are not usable or yield no result in the CIR. The authorities should also be allowed to use data from those documents, other than biometric data, to carry out checks against the relevant databases.

Amendment

(32) Given that many persons submitted to the screening may not **have** any travel documents, the authorities conducting the screening should have access to any other relevant documents held by the persons concerned **for the verification of identity or identification** in cases where the biometric data of such persons are not usable or yield no result in the CIR. The authorities should also be allowed to use data from those documents, other than biometric data, to carry out checks against the relevant databases.

Or. en

Amendment 28

Compromise amendment replacing Amendment(s): 34 (Sippel), 327 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 328 (Strik)

Proposal for a regulation

Recital 36

Text proposed by the Commission

(36) As the screening concerns **persons** present at the external border **without fulfilling** entry conditions, or disembarked after a search and rescue operation, the security checks as part of the screening should be **at least** of a similar level **as** the checks performed in respect of third country nationals **that** apply **on** beforehand for an authorisation to enter the Union for a short stay, whether they are under a visa

Amendment

(36) As the screening concerns **third-country nationals** present at the external border **who maynot fulfil** entry conditions, or **who have been** disembarked after a search and rescue operation, the security checks as part of the screening should be of a similar level **to** the checks performed in respect of third country nationals **who** apply beforehand for an authorisation to enter the Union for a short stay, whether

obligation or not.

they are under a visa obligation or not.

Or. en

Amendment 29

Compromise amendment replacing Amendment(s): 35 (Sippel), 332 (Strik)

Proposal for a regulation

Recital 39

Text proposed by the Commission

Amendment

(39) ***It follows from the reasoning developed in recital (36) that as regards persons subject to the screening, automated verifications for security purposes should be carried out against the same systems as is provided for applicants for a visa or for a travel authorisation under the European Travel Information and Authorisation System: the VIS, EES, ETIAS, SIS, ECRIS-TCN, Europol and Interpol's SLTD and TDAWN. Persons submitted to the screening should also be checked against ECRIS-TCN as regards persons convicted in relation to terrorist offences and other forms of serious criminal offences, Europol data referred to in the preceding recital 38, the Interpol's Lost and Stolen Travel Documents database and Travel Documents Associated with Notices databases (TDAWN).***

(39) As regards persons subject to the screening, automated ***consultation*** for security purposes against the ***relevant databases*** should also be ***carried out***.

Or. en

Amendment 30

Compromise amendment replacing Amendment(s): 36 (Sippel), 334 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 335 (Strik)

Proposal for a regulation

Recital 40

Text proposed by the Commission

Amendment

(40) Those ***checks*** should be conducted

(40) Those ***consultations*** should be

in a manner that ensures that only data necessary for carrying out the security checks is retrieved from those databases. With regard to persons who have requested international protection at a border crossing point, the consultation of databases for the security check as part of the screening should **focus on the** databases **that** were not consulted during the border checks at the external border, **thus avoiding repeated consultations**.

conducted in a manner that ensures that only data necessary for carrying out the security checks is retrieved from those databases. With regard to persons who have requested international protection at a border crossing point, the consultation of databases for the security check as part of the screening should **take place only insofar as any of the relevant** databases were not consulted during the border checks at the external border.

Or. en

Amendment 31

Compromise amendment replacing Amendment(s): 37 (Sippel)

Proposal for a regulation Recital 41

Text proposed by the Commission

(41) Where justified **for the purpose of** the security check, **the screening** could also include verification of objects in the possession of third-country nationals, in accordance with national law. Any measures applied in **this** context should be proportionate and should respect the human dignity of the persons subject to the screening. The authorities involved should ensure that the fundamental rights of the individuals concerned are respected, including the right to protection of personal data and freedom of expression.

Amendment

(41) Where justified, the security check could also include verification of objects in the possession of third-country nationals, in accordance with national law. Any measures applied in **the context of a security check** should be proportionate and should respect the **principles of human dignity and of physical and psychological integrity** of the persons subject to the screening. The authorities involved should ensure that the fundamental rights of the individuals concerned are respected, including the right to protection of personal data and freedom of expression.

Or. en

Amendment 32

Compromise amendment replacing Amendment(s): 38 (Sippel), 340 (Strik), 341 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 342 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld)

Proposal for a regulation

Recital 42

Text proposed by the Commission

(42) Since **access to** EES, ETIAS, VIS and ECRIS-TCN **is necessary for the authorities designated to carry out the screening** in order to establish whether **the** person could pose a threat to **the** internal security **or to public policy**, Regulation (EC) No 767/2008, Regulation (EU) 2017/2226, Regulation (EU) 2018/1240 and Regulation (EC) No 2019/816, respectively, should be amended to provide for **this additional access right which is currently not provided by those Regulations**. In the case of Regulation (EU) No 2019/816, this amendment should for reasons of variable geometry take place through a different regulation than the present one.

Amendment

(42) Since EES, ETIAS, VIS and ECRIS-TCN **may include relevant information** in order to establish whether **a** person could pose a threat to internal security, Regulation (EC) No 767/2008, Regulation (EU) 2017/2226, Regulation (EU) 2018/1240 and Regulation (EC) No 2019/816, respectively, should be amended to provide for **limited access rights for the screening authorities for this specific purpose**. In the case of Regulation (EU) No 2019/816, this amendment should for reasons of variable geometry take place through a different regulation than the present one.

Or. en

Amendment 33

Compromise amendment replacing Amendment(s): 39 (Sippel), 346 (Strik), 347 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier)

Proposal for a regulation

Recital 44

Text proposed by the Commission

(44) **Since the effective implementation of the screening is dependent upon correct identification of the individuals concerned and of their security background**, the consultation of European databases for that purpose **is justified by the same** objectives for which each of those databases has been established, **that**

Amendment

(44) The consultation of European databases for **the purpose of verification of identity or identification and security checks during the screening can be justified to the extent necessary for achieving** that purpose **and in accordance with the** objectives for which each of those databases has been established.

is to say, the effective management of the Union's external borders, the internal security of the Union and the effective implementation of the Union's asylum and return policies.

Information on whether the consultation of relevant databases for security purposes in accordance with Article 11 resulted in a hit or no hit should be included in the screening form.

Or. en

Amendment 34

Compromise amendment replacing Amendment(s): 45 (Sippel), 348 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Azmani, in 't Veld), 349 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 350 (Strik), 351 (Tobé, Düpont, Ressler, Lenaers)

Proposal for a regulation

Recital 45

Text proposed by the Commission

(45) Since the objectives of this Regulation, namely the strengthening of the *control of persons who are about to enter the Schengen area and their referral to the appropriate procedures*, cannot be achieved by Member States acting alone, it is necessary to establish common rules at Union level. Thus, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Amendment

(45) Since the objectives of this Regulation, namely the strengthening of the *border checks at the external borders, the verification of identity or identification of all third-country nationals subject to it and the verification against the relevant databases whether the persons might pose a threat to internal security*, cannot be achieved by Member States acting alone, it is necessary to establish common rules at Union level. Thus, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Or. en

Amendment 36

Compromise amendment replacing Amendment(s): 42-46 (Sippel), 352 (Ferrara, Pignedoli), 353 (Strik), 356 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 357 (Strik), 360 (Zoido Álvarez, Vozemberg-Vrionidi, Furlas), 362 (Zoido Álvarez, Vozemberg-Vrionidi,

Fourlas), 363 (Strik), 364 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 365 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Azmani, in't Veld), 366 (Zoido Álvarez, Vozemberg-Vrionidi, Fourlas), 368 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 369 (Strik), 370 (Zoido Álvarez, Vozemberg-Vrionidi, Fourlas), 372 (Ferrara, Pignedoli), 373 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in't Veld), 376 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Šimečka, Azmani, in't Veld), 377 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 378 (Strik), 57 (Sippel), 439 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 440 (Strik), 441 (Oetjen, Körner, Tudorache, Vautmans, Azmani, in't Veld), 442 (Zoido Álvarez, Vozemberg-Vrionidi, Fourlas)

Proposal for a regulation

Article 1

Text proposed by the Commission

Subject matter *and scope*

This Regulation establishes *the* screening at the external borders of the Member States of all third-country nationals who have crossed the external border in an *unauthorised* manner, of those who have applied for international protection during border checks without fulfilling entry conditions, as well as those disembarked after a search and rescue operation, before they are referred to the appropriate procedure.

The purpose of the screening shall be the strengthening of the control of persons who are about to enter the Schengen area and their referral to the appropriate procedures.

The *object* of the screening shall be *the identification of* all third-country nationals subject to it and *the verification* against relevant databases *that* the persons subject to it *do not* pose a threat to internal security. The screening shall also *entail* health *checks, where appropriate*, to identify persons *vulnerable and in the need of health care as well the ones* posing a threat to public health. *Those checks shall contribute to referring such persons to the appropriate procedure.*

Amendment

Subject matter

This Regulation establishes *a* screening *procedure* at the external borders of the Member States of all third-country nationals who have crossed the external border in an *irregular* manner, of those who have applied for international protection during border checks without fulfilling entry conditions, as well as those disembarked after a search and rescue operation, before they are referred to the appropriate procedure.

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The *purpose* of the screening shall be *to strengthen border checks at the external borders, to identify* all third-country nationals subject to it and *to verify* against *the* relevant databases *whether* the persons subject to it *might* pose a threat to internal security. The screening shall also *include a mandatory preliminary health check and a mandatory preliminary vulnerability check, which seeks to identify vulnerable persons, those with special reception or procedural needs, and those in need of health care. The screening shall also seek*

to identify persons *possibly* posing a threat to public health.

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The screening shall also be carried out within the territory of the Member States where there is no indication that third-country nationals have been subject to controls at external borders.

This Regulation also provides for an independent mechanism to be established in each Member State to monitor compliance with Union and international law, including the Charter of Fundamental Rights during border surveillance and the screening procedure.

Or. en

Proposal for a regulation Article 5

Text proposed by the Commission

Amendment

Article 5

deleted

Screening within the territory

Member States shall apply the screening to third-country nationals found within their territory where there is no indication that they have crossed an external border to enter the territory of the Member States in an authorised manner.

Or. en

Amendment 37

Compromise amendment replacing Amendment(s): 380 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 381 (Strik)

Proposal for a regulation Article 1 a (new)

Article 1 a

Fundamental rights

When applying this Regulation, Member States shall act in full compliance with relevant Union law, including the Charter of Fundamental Rights of the European Union ('the Charter'), relevant international law, including the Convention Relating to the Status of Refugees done at Geneva on 28 July 1951 ('the Geneva Convention'), obligations related to access to international protection, in particular the principle of non-refoulement, and fundamental rights.

Or. en

Amendment 38

Compromise amendment replacing Amendment(s): 51-53 (Sippel), 398 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 402 (Ferrara, Pignedoli), 403 (Zoido Álvarez, Vozemberg-Vrionidi, Fourlas), 405 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 406 (Strik), 410 (Ferrara, Pignedoli), 411 (Zoido Álvarez, Vozemberg-Vrionidi, Fourlas), 412 (Ferrara, Pignedoli), 413 (Zoido Álvarez, Vozemberg-Vrionidi, Fourlas), 417 (Strik)

Proposal for a regulation

Article 3

Text proposed by the Commission

Amendment

Screening at the external border

1. This Regulation shall apply to all third-country nationals who:

(a) are apprehended in connection with an ***unauthorised*** crossing of the external border of a Member State by land, sea or air, except third country nationals for whom the Member State is not required to

Scope

1. ***The screening provided for in*** this Regulation shall apply to all third-country nationals, ***regardless of whether they have made an application for international protection,*** who:

(a) are apprehended in connection with an ***irregular*** crossing of the external border of a Member State by land, sea or air, except third country nationals for whom, ***for reasons other than their age,*** the

take the biometric data pursuant to Article 14(1) and (3) of Regulation (EU) 603/2013 **for reasons other than their age**, or

(b) are disembarked in the territory of a Member State following a search and rescue operation.

The screening shall apply to those persons regardless of whether they have applied for international protection.

2. The screening shall also apply to all third-country nationals who apply for international protection at external border crossing points or in transit zones and who do not fulfil the entry conditions set out in Article 6 of Regulation (EU) 2016/399.

3. The screening is without prejudice to the application of Article 6(5) of Regulation (EU) 2016/399, ***except the situation where the beneficiary of an individual decision issued by the Member State based on Article 6(5)(c) of that Regulation is seeking international protection.***

Member State is not required to take the biometric data pursuant to Article 14(1) and (3) of Regulation (EU) 603/2013, or

(b) are disembarked in the territory of a Member State following a search and rescue operation ***and do not fulfil the entry conditions set out in Article 6 of Regulation (EU) 2016/399.***

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2. The screening shall also apply to all third-country nationals who apply for international protection at external border crossing points or in transit zones and who do not fulfil the entry conditions set out in Article 6 of Regulation (EU) 2016/399.

3. The screening is without prejudice to the application of Article 6(5) of Regulation (EU) 2016/399.

Or. en

Amendment 39

Compromise amendment replacing Amendment(s): 54-56 (Sippel), 421 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 424 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 426 (Morano), 427-partly (Strik), 429-partly (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Azmani, in't Veld), 435 (Ferrara, Pignedoli)

Proposal for a regulation Article 4

Text proposed by the Commission

Authorisation to enter the territory of a Member State

1. During the screening, the persons

Amendment

Entry into the territory of a Member State

1. During the screening, ***Member***

referred to in Article 3, paragraphs 1 and 2 **shall not be authorised to enter** the territory of a Member State.

2. Where it becomes apparent during the screening that the third-country national concerned fulfils the entry conditions set out in Article 6 of Regulation (EU) 2016/399, the screening shall be discontinued and the third-country national concerned shall be authorised to enter the territory, without prejudice to the application of penalties as referred to in Article 5(3) of that Regulation.

States may consider the persons referred to in Article 3, paragraphs 1 and 2 **as not having entered** the territory of a Member State.

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Or. en

Amendment 53

Compromise amendment replacing Amendment(s): 54-55 (Sippel), 426 (Morano), 429-partly (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Azmani, in't Veld)

Proposal for a regulation

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Without prejudice to Article 3(3) and Article 14(7), in accordance with Article [41] of Regulation (EU) xxxx/202x [Asylum Procedure Regulation], where a Member State implements a border procedure for the examination of applications for international protection, the persons referred to in Article 3, paragraphs 1 and 2, shall not be authorised to enter the territory of that Member State during the screening.

Or. en

Proposal for a regulation

Recital 14 a (new)

(14 a) Persons applying for international protection to whom Member States may not apply or may no longer apply the border procedure pursuant to Article [41] of Regulation (EU) xxxx/202x [Asylum Procedure Regulation], paragraph [3a] should be authorised to enter the territory.

Or. en

Amendment 40

Compromise amendment replacing Amendment(s): 58-60 (Sippel), 62-74 (Sippel), 419 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 427-partly (Strik), 429-partly (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Azmani, in't Veld), 431 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Azmani, in't Veld), 433 (Strik), 445 (Zoido Álvarez, Vozemberg-Vrionidi, Furlas), 446 (Ferrara, Pignedoli), 447 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 448 (Strik), 449-partly (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in't Veld), 451 (Strik), 452 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 455 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 456 (Zoido Álvarez, Vozemberg-Vrionidi, Furlas), 457 (Oetjen, Körner, Tudorache, Vautmans, Keller, Šimečka, Azmani, in't Veld), 458 (Strik), 459 (Ferrara, Pignedoli), 461 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 462 (Strik), 467 (Zoido Álvarez, Vozemberg-Vrionidi, Furlas), 468 (Strik), 469 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 470 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Azmani, in't Veld), 473 (Strik), 474 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 475 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Azmani, in't Veld), 477 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 478 (Strik), 479 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in't Veld), 480 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in't Veld), 481 (Strik), 482 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 485 (Strik), 486 (Zoido Álvarez, Lenaers), 489 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in't Veld), 490 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 491 (Strik), 492-partly (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in't Veld), 493 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 494 (Strik), 498 (Zoido Álvarez, Lenaers), 500-partly (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier)

Proposal for a regulation
Article 6 - paragraphs 1-6d, 7

Requirements concerning the screening

Requirements concerning the screening

1. In the cases referred to in Article 3, the screening shall be conducted at locations situated at or in proximity to the external borders.

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2. In the cases referred to in Article 5, the screening shall be conducted at any appropriate location within the territory of a Member State.

deleted

3. In the cases referred to in Article 3, the screening shall be carried out without delay and shall in any case be completed within 5 days from the apprehension in the external border area, the disembarkation in the territory of the Member State concerned or the presentation at the border crossing point. In exceptional circumstances, where a disproportionate number of third-country nationals needs to be subject to the screening at the same time, making it impossible in practice to conclude the screening within that time-limit, the period of 5 days may be extended by a maximum of an additional 5 days.

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With regard to persons referred to in Article 3(1)(a) to whom Article 14 (1) and (3) of Regulation (EU) 603/2013 apply, where they remain physically at the external border for more than 72 hours, the period for the screening shall be reduced to two days.

4. Member States shall notify the Commission without delay about the exceptional circumstances referred to in paragraph 3. They shall also inform the Commission as soon as the reasons for extending the screening period have ceased to exist.

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5. The screening referred to in Article 5 shall be carried out without

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delay and in any case shall be completed within 3 days from apprehension.

6. The screening shall comprise the following mandatory elements:
- (a) preliminary health ***and vulnerability*** check as referred to in Article 9;
 - (b) identification as referred to in Article 10;
 - (c) registration of biometric data in ***the appropriate databases as referred to in Article 14(6), to the extent it has not occurred yet***;
 - (d) security check as referred to in Article 11;
 - (e) the filling out of a ***de-briefing*** form as referred to in Article 13;
 - (f) referral to the appropriate procedure as referred to in Article 14.

6. The screening shall comprise the following mandatory elements:

- (a) ***a*** preliminary health check as referred to in Article 9;
- (a a) a preliminary vulnerability check as referred to in Article 9;***
- (b) identification ***or verification of identity*** as referred to in Article 10;
- (c) registration of biometric data in ***accordance with Articles [10, 13 and 14a] of Regulation (EU) xxxx/xxxx [Eurodac Regulation]***;
- (d) ***a*** security check as referred to in Article 11;
- (e) the filling out of a ***screening*** form as referred to in Article 13;
- (f) referral to the appropriate procedure as referred to in Article 14.

The screening may be conducted at any appropriate and adequate location within the territory of a Member State to be designated by that Member State, including at or in proximity to the external borders.

6 a. Organisations and persons providing advice and counselling, including legal assistance and representation, shall have effective access to third-country nationals, in particular to those held in detention facilities or present at the border crossing points, including transit zones, at external borders.

6 b. The screening shall be carried out without delay and shall in any case be completed within five days from the apprehension in the external border area, the disembarkation in the territory of the

Member State concerned or the presentation at the border crossing point.

With regard to persons referred to in Article 3(1)(a) to whom [Article 14 (1) and (3)] of Regulation (EU) xxxx/xxxx [Eurodac Regulation] apply, where they remain physically at the external border for more than 72 hours, the screening shall apply to them thereafter and the period for the screening shall be reduced to two days.

6 c. Member States shall ensure that all persons subject to the screening are accorded a standard of living which guarantees their subsistence, protects their physical and mental health, and respects their rights under the Charter of Fundamental Rights of the European Union.

Directive (EU) xxxx/xxxx [Reception Conditions Directive] shall apply to persons who apply for international protection, in accordance with Article 16 of that Directive, from the moment they make their application for international protection.

6 d. When it proves necessary, and on the basis of an individual assessment of each case, Member States may detain a person subject to the screening, if other less coercive alternative measures cannot be applied effectively. Member States may, where necessary, require persons subject to the screening to report to the competent authorities at a specified time or at reasonable intervals.

The provisions set out in Directive (EU) xxxx/xxxx [Reception Conditions Directive] regarding detention and the application of alternative measures, in particular in Articles [8-12 and 16(2)], second subparagraph, shall apply mutatis mutandis to all persons subject to the screening.

7. Member States shall designate competent authorities *to* carry out the screening. They shall deploy appropriate staff and sufficient resources to carry out the screening in an efficient way.

Member States shall designate qualified medical *staff* to carry out the health check provided for in Article 9. National child protection authorities and national anti-trafficking rapporteurs shall *also be involved*, where appropriate.

The competent authorities may be assisted or supported in the performance of the screening by experts or liaison officers and teams deployed by the European Border and Coast Guard Agency and the [European Union Agency for Asylum] within the limits of their mandates.

7. Member States shall designate competent authorities *responsible for the screening and shall ensure that the staff of those competent authorities who will carry out the screening have the appropriate knowledge and have received the necessary training in accordance with Article 8 of Regulation (EU) No 2021/2303 [EU Asylum Agency Regulation]*. They shall deploy appropriate staff and sufficient resources to carry out the screening in an efficient way.

Member States shall designate qualified medical *professionals* to carry out the health *check provided for in Article 9 and qualified professionals to carry out the vulnerability* check provided for in Article 9. National child protection authorities and national anti-trafficking rapporteurs *or officers* shall, where appropriate, *also be involved*.

The competent authorities may be assisted or supported in the performance of the screening by experts or liaison officers and teams deployed by the European Border and Coast Guard Agency, *including as referred to in Article 40(4) of Regulation (EU) 2019/1896 [European Border and Coast Guard Regulation]*, and the [European Union Agency for Asylum] within the limits of their mandates *provided that such experts have the relevant training and qualifications as set out in the first two subparagraphs*.

Or. en

Proposal for a regulation
Article 2 – paragraph 1 – point 5 f (new)

Text proposed by the Commission

Amendment

5 f. ‘detention’ means confinement of a person by a Member State within a particular place, where the person is

deprived of his or her freedom of movement.

Or. en

Amendment 51
Rapporteur

Compromise amendment replacing Amendment(s): 453 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 454 (Strik)

Proposal for a regulation
Article 6 – paragraph 6 – point e (new)

Text proposed by the Commission

Amendment

6 e. Third-country nationals shall not be subject to any intrusive biometric surveillance technologies nor predictive analytics and biometric categorisation in or around the reception or screening facilities or during the screening. The use of lie detection systems or long-range listening devices shall be prohibited.

Or. en

Amendment 52

Compromise amendment replacing Amendment(s): 61 (Sippel), 460 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Azmani, in't Veld)

Proposal for a regulation
Article 6 – paragraph 6 ba (new)

Text proposed by the Commission

Amendment

6 ba. For the duration of a situation of crisis in accordance with Regulation (EU) XXX/XXXX [Situations of crisis and force majeure in the field of migration and asylum], the period of five days set out in paragraph 6(b) may be extended by a maximum of five additional days.

Or. en

Proposal for a regulation
Recital 19 a (new)

Text proposed by the Commission

Amendment

(19 a) In a situation of crisis in accordance with Regulation (EU) XXX/XXXX [Situations of crisis and force majeure in the field of migration and asylum] the screening should be carried out at the latest within ten days. Member States should still always carry out the screening without delay and as quickly as possible.

Or. en

Amendment 41

Compromise amendment replacing Amendment(s): 75-87 (Sippel), 506 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 507 (Strik), 508 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 515 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 517- 518 (Strik), 519-520 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 523 (Strik), 524 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 525 (Zoido Álvarez, Vozemberg-Vrionidi, Fourlas), 526 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 527 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 532 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 533 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 539 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 540 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 541 (Tobé, Düpont, Ressler, Lenaers), 543 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 544 (Strik), 545 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 546 (Strik), 547 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 550-partly (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 551 (Strik), 552 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 553 (Tobé, Düpont, Ressler, Lenaers), 559 (Strik), 561 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 562 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 565-partly (Strik), 572 (Morano), 577 (Strik)

Proposal for a regulation
Article 7

Monitoring of fundamental rights

1. Member States shall adopt relevant provisions to investigate allegations of non-respect for fundamental rights *in relation to* the screening.

2. Each Member State shall establish an independent monitoring mechanism

Monitoring of fundamental rights

1. Member States shall adopt relevant provisions to investigate ***all*** allegations of non-respect for fundamental rights ***during border surveillance and*** the screening ***procedure.***

They shall adopt provisions under national law to penalise a failure to respect fundamental rights. The penalties provided for shall be effective, proportionate and dissuasive.

2. Each Member State shall establish an independent monitoring mechanism ***or designate an existing independent mechanism, if it meets the criteria set out in this Regulation.***

The mechanism shall monitor compliance with Union and international law, including the Charter of Fundamental Rights, during border surveillance and the screening procedure, including in relation to

a) access to the asylum procedure;

b) the principle of non-refoulement;

c) the best interest of the child;

d) the right to health care;

e) reception conditions;

f) the relevant rules on detention of the person concerned;

g) the procedural safeguards applicable to the person concerned.

It shall ensure that allegations of non-respect for fundamental rights in all relevant activities in relation to border surveillance and the screening for all third-country nationals referred to in Article 3(1) and 3(2) are properly investigated and dealt with effectively and without undue delay, or where necessary

trigger such investigations. It shall monitor the progress of these investigations.

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— *to ensure compliance with EU and international law, including the Charter of Fundamental Rights, during the screening;*

deleted

— *where applicable, to ensure compliance with national rules on detention of the person concerned, in particular concerning the grounds and the duration of the detention;*

deleted

— *to ensure that allegations of non-respect for fundamental rights in relation to the screening, including in relation to access to the asylum procedure and non-compliance with the principle of non-refoulement, are dealt with effectively and without undue delay.*

Member States shall put in place adequate safeguards to guarantee the independence of the mechanism.

Member States shall put in place adequate safeguards to guarantee the independence of the mechanism, *in line with criteria recognised under relevant international human rights law and standards.*

Member States shall involve national human rights institutions, national ombudspersons and international organisations in the management and operation of the mechanism. They may also involve relevant non-governmental organisations. Insofar as one or more of those institutions or organisations are not directly involved in the mechanism, the bodies responsible for the monitoring mechanism shall establish and maintain close links with them. The bodies responsible for the mechanism shall establish and maintain close links with the national data protection authorities and the European Data Protection Supervisor.

Member States shall provide bodies responsible for the mechanism with

access to all relevant locations, including reception and detention facilities, individuals and documents, insofar as such access is necessary to allow the bodies responsible for the mechanism to fulfil the obligations set out in this Article. Where information gathered on an individual case suggests that a criminal offence has been committed, that information shall be handed over to the national prosecuting authorities/prosecution service.

The *Fundamental Rights Agency* shall issue general guidance for Member States on the *setting up of such* mechanism and its independent functioning. Furthermore, Member States may request the *Fundamental Rights Agency* to support them in developing their national monitoring mechanism, including the safeguards for independence of such mechanisms, as well as the monitoring methodology and appropriate training schemes.

Member States may invite relevant national, international and non-governmental organisations and bodies to participate in the monitoring.

The *FRA* shall issue general guidance for Member States on the *establishment of a monitoring* mechanism and its independent functioning. Furthermore, Member States may request the *FRA* to support them in developing their national monitoring mechanism, including the safeguards for independence of such mechanisms, as well as the monitoring methodology and appropriate training schemes.

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2 a. The mechanism referred to above shall be without prejudice to the monitoring mechanism for the purpose of monitoring the operational and technical application of the CEAS as set out in Article 14 of Regulation (EU) 2021/2303 [EU Asylum Agency Regulation] and to the role of the fundamental rights monitors in monitoring respect for fundamental rights in all activities of the European Border and Coast Guard Agency as set out in Article 80 of Regulation (EU) 2019/1896 [European Border and Coast Guard Regulation].

Or. en

Amendment 42

Compromise amendment replacing Amendment(s): 88-95 (Sippel), 504 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 582 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 583 (Strik), 584 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 585 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 586 (Strik), 587 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 590 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 591 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 592-593 (Strik), 595 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 596-604 (Strik), 605 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 610 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 612 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 615 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 616 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 620 (Strik), 621 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier)

Proposal for a regulation Article 8

Text proposed by the Commission

Provision of information

1. Third-country nationals subject to the screening **shall be succinctly informed** about the purpose and the modalities of the screening:

(a) the steps **and modalities** of the screening as well as possible outcomes of the screening;

(b) the rights and obligations of third country nationals during the screening, including the obligation on them to remain in the designated facilities during the screening.

Amendment

Provision of information

1. **Member States shall inform** third-country nationals subject to the screening about the purpose, **duration** and the modalities of the screening, **including**:

(a) the steps of the screening as well as possible outcomes of the screening;

(a a) the right to apply for international protection, in particular in the circumstances specified in Article 30 of Regulation (EU) xxxx/202x [Asylum Procedure Regulation];

(b) the rights and obligations of third country nationals during the screening, including the obligation on them to remain in the designated facilities during the screening **and the possibility to contact and be contacted by the organisations and persons referred to in Article 6(6a);**

(b a) the rights referred to in Article 13

of the Regulation (EU) 2016/679³⁵ [GDPR], in Article 13 of the Directive (EU) 2016/680^{35a} [Police Directive] and in Article 15 of the Regulation (EU) 2018/1725^{35b}.

2. *During the screening, they* shall also, as appropriate, *receive* information on:

(a) the applicable rules on the conditions of entry for third-country nationals in accordance with Regulation (No) 2016/399 [Schengen Border Code], as well as on other conditions of entry, stay and residence of the Member State concerned, *to the extent this information has not been given already*;

(b) where they have applied, or there are indications that they wish to apply, for international protection, information on the *obligation to apply for international protection in the Member State of first entry or legal stay set out in Article [9(1) and (2)] of Regulation (EU) No XXX/XXX [ex-Dublin Regulation], the consequences of non-compliance set out in Article [10(1)] of that Regulation, and the information set out in Article 11 of that Regulation* as well as on the procedures that follow the making of an application for international protection;

(c) *the obligation for illegally staying third-country nationals* to return in accordance with Directive XXXXX [Return Directive];

(d) *the possibilities to enrol in a programme providing logistical, financial and other material or in-kind assistance*

2. *Member States* shall also, as appropriate, *provide* information on:

(a) *to the extent this information has not been given already*, the applicable rules on the conditions of entry for third-country nationals in accordance with Regulation (No) 2016/399 [Schengen Border Code], as well as on other conditions of entry, stay and residence of the Member State concerned;

(b) where they have applied, or there are indications that they wish to apply, for international protection, information on the *obligations laid down for those seeking international protection in Regulation (EU) No XXX/XXX [ex-Dublin Regulation], the consequences of non-compliance as well as on the procedures that follow the making of an application for international protection*;

(c) *where it becomes apparent during the screening that the third-country national concerned does not fulfil the entry conditions set out in Article 6 of Regulation (EU) 2016/399, the obligation to return in accordance with Directive XXXXX [Return Directive] and the possibilities to enrol in a programme providing logistical, financial and other material or in-kind assistance for the purpose of supporting voluntary departure*;

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for the purpose of supporting voluntary departure;

(e) the conditions of participation in relocation in accordance with Article XX of Regulation (EU) No XXX/XXX [ex-Dublin Regulation];

(f) the information referred to in Article 13 of the Regulation (EU) 2016/679³⁵ [GDPR].

3. The information provided during the screening shall be given in a language which the third-country national understands *or is reasonably supposed to understand*. The information shall be given in writing *and, in exceptional circumstances*, where necessary, orally using interpretation services. It shall be provided in an appropriate manner taking into account the age and the gender of the person.

4. Member States may authorise relevant and competent national, international and non-governmental organisations and bodies to provide third country nationals with information under this article during the screening according to the provisions established by national law.

(e) the conditions of participation in relocation in accordance with Article XX of Regulation (EU) No XXX/XXX [ex-Dublin Regulation].

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3. The information provided during the screening shall be given in a language which the third-country national understands. The information shall be given in writing *in a concise and easily accessible format, using clear and plain language and*, where necessary, orally using interpretation services. It shall be provided in an appropriate manner taking into account the age and the gender of the person *and in cases of unaccompanied minors in the presence of the representative as referred to in Article 9a.*

For those third-country nationals seeking international protection, this information may be provided at the same time as the information as laid down in Article 8(2) of Regulation (EU) xxxx/xxxx [Asylum Procedure Regulation].

The responsible authorities shall make the necessary arrangements for interpretation services and, where necessary and appropriate, for cultural mediation services to be available to facilitate access to the procedure for international protection.

4. Member States may authorise relevant and competent national, international and non-governmental organisations and bodies to provide third country nationals with information under this article during the screening according to the provisions established by national law.

³⁵ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016

deleted

³⁵ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the freemovement of such data, and repealing Directive 95/46/EC (General DataProtection Regulation), OJ L 119, 4.5.2016

^{35a} Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (Police Directive), OJ L 119, 4.5.2016

^{35b} Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No1247/2002/EC, OJL 295, 21.11.2018

Or. en

Amendment 43

Compromise amendment replacing Amendment(s): 49 (Sippel), 96-99 (Sippel), 133 (Sippel), 389 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in't Veld), 390, (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 391 (Strik), 479 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in't Veld), 631 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in't Veld), 632 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 633 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in't Veld), 634 (Kofod, Madison, Huhtasaari, Vandendriessche, Fest, Haider, Bay, Garraud, Vilimsky, Tardino), 635 (Strik), 637 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 639 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 640 (Strik), 641 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in't Veld), 642 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 643 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in't Veld), 645 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 646 (Strik), 649 (Strik), 650 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in't Veld), 651 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 654 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in't Veld), 786-partly (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier)

Proposal for a regulation

Article 9

Text proposed by the Commission

Health checks *and vulnerabilities*

1. Third-country nationals submitted to the screening referred to in Article 3 shall be subject to a preliminary medical examination with a view to identifying any needs for immediate care or isolation on public health grounds, ***unless, based on the circumstances concerning the general state of the individual third-country nationals concerned and the grounds for directing them to the screening, the relevant competent authorities are satisfied that no preliminary medical screening is necessary. In that case, they shall inform those persons accordingly.***

Amendment

Health *and vulnerability* checks

1. ***All*** third-country nationals submitted to the screening referred to in Article 3 shall be subject to a preliminary medical examination ***by qualified medical professionals*** with a view to identifying any needs for immediate ***or long-term*** care or isolation on public health grounds.

1 a. Without prejudice to the obligations on Member States laid down in Article [23] of Regulation (EU) xxxx/xxxx [Asylum Procedure Regulation], for those third-country

2. *Where relevant, it shall be checked* whether persons referred to in *paragraph 1* are in a vulnerable situation, victims of torture or have special reception or procedural needs within the meaning of *Article 20 of the [recast] Reception Conditions Directive*.

3. Where there are indications of vulnerabilities or special reception or procedural needs, the third-country national concerned shall receive timely and adequate support in view of their physical and mental health. In the case of minors, support shall be given by personnel trained and qualified to deal with minors, and in cooperation with child protection authorities.

4. *Where it is deemed necessary based on the circumstances, third-country nationals submitted to the screening referred to in Article 5 shall be subject to a preliminary medical examination, notably to identify any medical condition requiring immediate care, special assistance or isolation.*

nationals seeking international protection, the health check referred to in the first subparagraph may form part of the medical examination laid down in that Article.

2. *In addition, Member States shall ensure that qualified professionals assess whether persons submitted to the screening referred to in Article 3 are in a vulnerable situation, are victims of torture or other inhuman or degrading treatment, are stateless persons or at risk of becoming stateless persons, or have special reception or procedural needs within the meaning of Article [21] of Directive (EU) xxxx/xxxx [Reception Conditions Directive] and Article [20] of Regulation (EU) xxxx/xxxx [Asylum Procedure Regulation].*

3. Where there are indications of vulnerabilities or special reception or procedural needs, the third-country national concerned shall receive timely and adequate support in view of their physical and mental health *in adequate facilities in the Member State. Where a person claims not to have any nationality or when there are reasonable grounds to believe that he or she may be a stateless person, this shall be clearly registered.* In the case of minors, support shall be given *in a child-friendly manner* by personnel *properly* trained and qualified to deal with minors, and in cooperation with child protection authorities.

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4 a. *Without prejudice to the assessment of special reception needs*

required under the Reception Conditions Directive, the assessment of special procedural needs required under the [Asylum Procedures Regulation], and the vulnerability check required under the Return Directive, the vulnerability assessment referred to in the second and third paragraphs may form part of the vulnerability and special procedural assessments laid down in those legislative acts.

Or. en

Proposal for a regulation
Article 2 – paragraph 1 – point 5 b (new)

Text proposed by the Commission

Amendment

5 b. *'stateless person' means a stateless person as laid down in Article 1 of the Convention relating to the Status of Stateless Persons, signed in New York on 28 September 1954, in its original version;*

Or. en

Amendment 44

Compromise amendment replacing Amendment(s): 50 (Sippel), 100 (Sippel), 392 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 393-394 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in't Veld), 396 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 496 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in't Veld), 497 (Strik), 503 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 647 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 655 (Strik), 656 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in't Veld), 765 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in't Veld), 784 (Strik), 790-partly (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier)

Proposal for a regulation
Article 9 a (new)

Article 9 a

Guarantees for minors

1. During the screening procedure, the child's best interests shall always be a primary consideration in accordance with Article 24(2) of the Charter of Fundamental Rights of the European Union.

2. Member States shall as soon as possible take measures to ensure that a representative represents and assists the unaccompanied minor during the screening. Where applicable, this representative shall be the same as the representative to be appointed in accordance with Article [23] of Directive (EU) XXX/XXX [Reception Conditions Directive]. The unaccompanied minor shall be informed immediately of the appointment of the representative. The representative shall perform his or her duties in accordance with the principle of the best interests of the child and shall have the necessary expertise to that end. In order to ensure the minor's well-being and social development the person acting as representative shall be changed only when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be eligible to become representatives.

3. Member States shall place a natural person who is designated as representative or the person referred to in paragraph 2 in charge of a proportionate and limited number of unaccompanied minors and, under normal circumstances, of no more than thirty at the same time to ensure that he or she is able to perform his or her tasks effectively.

Or. en

Proposal for a regulation
Article 2 – paragraph 1 – point 5 c (new)

Text proposed by the Commission

Amendment

5 c. 'representative' means a person or an organisation, including a public authority designated by the competent authorities or bodies, with the necessary skills and expertise, including regarding the treatment and specific needs of minors, to represent, assist and act on behalf of an unaccompanied minor, as applicable, in order to safeguard his or her best interests and general well-being and so that the unaccompanied minor can benefit from the rights and comply with the obligations under this Regulation;

Or. en

Proposal for a regulation
Article 2 – paragraph 1 – point 5 d (new)

Text proposed by the Commission

Amendment

5 d. 'minor' means a third-country national or stateless person below the age of 18 years;

Or. en

Proposal for a regulation
Article 2 – paragraph 1 – point 5 e (new)

Text proposed by the Commission

Amendment

5 e. 'unaccompanied minor' means a minor who arrives on the territory of the Member State unaccompanied by an adult responsible for him or her, whether by law or by the practice of the Member State

concerned, and for as long as he or she is not effectively taken into the care of such an adult; it includes a minor who is left unaccompanied after he or she has entered the territory of a Member State;

Or. en

Amendment 45

Compromise amendment replacing Amendment(s): 48 (Sippel), 101-104 (Sippel), 385 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 386 (Strik), 657 (arrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 658 (Strik), 660 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 661 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 662 (Strik), 663 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 667 (Strik), 668 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 671 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 673 (Zoido Álvarez, Lenaers), 674 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 799-800 (Strik)

Proposal for a regulation Article 10

Text proposed by the Commission

Identification

1. To the extent it has not yet occurred during the application of Article 8 of Regulation (EU) 2016/399, the identity of third-country nationals submitted to the screening pursuant to Article 3 **or Article 5** shall be verified or established, by using **in particular** the following, **in combination with national and European databases**:

- (a) identity, travel or other documents;
- (b) data or information provided by **or obtained from** the third-country national concerned; and
- (c) biometric data;

2. For the purpose of the identification referred to in paragraph 1, **the** competent authorities shall **query any relevant national databases as well as** the common identity repository (CIR) referred to in

Amendment

Verification of identity or identification

1. To the extent it has not yet occurred during the application of Article 8 of Regulation (EU) 2016/399, the identity of third-country nationals submitted to the screening pursuant to Article 3 shall be verified or established, by using, **where applicable**, the following:

- (a) identity, travel or other documents;
- (b) data or information provided by the third-country national concerned; and
- (c) biometric data;

2. For the purpose of the **verification or** identification referred to in paragraph 1 **of this Article, the designated** competent authorities shall **consult** the common identity repository (CIR) referred to in

Article 17 of Regulation (EU) 2019/817. The biometric data of *a* third-country national taken live during the screening, as well as the identity data and, where available, travel document data shall be used to that end.

3. Where the biometric data of the third-country national cannot be used or where the *query with* those data referred to in paragraph 2 fails, the *query* as referred to in paragraph 2 shall be carried out with the identity data of the third-country national, in combination with any identity, travel or other document data or with the identity data provided by that third-country national.

4. The checks, where possible, shall also include the verification of at least one of the biometric identifiers integrated into any identity, travel or other document.

Article 17 of Regulation (EU) 2019/817 *and the Schengen Information System (SIS)*. The biometric data of third-country nationals subject to the screening shall be taken once for the purpose of both verification or identification and of the registration in Eurodac of that person.

2 a. The consultation provided for in paragraph 2 shall be launched using the European Search Portal in accordance with Chapter II of Regulation (EU) 2019/817 and Chapter II of Regulation (EU) 2019/818.

3. Where the biometric data of the third-country national cannot be used or where the *consultation of* those data fails, the *consultation* as referred to in paragraph 2 shall be carried out with the identity data of the third-country national, in combination with any identity, travel or other document data or with the identity data provided by that third-country national.

4. The checks, where possible, shall also include the verification of at least one of the biometric identifiers integrated into any identity, travel or other document.

4 a. The European Border and Coast Guard Agency may support the competent authorities in the identification of third-country nationals submitted to the screening in accordance with Regulation (EU) 2019/1896.

Or. en

Proposal for a regulation
Article 2 – paragraph 1 – point 5 a (new)

Text proposed by the Commission

Amendment

5 a. ‘biometric data’ means fingerprint data and facial image data within the meaning of Article 3, point (p), of

Proposal for a regulation

Article 19

Regulation (EU) 2019/817

Article 17

Text proposed by the Commission

Amendments to Regulation (EU) 2019/817

(1) In Article 17, paragraph 1 is replaced by the following:

A common identity repository (CIR), creating an individual file for each person that is registered in the EES, VIS, ETIAS, Eurodac or ECRIS-TCN containing the data referred to in Article 18, is established for the purpose of facilitating and assisting in the correct identification of persons registered in the EES, VIS, ETIAS, Eurodac and ECRIS-TCN in accordance with Article 20 and 20a, of supporting the functioning of the MID in accordance with Article 21 and of facilitating and streamlining access by designated authorities and Europol to the EES, VIS, ETIAS and Eurodac, where necessary for the prevention, detection or investigation of terrorist offences or other serious criminal offences in accordance with Article 22.

(2) The following Article 20a is inserted:

Article 20a

Access to the common identity repository for identification according to Regulation (EU) 2020/XXX

1. Queries of the CIR shall be carried out by the designated competent authority as defined in Article 6(7) of Regulation

Amendment

Amendments to Regulation (EU) 2019/817

(1) In Article 17, paragraph 1 is replaced by the following:

A common identity repository (CIR), creating an individual file for each person that is registered in the EES, VIS, ETIAS, Eurodac or ECRIS-TCN containing the data referred to in Article 18, is established for the purpose of facilitating and assisting in the correct identification of persons registered in the EES, VIS, ETIAS, Eurodac and ECRIS-TCN in accordance with Article 20 and 20a, of supporting the functioning of the MID in accordance with Article 21 and of facilitating and streamlining access by designated authorities and Europol to the EES, VIS, ETIAS and Eurodac, where necessary for the prevention, detection or investigation of terrorist offences or other serious criminal offences in accordance with Article 22.

(2) The following Article 20a is inserted:

Article 20a

Access to the common identity repository for identification according to Regulation (EU) 2020/XXX **[Regulation on Screening]**

1. Queries of the CIR shall be carried out by the designated competent authority as defined in Article 6(7) of Regulation

(EU) 2020/XXX, solely for the purpose of identifying a person according to Article 10 of that Regulation, provided that the procedure was initiated in the presence of that person.

2. Where the query indicates that data on that person are stored in the CIR, the competent authority shall have access to consult the data referred to in Article 18(1) as well as to the data referred to in Article 18(1) of Regulation (EU) 2019/818 of the European Parliament and the Council.

(EU) 2020/XXX [**Regulation on Screening**], solely for the purpose of **verifying the identity of a person or** identifying a person according to Article 10 of that Regulation, provided that the procedure was initiated in the presence of that person.

2. Where the query indicates that data on that person are stored in the CIR, the competent authority shall have access to consult the data referred to in Article 18(1) as well as to the data referred to in Article 18(1) of Regulation (EU) 2019/818 of the European Parliament and the Council.

Or. en

Amendment 46

Compromise amendment replacing Amendment(s): 105-109 (Sippel), 675 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 677 (Strik), 678 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 680 (Strik), 681 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 683 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 684 (Strik), 687 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier)

Proposal for a regulation Article 11

Text proposed by the Commission

Security check

1. **Third country** nationals submitted to the screening pursuant to Article 3 **or Article 5** shall undergo a security check to verify **that they do not constitute** a threat to internal security. The security check may cover both the third-country nationals and the objects in their possession. The law of the Member State concerned shall apply to any searches carried out.

2. For the purpose of conducting the security check referred to in paragraph 1,

Amendment

Security check

1. **Third-country** nationals submitted to the screening pursuant to Article 3 shall undergo a security check to verify **whether they might pose** a threat to internal security. The security check may cover both the third-country nationals and the objects in their possession. The law of the Member State concerned shall apply to any searches carried out.

2. For the purpose of conducting the security check referred to in paragraph 1,

and to the extent that *they have not yet done so* in accordance with Article 8(3), point (a)(vi), of Regulation (EU) 2016/399, the *competent authorities shall query* relevant *national and* Union databases, in particular the Schengen Information System (SIS).

3. *To the extent it has not been already done during the checks referred to in Article 8 of Regulation (EU) 2016/399, the competent authority shall query the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS), including the ETIAS watch list referred to in Article 29 of Regulation (EU) 2018/1240, the Visa Information System (VIS), the ECRIS-TCN system as far as convictions related to terrorist offences and other forms of serious criminal offences are concerned, the Europol data processed for the purpose referred to in Article 18(2), point (a), of Regulation (EU) 2016/794, and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN) with the data referred to in Article 10(1) and using at least the data referred to under point (c) thereof.*

4. As regards the consultation of EES, ETIAS and VIS pursuant to paragraph 3, the retrieved data shall be limited to indicating refusals of a travel authorisation, refusals of entry, or decisions to refuse, annul or revoke a visa or residence permit, which are based on security grounds.

and to the extent that *this has not already taken place in the context of checks performed* in accordance with Article 8(3) of Regulation (EU) 2016/399, the relevant Union databases, in particular the Schengen Information System (SIS), *shall be consulted as provided for in Article 12. Relevant national databases in accordance with Article 8(3) of Regulation (EU) 2016/399 may also be consulted for this purpose.*

deleted

4. As regards the consultation of EES, ETIAS and VIS pursuant to paragraph 2, the retrieved data shall be limited to indicating refusals of a travel authorisation, refusals of entry, or decisions to refuse, annul or revoke a visa or residence permit, which are based on security grounds.

4 a. As regards the consultation of the ECRIS-TCN system, the data retrieved shall be limited to convictions related to terrorist offences and other forms of serious criminal offences referred to in Article 5(1)(c) of Regulation (EU)

2019/816.

4 b. *Any consultation of Interpol databases for the purposes of paragraph 1 shall be performed only when it is ensured that no information is revealed to the owner of the Interpol alert. Where it is not possible to perform such consultations in a way that no information is revealed to the owner of the Interpol alert, the screening shall not include the consultation of the Interpol databases.*

5. The Commission shall adopt implementing acts setting out the detailed procedure and specifications for retrieving data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

5. The Commission shall adopt implementing acts setting out the detailed procedure and specifications for retrieving data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

Or. en

Amendment 47

Compromise amendment replacing Amendment(s): 110-114 (Sippel), 135-137 (Sippel), 690-partly (Strik), 691 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 692 (Strik), 693 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 695 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 696-697 (Strik), 698 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 700 (Strik), 701 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 792 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 793 (Strik), 794 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 795 (Strik), 796 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 797 (Strik)

Proposal for a regulation Article 12

Text proposed by the Commission

Amendment

Modalities for security **checks**

Modalities for **the consultation of databases for security purposes**

1. The **queries** provided for in Article **10(2) and in Article 11(2)** may be launched using, for **queries** related to EU

1. The **consultation** provided for in Article **11(2) of this Regulation** shall be launched using, for **consultations** related to

information systems and the CIR, the European Search Portal in accordance with Chapter II of Regulation (EU) 2019/817 and with Chapter II of Regulation (EU) 2019/818³⁶.

2. Where a **match** is obtained following a **query** as provided for in Article 11(3) **against data in one of the information systems**, the competent authority **shall have access to consult the file corresponding to that match in the respective information system in order to determine the risk** to internal security as referred to in Article 11(1).

3. Where a **query** as provided for in Article 11(3) reports a **match** against Europol data, **the competent authority of the Member State shall inform Europol in order to take, if needed, any appropriate follow-up action in accordance with the**

EU information systems and the CIR, the European Search Portal in accordance with Chapter II of Regulation (EU) 2019/817 and with Chapter II of Regulation (EU) 2019/818³⁶.

2. Where a **hit** is obtained following a **consultation** as provided for in Article 11(2), **the authorities responsible in accordance with relevant EU law provisions shall provide** the competent authority **with detailed information on the grounds for the decisions recorded in the systems which triggered a hit or, pursuant to paragraphs 2b or 2c, an opinion on the threat** to internal security as referred to in Article 11(1).

2 a. When a hit is obtained following a consultation against the SIS, the competent authorities shall carry out the procedures set out in Regulations (EU) 2018/1860, Regulation (EU) 2018/1861 or Regulation (EU) 2018/1862 including the consultation of the alert-issuing Member State through the SIRENE Bureaux.

2 b. Where the consultation provided for in Article 11(2) reports a hit against ECRIS-TCN, the central authority of the Member State holding criminal records information on the third country national concerned shall be notified of a request for an opinion in accordance with Article 7a of Regulation 2019/816. National criminal records shall be consulted prior to the delivery of that opinion.

2 c. When a hit is obtained in the ETIAS watchlist, the provisions of Article 35a of Regulation (EU) 2018/1240 shall apply.

3. Where a **consultation** as provided for in Article 11(2) reports a **hit** against Europol data, **an automated notification, containing the data used for the consultation, shall be sent to Europol.**

relevant legislation.

4. *Where a query as provided for in Article 11(3) reports a match against the Interpol Travel Documents Associated with Notices database (Interpol TDAWN), the competent authority of the Member State shall inform the Interpol National Central Bureau of the Member State that launched the query in order to take, if needed, any appropriate follow-up action in accordance with the relevant legislation.*

5. The Commission shall adopt **implementing acts** to specify the procedure for cooperation between the authorities responsible for carrying out the screening, **Interpol National Central Bureaux, Europol national unit, and ECRIS-TCN central authorities, respectively**, to determine **the risk** to internal security. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).**

³⁶ Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration, OJ L 135, 22.5.2019, p. 85.

deleted

5. The Commission shall adopt **delegated acts in accordance with Article 14a in order** to specify the procedure for cooperation between the authorities responsible for carrying out the screening **and other competent** authorities to **verify whether a person might pose a threat** to internal security.

³⁶ Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration, OJ L 135, 22.5.2019, p. 85.

Or. en

Proposal for a regulation

Article 16

Regulation (EC) No 767/2008

Articles 2, 6

Text proposed by the Commission

Amendments to Regulation (EC) No 767/2008

Regulation (EC) No 767/2008 is amended

Amendment

Amendments to Regulation (EC) No 767/2008

Regulation (EC) No 767/2008 is amended

as follows:

(1) In Article 6, paragraph 2 is replaced by the following:

2. Access to the VIS for the purposes of consulting the data shall be reserved exclusively for the duly authorised staff of the ETIAS Central Unit, of the national 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, for the duly authorised staff of the national authorities of each Member States and of the Union agencies, which are competent for the purposes laid down in Articles 20 and 21 of Regulation 2019/817, **and for the competent authorities provided under Article 6(6) of Regulation (EU) 2020/XXX of the European Parliament and of the Council**³⁷. Such access shall be limited according to the extent that the data are required for the performance of their tasks for those purposes, and proportionate to the objectives pursued.;

as follows:

(-1) In Article 2, point g a is added:

"(g a) to allow for security checks in accordance with Article 11(2) of Regulation (EU) 2020/XXX (Screening Regulation).

"

(1) In Article 6, paragraph 2 is replaced by the following:

2. Access to the VIS for the purposes of consulting the data shall be reserved exclusively for the duly authorised staff of the ETIAS Central Unit, of the national 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, for the duly authorised staff of the national authorities of each Member States and of the Union agencies, which are competent for the purposes laid down in Articles 20, **20a** and 21 of Regulation 2019/817. Such access shall be limited according to the extent that the data are required for the performance of their tasks for those purposes, and proportionate to the objectives pursued.”;

(1 a) In Article 6, paragraph 2a is added:

“2a. The authorities competent for the screening provided under Article 6(7) of Regulation (EU) 2020/xxxx (Screening)^{1a} shall also have access to the VIS for consulting the data in order to perform a security check in accordance with Article 11(2) of that regulation.

A search in accordance with this

paragraph shall be performed by using the data referred to in Article [10(1)] of Regulation (EU) 2020/xxxx^{1b} (screening) and the VIS shall return a hit where a decision to refuse, annul or revoke a visa or residence permit based on the grounds provided for in Article 12(2)(a)(v) and (vi) is recorded in a matching file.

Where a hit is obtained, the VIS shall automatically notify the authorities responsible for a decision referred to in the second subparagraph of a request to provide the authorities competent for the screening with detailed information on the grounds thereof within four days of notification of the request.

³⁷ Regulation (EU) No XXX of the European Parliament and of the Council of [...] introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817].

³⁷ Regulation (EU) No XXX of the European Parliament and of the Council of [...] introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817].

^{1a} Regulation (EU) No XXX of the European Parliament and of the Council of [...] introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817].

^{1b} Regulation (EU) No XXX of the European Parliament and of the Council of [...] introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817].

Or. en

**Proposal for a regulation
Article 17**

Text proposed by the Commission

Amendments to Regulation (EU)
2017/2226

Regulation (EU) 2017/2226 is amended as follows:

(1) In Article 6(1), the following point (1) is added:

(1) support the objectives of the screening established by Regulation (EU) 2020/XXX of the European Parliament and of the Council³⁸, ***in particular*** for the checks provided under Article 10 thereof.

(2) Article 9 is amended as follows:

(a) paragraph 1 is replaced by the following:

2a. The ***competent*** authorities referred to in Article 5(6) of Regulation (EU) 2020/XXX shall have access to the EES to consult ***data***;

Amendment

Amendments to Regulation (EU)
2017/2226

Regulation (EU) 2017/2226 is amended as follows:

(1) In Article 6(1), the following point (1) is added:

(1) support the objectives of the screening established by Regulation (EU) 2020/XXX of the European Parliament and of the Council³⁸, ***by allowing*** for the checks provided under Article 10 ***and Article 11(2)*** thereof.

(2) Article 9 is amended as follows:

(a) paragraph 1 is replaced by the following:

2a. The authorities ***competent for the screening*** referred to in [Article 6(7)] of Regulation (EU) 2020/XXX shall have access to the EES to consult ***the data in order to perform a security check in accordance with Article 11(2) of that regulation***.

A search in accordance with this paragraph shall be performed by using the data referred to in Article 10(1) of Regulation (EU) 2020/XXX (screening) and the EES shall return a hit where a refusal of entry record based on the grounds provided for in point I of Part B of Annex V to Regulation (EU) 2016/399 is linked to a matching (individual) file.

Where a hit is obtained, the EES shall automatically notify the authority responsible for the refusal of entry decision referred to in the second subparagraph of a request to provide the screening authorities with detailed information on the grounds thereof within

(b) paragraph 4 is replaced by the following:

Access to the EES data stored in the CIR shall be reserved exclusively for the duly authorised staff of the national authorities of each Member State and for the duly authorised staff of the Union agencies that are competent for the purposes laid down in Article 20, Article 20a and Article 21 of Regulation (EU) 2019/817. Such access shall be limited according to the extent that the data are required for the performance of their tasks for those purposes, and proportionate to the objectives pursued.

³⁸ Regulation (EU) No XXX of the European Parliament and of the Council of [...] introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817].

four days of notification of the request”;

(b) paragraph 4 is replaced by the following:

Access to the EES data stored in the CIR shall be reserved exclusively for the duly authorised staff of the national authorities of each Member State and for the duly authorised staff of the Union agencies that are competent for the purposes laid down in Article 20, Article 20a and Article 21 of Regulation (EU) 2019/817. Such access shall be limited according to the extent that the data are required for the performance of their tasks for those purposes, and proportionate to the objectives pursued.

³⁸ Regulation (EU) No XXX of the European Parliament and of the Council of [...] introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817].

Or. en

Proposal for a regulation

Article 18

Regulation (EU) 2018/1240
Articles 4, 13, 35a

Text proposed by the Commission

Amendments to Regulation (EU)
2018/1240

Regulation (EU) 2018/1240 is amended as follows:

(1) In Article 4, point (a) is replaced by the following:

(a) contribute to a high level of security by providing for a thorough assessment of applicants as regards the risk

Amendment

Amendments to Regulation (EU)
2018/1240

Regulation (EU) 2018/1240 is amended as follows:

(1) In Article 4, point (a) is replaced by the following:

(a) contribute to a high level of security by providing for a thorough assessment of applicants as regards the risk

they may pose to internal security, prior to their arrival at external border crossing points, **and of persons subject to the screening referred to in Regulation (EU) 2020/XXX of the European Parliament and of the Council³⁹ [Screening Regulation]**, in order to determine whether there are factual indications or reasonable grounds based on factual indications to conclude that the presence of the person on the territory of the Member States poses a security risk;

(2) ***In Article 13, paragraph 5 is replaced by the following:***

they may pose to internal security, prior to their arrival at external border crossing points, in order to determine whether there are factual indications or reasonable grounds based on factual indications to conclude that the presence of the person on the territory of the Member States poses a security risk, **and by allowing for a security check in accordance with Article 11(2) of Regulation (EU) 2020/xxxx of the European Parliament and of the Council [Screening];**”

(2) Article 13 ***is modified as follows:***

a) ***Paragraph 4a is amended as follows:***

"(4a) Access to the ETIAS identity data and travel document data stored in the CIR shall also be reserved exclusively for the duly authorised staff of the national authorities of each Member State and for the duly authorised staff of the Union agencies that are competent for the purposes laid down in Article 20, Article 20a and Article 21 of Regulation (EU) 2019/817. Such access shall be limited according to the extent that the data are required for the performance of their tasks for those purposes, and proportionate to the objectives pursued.";

b) ***Paragraph 4b is inserted:***

(4b) The authorities competent for the screening referred to in [Article 6(7)] of Regulation (EU) 2020/XXX shall also have access to ETIAS to consult the data in order to perform a security check in accordance with Article 11(2) of that regulation.

A search in accordance with this paragraph shall be performed by using the data referred to in Article [10(1)], points (a) and (b), of Regulation (EU) 2020/XXX^{1a} (screening) and ETIAS shall return a hit where a decision refusing a

travel authorisation based on point (b) of Article 37(1) is included in a matching (application) file.

Where a hit is obtained, ETIAS shall automatically notify the ETIAS National Unit of the Member State responsible for a decision referred to in the second subparagraph of a request to provide the authorities competent for the screening with detailed information on the grounds thereof within four days of notification of the request.

If the search carried out pursuant to paragraph 1 indicates that there is a correspondence between the data used for the search and the data recorded in the ETIAS watchlist referred to in Article 34, the ETIAS National Unit or Europol having entered the data in the ETIAS watchlist shall be notified of the correspondence and shall be responsible for accessing the data in the ETIAS watchlist and for providing an opinion in accordance with Article 35a of that Regulation.”

c) Paragraph 5 is replaced by the following:

5. Each Member State shall designate the competent national authorities referred to in paragraphs 1, 2 and 4 of this Article, and the competent **authority** referred to in Article 5(6) of Regulation (EU) 2020/XXX, and shall communicate a list of those authorities to eu-LISA without delay, in accordance with Article 87(2) of this Regulation. That list shall specify for which purpose the duly authorised staff of each authority shall have access to the data in the ETIAS Information System in accordance with paragraphs 1, 2 and 4 of this Article.

5. Each Member State shall designate the competent national authorities referred to in paragraphs 1, 2 and 4 of this Article, and the **authorities** competent *for the screening* referred to in Article 6(7) of Regulation (EU) 2020/XXX, and shall communicate a list of those authorities to eu-LISA without delay, in accordance with Article 87(2) of this Regulation. That list shall specify for which purpose the duly authorised staff of each authority shall have access to the data in the ETIAS Information System in accordance with paragraphs 1, 2 and 4 of this Article.”

(2 a) The following Article 35a is inserted after Article 35:

“Article 35a

Tasks of the ETIAS National Unit and Europol regarding the ETIAS watchlist for the purpose of the screening procedure

1. In cases referred to in the second subparagraph of Article 13(4b), the ETIAS Central System shall send an automated notification to the ETIAS National Unit or Europol having entered the data into the ETIAS watchlist. Where the ETIAS National unit or Europol that entered the data into the watchlist consider that the third country national undergoing the screening might pose a security risk, they shall immediately notify the respective screening authorities and provide a reasoned opinion to the Member State performing the screening, within two days of the receipt of the notification, in the following manner:

(a) the ETIAS national units shall inform the screening authorities through a secure communication mechanism, to be set up by eu-LISA, between the ETIAS National Units on the one part and the screening authorities on the other;

(b) Europol shall inform the screening authorities using the communication channels provided for in Regulation (EU) 2016/794. If no opinion is provided, it should be considered that there is no security risk.”

³⁹ Regulation (EU) No XXX of the European Parliament and of the Council of [...] introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817].

³⁹ Regulation (EU) No XXX of the European Parliament and of the Council of [...] introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817].

^{1a} ***Regulation (EU) No XXX of the European Parliament and of the Council of [...] introducing a screening of third***

Amendment 48

Compromise amendment replacing Amendment(s): 115-123 (Sippel), 703 (Zoido Álvarez, Lenaers), 704 (Strik), 705 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 706 (Oetjen, Körner, Tudorache, Vautmans, Keller, Šimečka, Azmani, in 't Veld), 707 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 708 (Strik), 711 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 712 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 713 (Strik), 714 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 715-716 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 717 (Strik), 718 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 719 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 720 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 721-724 (Strik), 725 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 726 (Strik), 727 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 728 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 730 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 731 (Strik), 732 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 733 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 735-partly (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 764 (Strik), 778-partly (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 789 (Tobé, Düpont, Ressler, Zoido Álvarez, Vozemberg-Vrionidi, Lenaers)

Proposal for a regulation

Article 13

Text proposed by the Commission

Amendment

De-briefing form

On completion of the screening, the competent authorities shall, with regard to the persons referred to in Article 3 ***and in Article 5***, complete the form in Annex I containing:

- (a) name, date and place of birth and ***sex***;
- (b) initial indication of nationalities,

Screening form

1. To complete the screening, the competent authorities shall, with regard to the persons referred to in Article 3, complete the form in Annex I containing ***the following information***:

- (a) name, date, place of birth and ***gender***;
- (b) ***their*** initial indication of

countries of residence prior to arrival and languages spoken;

(c) reason for *unauthorised arrival, entry, and, where appropriate illegal stay or residence, including information on whether the person made an application for international protection*;

(d) *information obtained on routes travelled, including the point of departure, the places of previous residence, the third countries of transit and those where protection may have been sought or granted as well as the intended destination within the Union*;

(e) *information on assistance provided by a person or a criminal organisation in relation to unauthorised crossing of the border, and any related information in cases of suspected smuggling.*

nationalities *or statelessness*, countries of residence prior to arrival and languages spoken;

(c) *the reason for which the screening was performed as referred to in Article 3(1) and (2)*;

(c a) *relevant information on the preliminary medical examination carried out in accordance with Article 9(1)*;

(c b) *relevant information on the preliminary vulnerability assessment carried out in accordance with Article 9(2), in particular any vulnerability or special reception or procedural needs identified*;

(c c) *information as to whether the third-country national has applied for international protection*;

(c d) *information as to whether the third-country national has family members or close adult relatives located on the territory of the Member States*;

(c e) *whether the consultation of relevant databases for security purposes in accordance with Article 11 resulted in a hit or no hit.*

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1a. Where such information is available, the form shall include:

(a) the reason for irregular arrival or entry;

(b) information obtained on routes travelled, including the point of departure, the places of previous residence, the third countries of transit and those where international protection may have been sought or granted as well as the intended destination within the Union.

1b. The information in the screening form shall be recorded in such a way that it is amenable to administrative and judicial review during any subsequent asylum or return procedure.

1c. The person concerned shall be provided with a copy of the form before it is transmitted to the relevant authorities as referred to in paragraphs 1, 2 and 3 of Article 14. The person subject to the screening shall have the possibility to indicate that the information contained in the form is incorrect. Any such indication shall be included under the relevant information as referred to in this Article.

Or. en

Amendment 49

Compromise amendment replacing Amendment(s): 124-133 (Sippel), 629 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 630 (Strik), 735-partly (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 736 (Strik), 737 (Zoido Álvarez, Vozemberg-Vrionidi, Fourlas), 738 (Ferrara, Pignedoli), 739 (Pignedoli), 740 (Zoido Álvarez, Vozemberg-Vrionidi, Fourlas), 747 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 751-752 (Strik), 753 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 754 (Strik), 755 (Tobé, Düpont, Ressler, Zoido Álvarez, Vozemberg-Vrionidi, Lenaers), 757 (Zoido Álvarez, Vozemberg-Vrionidi, Fourlas),-766 (Strik), 767 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 768 (Oetjen, Körner, Tudorache, Vautmans, Al-Sahlani, Keller, Šimečka, Azmani, in 't Veld), 771 (Strik), 772 (Oetjen, Körner, Tudorache, Vautmans, Šimečka, Azmani, in 't Veld), 773 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 774 (Hidvéghi, Vincze), 775 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 776 (Strik), 777 (Oetjen, Körner, Tudorache, Vautmans, Šimečka, Azmani, in 't Veld), 778 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán

Crespo, Pelletier), 779 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 780 (Strik), 781 (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier), 782 (Zoido Álvarez, Vozemberg-Vrionidi, Furlas), 784 (Strik), 785 (Ferrara, Pignedoli), 788 (Sippel), 790-partly (Barrena Arza, Arvanitis, Ernst, Rego, Urbán Crespo, Pelletier)

Proposal for a regulation

Article 14

Text proposed by the Commission

Amendment

Outcome of the screening

Completion of the screening

The third country nationals referred to in Article 3(1) point (a) and (b) of this Regulation who

Once the screening is completed, or when the period for carrying out the screening in accordance with Article 6(3) ends, third-country nationals referred to in Article 3(1) point (a) and (b) of this Regulation who

— have not **applied** for international protection and

— have not **expressed a wish to make an application** for international protection and

— with regard to whom the screening has not revealed that they fulfil entry conditions set out in Article 6 of Regulation (EU) 2016/399,

— with regard to whom the screening has not revealed that they fulfil entry conditions set out in Article 6 of Regulation (EU) 2016/399,

shall be referred to the competent authorities to apply procedures **respecting** Directive (EU) 2008/115/EC (Return Directive).

shall be referred to the competent authorities to apply procedures **in accordance with** Directive (EU) 2008/115/EC [Return Directive], **without prejudice to the application of Article 6(5) of Regulation (EU) 2016/399.**

In cases not related to search and rescue operations, entry may be refused in accordance with Article 14 of Regulation 2016/399.

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The form referred to in Article 13 shall be transmitted to the relevant authorities to whom the third country national is being referred.

The form referred to in Article 13 shall be transmitted to the relevant authorities to whom the third country national is being referred.

2. Third-country nationals who **made** an application for international protection shall be referred to the authorities referred to in Article XY of Regulation (EU) No XXX/XXX [Asylum Procedure Regulation], together with the form

2. Third-country nationals who **make, have made, or express the wish to make** an application for international protection shall be referred to the **determining** authorities referred to in Article [5] of Regulation (EU) No XXX/XXX [Asylum

referred to in Article 13 of this Regulation.
On that occasion, the authorities conducting the screening shall point in the de-briefing form to any elements which seem at first sight to be relevant to refer the third-country nationals concerned into the accelerated examination procedure or the border procedure.

3. Where the third country national is to be relocated under the mechanism for solidarity established by Article XX of Regulation (EU) No XXXX/XXXX [Dublin Regulation], the third-country national concerned shall be referred to the relevant authorities of the Member States concerned together with the form referred to in Article 13.

4. The third-country nationals referred to in Article 5, who

— have not applied for international protection and

— with regard to whom the screening has not revealed that they fulfil the conditions for entry and stay

shall be subject to return procedures respecting Directive 2008/115/EC.

5. Where third-country nationals submitted to the screening in accordance with Article 5 make an application for international protection as referred to in Article 25 of Regulation (EU) No XXX/XXX (Asylum Procedures Regulation), paragraph 2 of this Article shall apply accordingly.

6. In respect of third-country nationals to whom Regulation EU No XXX/XXX [Eurodac Regulation] applies, the competent authorities shall take the biometric data referred to in Articles [10, 13, 14 and 14a] of that Regulation (EU) and shall transmit it in accordance with

Procedure Regulation], together with the form referred to in Article 13 of this Regulation.

3. Where the third country national is to be relocated under the mechanism for solidarity established by Article XX of Regulation (EU) No XXXX/XXXX [Dublin Regulation], the third-country national concerned shall be referred to the relevant authorities of the Member States concerned together with the form referred to in Article 13.

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that Regulation.

7. Where the *third country* nationals referred to in Article(s) 3(1) and *Article 5* are referred to an appropriate procedure regarding asylum or return, the screening ends. Where not all the checks have been completed within the deadlines referred to in Article 6(3) and (5), the screening shall nevertheless end with regard to that person, who shall be referred to a relevant procedure.

6 a. In order to be in a position to effectively exercise the rights referred to in Article 13 of Regulation (EU) 2016/679 [GDPR], in Article 13 of Directive (EU) 2016/680 [Police Directive] and in Article 15 of Regulation (EU) 2018/1725, in particular the right to request from the data controller access to and rectification or erasure of personal data and the right to lodge a complaint with a supervisory authority, the person concerned shall be provided with a copy of the form before it is transmitted to the relevant authorities as referred to in paragraphs 1, 2 and 3 of this Article. In the case of minors the copy of the form shall be provided to the adult(s) responsible for the child. In the case of unaccompanied minors, the form shall be provided to the child's representative in accordance with Article 9a.

7. Where the *third-country* nationals referred to in Article 3(1) and (2) of *this Regulation* are referred to an appropriate procedure regarding asylum, *relocation* or return, the screening ends. Where not all the checks have been completed within the deadlines referred to in Article 6(6b), the screening shall nevertheless end with regard to that person, who shall be referred to a relevant procedure. *Where it becomes apparent during the screening that the third-country national concerned fulfils the entry conditions set out in Article 6 of Regulation (EU) 2016/399, the screening shall end.*

7 a. Persons identified as stateless or at risk of statelessness during the screening shall be referred to the competent authorities, which shall determine whether the individual is stateless and offer adequate protection, in accordance with national law.

7 b. The Member State carrying out the

screening procedure shall ensure that all personal data collected in the context of that procedure, in particular personal data included in the screening form, are deleted at the latest when:

(i) a final decision has been taken on the application for international protection, including any and all levels of appeal; or

(ii) a final decision has been taken in respect of the return procedure, including any and all levels of appeal; or

(iii) the person has been granted entry into the Member State concerned under Article 6 of Regulation (EU) 2016/299 [Schengen Borders Code].

Or. en

Amendment 50

Compromise amendment replacing Amendment(s): 138-144 (Sippel), 808-809 (Strik), 810 (Oetjen, Azmani, Körner, Šimečka, Vautmans, Tudorache), 811 (Strik), 812 (Oetjen, Azmani, Körner, Šimečka, Vautmans, Tudorache), 813 (Strik), 814-817 (Oetjen, Azmani, Körner, Šimečka, Vautmans, Tudorache), 818 (Strik), 820 (Strik), 821 (Oetjen, Azmani, Körner, Šimečka, Vautmans, Tudorache), 822-825 (Strik), 826-827 (Oetjen, Azmani, Körner, Šimečka, Vautmans, Tudorache)

Proposal for a regulation Annex

Text proposed by the Commission

Amendment

1. Name:

1. Name:

2. Sex:

2. Sex/**gender**:

3. Date of birth:

3. Date of birth:

4. Place of birth:

4. Place of birth:

5. Nationality/ies (initial indication):

5. Nationality/ies **or statelessness** (initial indication):

6. Languages spoken:

6. Languages spoken:

7. Reason *to perform screening*:

A. Irregular entry

*Please specify also, as appropriate:
no/forged/ falsified travel document,
no/forged/ falsified visa or travel
authorisation,
other*

B. Arrival via search and rescue

C. Application for international protection
at a Border Crossing Point

***D. no indication of a border check at an
external border:***

- no stamp in a travel document/no
entry in the Entry Exit System*
- no travel document*

8. Identification using IT databases was
carried out:

- Yes No

If yes, result of identification:

9. Results of the consultation for security
purposes:

- Hit (add databases and reasons)

7. Reason *for which the screening was
performed*:

A. Irregular entry

Deleted

Deleted

Deleted

Deleted

B. Arrival via search and rescue

C. Application for international protection
at a Border Crossing Point

Deleted

Deleted

Deleted

***7a. Has the person applied for
international protection?***

- Yes No

***7b. Are there family members or
relatives located on the territory of a
Member State?***

- Yes No

***If yes, please provide details of the
relevant family member(s) or relative(s)
and the relevant Member State***

8. Identification using IT databases was
carried out:

- Yes No

If yes, result of identification:

9. Results of the consultation for security
purposes:

- Hit (add databases and reasons)

Where there is a hit

- Possibly related to internal***

- No hit

10. Immediate care provided:

- Yes No

11. Isolation on public health grounds:

- Yes No

If yes, please provide dates, specific grounds, location:

12. Itinerary:

- a) places/countries of previous residence:
- b) point of departure:
- c) third countries and places (e.g. city, province) of transit and the duration of stay:
- d) modalities of transit (e.g. means of transportation, with a group, individual), assistance received (e.g. facilitators, modes of communication used), payments made/to be made, etc.:
- e) third countries where protection was sought:
- f) third countries where protection

security

- Unrelated to internal security*

- No hit

9a. Preliminary medical examination was carried out?

- Yes** **No**

10. Immediate care provided:

- Yes No

11. Isolation on public health grounds:

- Yes No

If yes, please provide dates, specific grounds, location:

11a. Preliminary vulnerability, special reception or procedural needs check was carried out:

- Yes** **No**

If yes, special reception or procedural needs identified:

- Yes** **No**

Details of vulnerability, or reception or procedural needs:

12. Itinerary:

- a) places/countries of previous residence:
- b) point of departure:
- c) third countries and places (e.g. city, province) of transit and the duration of stay:
- d) modalities of transit (e.g. means of transportation, with a group, individual), assistance received (e.g. facilitators, modes of communication used), payments made/to be made, etc.:
- e) third countries where protection was sought:
- f) third countries where protection

was granted:

g) intended destination within the Union:

13. Assistance provided for remuneration by third person or organisation in relation to irregular crossing of the border and any related information in case of suspected smuggling:

14. Start of the screening: [DD/MM/YY]
End of the screening: [DD/MM/YY]

15. Authority to refer the person to:

16. Comments and other relevant information:

was granted:

g) intended destination within the Union:

Deleted

13a. Screened person indicated incorrect information provided in points 1-12:

Yes ***No***

If yes, please provide details:

14. Start of the screening: [DD/MM/YY]
End of the screening: [DD/MM/YY]

15. Authority to refer the person to:

16. Comments and other relevant information:

Or. en