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## Draft

## REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2016/794 for the purpose of establishing a European Travel Information and Authorisation System (ETIAS)

	Article 70 of Commission	EP amendments	Draft Regulation proposed by	Compromise text proposals
	proposal		Council	
	(ST 14082/16)		(ST 10017/17 ADD 1)	
1.			THE EUROPEAN PARLIAMENT	
			AND THE COUNCIL OF THE	
			EUROPEAN UNION,	
2.			Having regard to the Treaty of the	
			Functioning of the European Union, and	
			in particular, Article 88(2)(a) thereof,	
3.			Acting in accordance with the ordinary	
			<u>legislative procedure,</u>	
4.			Whereas:	
5.			(1) The ETIAS Regulation allocates	Has not been discussed yet
			new tasks to Europol such as the	
			development and hosting of the ETIAS	
			watchlist, the provision of information	
			related to terrorist offences or other	
			serious criminal offences to this	
			watchlist and the provision of opinions	
			following consultation requests by the	
			ETIAS National Units. To implement	
			these tasks, it is therefore necessary to	
			amend Regulation (EU) 2016/794	
			accordingly.	
6.			(2) The ressources required by	Has not been discussed yet
			Europol for the purpose of	
			implementing its tasks as set out in this	

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			Regulation should be taken into	
			account, in line with the existing	
			applicable procedures.	
7.			(3) [In accordance with Articles 1, 2]	Standard recital
			and Article 4a(1) of Protocol No 21 on	
			the position of the United Kingdom and	
			<u>Ireland in respect of the area of</u>	
			freedom, security and justice, annexed	
			to the Treaty on European Union and to	
			the Treaty on the Functioning of the	
			European Union, and without prejudice	
			to Article 4 of that Protocol, the United	
			Kingdom is not taking part in the	
			adoption of this Regulation and is not	
			bound by it or subject to its application.]	
8.			(4) [In accordance with Article 3]	Standard recital
			and Article 4a(1) of Protocol No 21 on	
			the position of the United Kingdom and	
			<u>Ireland in respect of the area of</u>	
			freedom, security and justice, annexed	
			to the Treaty on European Union and to	
			the Treaty on the Functioning of the	
			European Union, the United Kingdom	
			has notified (, by letter of,) its wish	
			to take part in the adoption and	
			application of this Regulation.]	
9.			(5) [In accordance with Articles 1, 2	Standard recital
			and Article 4a(1) of Protocol No 21 on	
			the position of the United Kingdom and	
			<u>Ireland in respect of the area of</u>	
			freedom, security and justice, annexed	

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	proposal (ST 14082/16)		Council (ST 10017/17 ADD 1)	
	(81 14082/10)		to the Treaty on European Union and to	
			the Treaty on the Functioning of the	
			European Union, and without prejudice	
			to Article 4 of that Protocol, Ireland is	
			not taking part in the adoption of this	
			Regulation and is not bound by it or	
			subject to its application.]	
10.			(6) [In accordance with Article 3	Standard recital
			and Article 4a(1) of Protocol No 21 on	
			the position of the United Kingdom and	
			<u>Ireland in respect of the area of</u>	
			freedom, security and justice, annexed	
			to the Treaty on European Union and to	
			the Treaty on the Functioning of the	
			European Union, Ireland has notified (,	
			by letter of,) its wish to take part in	
			the adoption and application of this	
11			Regulation.]	0. 1 1 1.1
11.			(7) In accordance with Articles 1	Standard recital
			and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on	
			European Union and to the Treaty on	
			the Functioning of the European Union,	
			Denmark is not taking part in the	
			adoption of this Regulation and is not	
			bound by it or subject to its application.	
12.			HAVE ADOPTED THIS	
			REGULATION:	
13.			Article 1	Provisionally agreed
			Amendments to Regulation (EU)	<u>Article 1</u>
			<u>2016/794</u>	Amendments to Regulation

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	Article 70 of Commission proposal (ST 14082/16)	EP amendments	Draft Regulation proposed by Council (ST 10017/17 ADD 1)	Compromise text proposals
				(EU) 2016/794
14.	Regulation (EU) 2016/794 is amended as follows:		Regulation (EU) 2016/794 is amended as follows:	Agreed text Regulation (EU) 2016/794 is amended as follows:
15.	1. In Article 4 paragraph 1, the following point (n) is added:		1. In Article 4 paragraph 1, the following points (n), (o) and (p) are is added:	Provisionally agreed  1. In Article 4 paragraph 1, the following points (n), (o) and (p) are added:
16.		Amendment 1 Article 70(1)(1)		
17.	"(n) establish, manage and update the ETIAS watchlist referred to in Article 29 of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)] in accordance with Article 18(2)(a)."	(n) establish, manage and update the ETIAS watchlist referred to in Article 29 of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)] in accordance with Article 18(2)(a). The Management Board shall adopt guidelines further specifying the procedures for the processing of information for the purpose of the ETIAS watchlist, after consulting the EDPS.	"(n) establish, manage and update develop and host the ETIAS watchlist referred to in Article 29 of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)] in accordance with on the basis of Article 18(2)(a). The Management Board shall adopt guidelines further specifying the procedures for any processing of information for the purpose of hosting the ETIAS watchlist as set out in the [ETIAS Regulation], after consulting the EDPS;	To be further discussed
18.			(o) provide information to the ETIAS watchlist related to terrorist offences or other serious criminal offences obtained by Europol through international cooperation, without	Provisionally agreed (alignement with deletion of Article 29(2)(c) in row 705) (o) provide information to the ETIAS watchlist related to

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			prejudice to the conditions regulating	terrorist offences or other
			Europol's international cooperation;	serious criminal offences
				obtained by Europol through
				international cooperation,
				without prejudice to the
				conditions regulating Europol's
				international cooperation;
19.			(p) provide an opinion following a	Provisionally agreed
			consultation request referred to in	(p) provide an opinion
			Article 25 of [Regulation establishing a	following a consultation request
			European Travel Information and	referred to in Article 25 of
			Authorisation System (ETIAS)]."	[Regulation establishing a
				European Travel Information
				and Authorisation System
				(ETIAS)]."
20.	2. Article 21 is amended as		2. Article 21 is amended as	Agreed text
	follows:		follows:	2. Article 21 is amended as
				follows:
21.	(a) the title is replaced by the		(a) the title is replaced by the	Agreed text
	following:		following:	(a) the title is replaced by
				the following:
22.	"Article 21		"Article 21	Agreed text
				"Article 21
23.	Access by Eurojust, OLAF and the		Access by Eurojust, OLAF and, only for	Provisionally agreed
	European Borders and Coast Guard		purposes of ETIAS, by the European	Access by Eurojust, OLAF and,
	Agency only for purposes of		Border and Coast Guard Agency to	only for purposes of ETIAS, by
	ETIAS to information stored by		information stored by Europol"	the European Border and Coast
	Europol"			Guard Agency to information
				stored by Europol"
24.	(b) the following paragraph 1a		(b) the following paragraph 1a is	Agreed text
	is inserted:		inserted:	(b) the following paragraph

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	(ST 14082/16)		(ST 10017/17 ADD 1)	1
25	WD 1 1 11 11 1		W4 - D - 1 1 11 1 11	1a is inserted:
25.	"Europol shall take all appropriate		"1a. Europol shall take all	Agreed text
	measures to enable the European		appropriate measures to enable the	"1a. Europol shall take all
	Borders and Coast Guard Agency,		European Border and Coast Guard	appropriate measures to enable
	within its mandate and for the		Agency, within its mandate and for the	the European Border and Coast
	purposes of Regulation [Regulation		purposes of Regulation [Regulation	Guard Agency, within its
	establishing a European Travel		establishing a European Travel	mandate and for the purposes of
	Information and Authorisation		Information and Authorisation System	Regulation [Regulation
	System (ETIAS)], to have indirect		(ETIAS)], to have indirect access on the	establishing a European Travel
	access on the basis of a hit/no hit		basis of a hit/no hit system to	Information and Authorisation
	system to information provided for		information provided for the purposes	System (ETIAS)], to have
	the purposes of point (a) of Article		of point (a) of Article 18(2) without	indirect access on the basis of a
	18(2) without prejudice to any		prejudice to any restrictions indicated	hit/no hit system to information
	restrictions indicated by the		by the Member State, Union body, third	provided for the purposes of
	Member State, Union body, third		country or international organisation	point (a) of Article 18(2)
	country or international		providing the information in question,	without prejudice to any
	organisation providing the		in accordance with Article 19(2).	restrictions indicated by the
	information in question, in			Member State, Union body,
	accordance with Article 19(2).			third country or international
				organisation providing the
				information in question, in
				accordance with Article 19(2).
26.	In the case of a hit, Europol shall		In the case of a hit, Europol shall	Agreed text
	initiate the procedure by which the		initiate the procedure by which the	In the case of a hit, Europol
	information that generated the hit		information that generated the hit may	shall initiate the procedure by
	may be shared, in accordance with		be shared, in accordance with the	which the information that
	the decision of the provider of the		decision of the provider of the	generated the hit may be shared,
	information to Europol, and only to		information to Europol, and only to the	in accordance with the decision
	the extent that the data generating		extent that the data generating the hit	of the provider of the
	the hit are necessary for the		are necessary for the performance of the	information to Europol, and
	performance of the European		European Border and Coast Guard	only to the extent that the data

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	Borders and Coast Guard Agency tasks related to ETIAS.		Agency tasks related to ETIAS.	generating the hit are necessary for the performance of the European Border and Coast Guard Agency tasks related to ETIAS.
27.	Paragraphs 2 to 7 of this Article shall apply accordingly."		Paragraphs 2 to 7 of this Article shall apply accordingly".	Agreed text Paragraphs 2 to 7 of this Article shall apply accordingly".
28.		Amendment 2 Article 82(1a) new		
29.		This Regulation shall apply from the date determined by the Commission in accordance with Article 77 [Regulation of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 515/2014, (EU) 2016/399 and (EU) 2016/1624].		Under scrutiny by CLS
30.		(20) 2020, 2021,	Article 2 Entry into force and applicability	Provisionally agreed  Article 2  Entry into force and  applicability
31.			This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the	Provisionally agreed This Regulation shall enter into force on the twentieth day

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			European Union.	following that of its publication
				in the Official Journal of the
				European Union.
32.			This Regulation shall be binding in its	Provisionally agreed
			entirety and directly applicable in the	This Regulation shall be
			Member States in accordance with the	binding in its entirety and
			<u>Treaties.</u>	directly applicable in the
				Member States in accordance
				with the Treaties.
33.			Done at Brussels,	Done at Brussels,
34.			For the European Parliament	For the European Parliament
			The President	The President
			For the Council	For the Council
			<u>The President</u>	The President