



2017/0351(COD)

23.7.2018

AMENDMENTS

469 - 780

Draft report

Jeroen Lenaers

(PE622.263v02-00)

Proposal for a Regulation of the European Parliament and of the Council on establishing a framework for interoperability between EU information systems (borders and visa) and amending Council Decision 2004/512/EC, Regulation (EC) No 767/2008, Council Decision 2008/633/JHA, Regulation (EU) 2016/399 and Regulation (EU) 2017/2226

Proposal for a regulation

(COM(2017)478 – C8-0002/2018 – 2017/0351(COD))

Amendment 469

Cecilia Wikström, Gérard Deprez, Louis Michel, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Nathalie Griesbeck, Morten Helveg Petersen

Proposal for a regulation

Article 9 – paragraph 6

Text proposed by the Commission

6. The reply to the user of the ESP shall be unique and shall contain all the data to which the user has access under Union law. *Where necessary, the reply provided by the ESP shall indicate to which information system or database the data belongs.*

Amendment

6. The reply to the user of the ESP shall be unique and shall contain all the data to which the user has access under Union law.

Or. en

Amendment 470

Sophia in 't Veld

Proposal for a regulation

Article 9 – paragraph 6

Text proposed by the Commission

6. The reply to the user of the ESP shall be unique and shall contain all the data to which the user has access under Union law. *Where necessary, the reply provided by the ESP shall indicate to which information system or database the data belongs.*

Amendment

6. The reply to the user of the ESP shall be unique and shall contain all the data to which the user has access under Union law.

Or. en

Amendment 471

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 9 – paragraph 6

Text proposed by the Commission

6. The reply to the user of the ESP shall be unique and shall contain all the data to which the user has access under Union law. ***Where necessary, the reply provided by the ESP shall indicate to which information system or database the data belongs.***

Amendment

6. The reply to the user of the ESP shall be unique and shall contain all the data to which the user has ***access under Union law. The ESP shall provide no information regarding data in information systems to which the user has no access under Union law.***

Or. en

Justification

It is important to stipulate that a user will not receive any information whatsoever about data stored in a database to which that user has no access rights.

Amendment 472
Bodil Valero

Proposal for a regulation
Article 9 – paragraph 6

Text proposed by the Commission

6. The reply to the user of the ESP shall be unique and shall contain all the data to which the user has access under Union law. ***Where necessary***, the reply provided by the ESP shall indicate to which information system or database the data belongs.

Amendment

6. The reply to the user of the ESP shall be unique and shall contain all the data to which the user has access under Union law. The reply provided by the ESP shall indicate to which information system or database the data belongs.

Or. en

Amendment 473
Cornelia Ernst

Proposal for a regulation
Article 10 – paragraph 1 – introductory part

Text proposed by the Commission

1. Without prejudice to [Article 46 of the EES Regulation], Article 34 of

Amendment

1. Without prejudice to [Article 46 of the EES Regulation], Article 34 of

Regulation (EC) No 767/2008, [Article 59 of the ETIAS proposal] and Articles 12 and 18 of the Regulation on SIS in the field of border checks, eu-LISA shall keep logs of all data processing operations within the ESP. Those logs shall include, in particular, the following:

Regulation (EC) No 767/2008, [Article 59 of the ETIAS proposal] and Articles 12 and 18 of the Regulation on SIS in the field of border checks, eu-LISA shall keep logs of all data processing operations within the ESP. Those logs shall include *in all cases and* in particular, the following:

Or. en

Amendment 474

Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 10 – paragraph 1 – point a

Text proposed by the Commission

(a) the Member State authority and the individual user of the ESP, including the ESP profile used as referred to in Article 8;

Amendment

(a) the Member State authority *or EU bodies* and the individual user of the ESP, including the ESP profile used as referred to in Article 8;

Or. en

Amendment 475

Cornelia Ernst

Proposal for a regulation

Article 10 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the exact purpose of the query;

Or. en

Amendment 476

Bodil Valero

Proposal for a regulation

Article 10 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the EU information systems and the Interpol databases queried;

(c) the EU information systems and the ***Europol and*** Interpol databases queried;

Or. en

Amendment 477

Cornelia Ernst

Proposal for a regulation

Article 10 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) in accordance with national rules or when applicable, Regulation (EU) 45/2001, the identifying mark of the person who carried out the query..

(d) in accordance with national rules or when applicable, Regulation (EU) 45/2001, the identifying mark of the person who carried out the query, ***the name of the authority which requested the query and of the official who ordered it;***

Or. en

Amendment 478

Bodil Valero

Proposal for a regulation

Article 10 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) the specific purpose of the query and, where applicable, the case reference, pursuant to Article 8(2).

Or. en

Amendment 479

Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Each Member State and EU body shall keep logs of queries of the authority and the staff duly authorised to use the ESP.

Or. en

Amendment 480
Cornelia Ernst

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. The logs may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. Those logs shall be protected by appropriate measures against unauthorised access and erased **one year** after **their creation, unless they are required for monitoring procedures that have already begun.**

2. The logs may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. Those logs shall be protected by appropriate measures against unauthorised access and erased **three years** after **the datasets they refer to have been deleted.**

Or. en

Amendment 481
Bodil Valero

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. The logs may be used only for data protection monitoring, including checking the admissibility of a query and the

2. The logs may be used only for data protection monitoring, including checking the admissibility of a query and the

lawfulness of data processing, and for ensuring data security pursuant to Article 42. Those logs shall be protected by appropriate measures against unauthorised access and erased **one year** after their creation, unless they are required for monitoring procedures that have already begun.

lawfulness of data processing, and for ensuring data security pursuant to Article 42. Those logs shall be protected by appropriate measures against **unauthorised** access and erased **five years** after their creation, unless they are required for monitoring procedures that have already begun. ***The European Data Protection Supervisor shall perform an audit of these logs at least every two years and publish a report about the audit.***

Or. en

Amendment 482

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

2. The logs may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. Those logs shall be protected by appropriate measures against unauthorised access and erased **one year** after their creation, unless they are required for monitoring procedures that have already begun.

Amendment

2. The logs may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. ***To that end, access to those logs shall be granted as appropriate to the data controllers identified pursuant to Article 40, to national supervisory authorities designated pursuant to Article 51 of Regulation (EU) 2016/679 and Article 41 of Directive (EU) 2016/680, and to the European Data Protection Supervisor.*** Those logs shall be protected by appropriate measures against unauthorised access and erased **two years** after their creation, unless they are required for monitoring procedures that have already begun.

Or. en

Justification

In accordance with the recommendations of the European Data Protection Supervisor, supervisory authorities should be granted access to logs. As the log is only the record of the processing, it does not contain personal data. The log needs to be retained for sufficient time to ensure that unlawful processing can be uncovered or proven. One year does not seem adequate in that respect.

Amendment 483

Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

2. The logs may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring *data* security pursuant to Article 42. Those logs shall be protected by appropriate measures against unauthorised access and erased *one year* after their creation, unless they are required for monitoring procedures that have already begun.

Amendment

2. The logs may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, *for self-monitoring*, and for ensuring *the proper functioning and the data integrity and* security pursuant to Article 42. Those logs shall be protected by appropriate measures against unauthorised access and erased *two years* after their creation, unless they are required for monitoring procedures that have already begun.

Or. en

Amendment 484

Maria Grapini

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

2. The logs may be used only for data protection monitoring, including checking the admissibility of a request and the lawfulness of data processing, and for ensuring data security pursuant to Article

Amendment

2. The logs may be used only for data protection monitoring, including checking the admissibility of a request and the lawfulness of data processing *in accordance with Regulation EU 2016/679*,

42. Those logs shall be protected by appropriate measures against unauthorised access and erased one year after their creation, unless they are required for monitoring procedures that have already begun.

and for ensuring data security pursuant to Article 42. Those logs shall be protected by appropriate measures against unauthorised access and erased one year after their creation, unless they are required for monitoring procedures that have already begun.

Or. ro

Amendment 485

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

1. Where it is technically impossible to use the ESP to query one or several EU information systems referred to in Article 9(1) *or the CIR*, because of a failure of the ESP, the users of the ESP shall be notified by eu-LISA.

Amendment

1. Where it is technically impossible to use the ESP to query one or several EU information systems referred to in Article 9(1) because of a failure of the ESP, the users of the ESP shall be notified by eu-LISA.

Or. en

Amendment 486

Bodil Valero

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

1. Where it is technically impossible to use the ESP to query one or several EU information systems referred to in Article 9(1) *or the CIR*, because of a failure of the ESP, the users of the ESP shall be notified by eu-LISA.

Amendment

1. Where it is technically impossible to use the ESP to query one or several EU information systems referred to in Article 9(1), because of a failure of the ESP, the users of the ESP shall be notified by eu-LISA.

Or. en

Amendment 487

Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

1. Where it is technically impossible to use the ESP to query one or several EU information systems referred to in Article 9(1) or the CIR, because of a failure of the ESP, the users of the ESP shall be notified by eu-LISA.

Amendment

1. Where it is technically impossible to use the ESP to query one or several EU information systems referred to in Article 9(1) or the CIR, because of a failure of the ESP, the users of the ESP shall be *immediately* notified by eu-LISA.

Or. en

Amendment 488

Bodil Valero

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. Where it is technically impossible to use the ESP to query one or several EU information systems referred to in Article 9(1) *or the CIR*, because of a failure of the national infrastructure in a Member State, that Member State's competent authority shall notify eu-LISA and the Commission.

Amendment

2. Where it is technically impossible to use the ESP to query one or several EU information systems referred to in Article 9(1), because of a failure of the national infrastructure in a Member State, that Member State's competent authority shall notify eu-LISA and the Commission.

Or. en

Amendment 489

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. Where it is technically impossible to use the ESP to query one or several EU information systems referred to in Article 9(1) **or the CIR**, because of a failure of the national infrastructure in a Member State, that Member State's competent authority shall notify eu-LISA and the Commission.

Amendment

2. Where it is technically impossible to use the ESP to query one or several EU information systems referred to in Article 9(1) because of a failure of the national infrastructure in a Member State, that Member State's competent authority shall notify eu-LISA and the Commission.

Or. en

Amendment 490

Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

**Proposal for a regulation
Article 11 – paragraph 2**

Text proposed by the Commission

2. Where it is technically impossible to use the ESP to query one or several EU information systems referred to in Article 9(1) or the CIR, because of a failure of the national infrastructure in a Member State, that Member State's competent authority shall notify eu-LISA and the Commission.

Amendment

2. Where it is technically impossible to use the ESP to query one or several EU information systems referred to in Article 9(1) or the CIR, because of a failure of the national infrastructure in a Member State, that Member State's competent authority shall **immediately** notify eu-LISA and the Commission.

Or. en

Amendment 491

Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

**Proposal for a regulation
Article 11 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. Where it is technically impossible to use the ESP to query one or several EU information systems referred to in Article 9(1) or the CIR, because of a failure of

the infrastructure of a EU body, that EU body shall immediately notify eu-LISA and the Commission.

Or. en

Amendment 492

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

3. In both scenarios, and until the technical failure is addressed, the obligation referred to in Article 7(2) and (4) shall not apply and Member States may access the information systems referred to in Article 9(1) or the CIR *directly using their respective national uniform interfaces or national communication infrastructures.*

Amendment

3. In both scenarios, and until the technical failure is addressed, the obligation referred to in Article 7(2) and (4) shall not apply and Member States may access the information systems referred to in Article 9(1) or the CIR.

Or. en

Justification

This option may undermine efforts to design and manage the EU-information systems as well as the interoperability components in a way that copes with high processing demands.

Amendment 493

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

3. In both scenarios, and until the technical failure is addressed, the obligation referred to in Article 7(2) and (4) shall not apply and Member States may

Amendment

3. In both scenarios, and until the technical failure is addressed, the obligation referred to in Article 7(2) and (4) shall not apply and Member States may

access the information systems referred to in Article 9(1) *or the CIR* directly using their respective national uniform interfaces or national communication infrastructures.

access the information systems referred to in Article 9(1) directly using their respective national uniform interfaces or national communication infrastructures.

Or. en

Amendment 494
Bodil Valero

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission

3. In both scenarios, and until the technical failure is addressed, the obligation referred to in Article 7(2) and (4) shall not apply and Member States may access the information systems referred to in Article 9(1) *or the CIR* directly using their respective national uniform interfaces or national communication infrastructures.

Amendment

3. In both scenarios, and until the technical failure is addressed, the obligation referred to in Article 7(2) and (4) shall not apply and Member States may access the information systems referred to in Article 9(1) directly using their respective national uniform interfaces or national communication infrastructures.

Or. en

Amendment 495
Cornelia Ernst

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. A shared biometric matching service (shared BMS) *storing biometric templates and* enabling querying with biometric data across *several* EU information systems is established *for the purposes of supporting the CIR and the multiple-identity detector and the objectives of the EES, the VIS, Eurodac, the SIS and [the ECRIS-TCN system].*

Amendment

1. A shared biometric matching service (shared BMS) enabling querying with biometric data across *relevant* EU information systems is established.

Or. en

Amendment 496

Bodil Valero

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

1. A shared biometric matching service (shared BMS) **storing biometric templates and** enabling querying with biometric data across several EU information systems is established for the purposes of supporting the **CIR and the multiple-identity detector and the** objectives of the EES, the VIS, Eurodac, the SIS and [the ECRIS-TCN system].

Amendment

1. A shared biometric matching service (shared BMS) enabling querying with biometric data across several EU information systems is established for the purposes of supporting the objectives of the EES, the VIS, Eurodac, the SIS and [the ECRIS-TCN system].

Or. en

Amendment 497

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

1. A shared biometric matching service (shared BMS) **storing biometric templates and enabling** querying with biometric data across several EU information systems **is established for the purposes of supporting the CIR** and the multiple-identity detector **and** the objectives of the EES, the VIS, Eurodac, the SIS and [the ECRIS-TCN system].

Amendment

1. A shared biometric matching service (shared BMS)) **shall be established to enable** querying with biometric data across several EU information systems, **the SIS** and the multiple-identity detector **to support** the objectives of the EES, the VIS, Eurodac, the SIS and [the ECRIS-TCN system].

Or. en

Amendment 498

Cecilia Wikström, Gérard Deprez, Louis Michel, Maite Pagazaurtundúa Ruiz, Angelika

Mlinar, Nathalie Griesbeck, Morten Helveg Petersen

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. A shared biometric matching service (shared BMS) storing biometric templates and enabling querying with biometric data across several EU information systems is established for the purposes of supporting the CIR and the multiple-identity detector and the objectives of the EES, the VIS, Eurodac, the SIS and [the ECRIS-TCN system].

Amendment

1. A shared biometric matching service (shared BMS) storing biometric templates and enabling querying with biometric data across several EU information systems is established for the purposes of supporting the CIR and the multiple-identity detector and the objectives of the EES, the VIS, Eurodac, the SIS and [the ECRIS-TCN system], ***while fully respecting the principles of necessity and proportionality.***

Or. en

Amendment 499
Cornelia Ernst

Proposal for a regulation
Article 12 – paragraph 2 – point a

Text proposed by the Commission

(a) ***a central infrastructure, including*** a search engine ***and the storage of*** the data referred to in Article 13;

Amendment

(a) a search engine ***in order to query the relevant EU databases with*** the data referred to in Article 13;

Or. en

Amendment 500
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 12 – paragraph 2 – point a

Text proposed by the Commission

(a) a central infrastructure, including a

Amendment

(a) a central infrastructure, including a

search engine *and the storage of the data referred to in Article 13*;

search engine;

Or. en

Amendment 501

Bodil Valero

Proposal for a regulation

Article 12 – paragraph 2 – point a

Text proposed by the Commission

(a) a central infrastructure, including a search engine *and the storage of the data* referred to in Article 13;

Amendment

(a) a central infrastructure, including a search engine referred to in Article 13;

Or. en

Amendment 502

Bodil Valero

Proposal for a regulation

Article 12 – paragraph 2 – point b

Text proposed by the Commission

(b) a secure communication infrastructure between the shared BMS, Central-SIS *and the CIR*.

Amendment

(b) a secure communication infrastructure between the shared BMS *and the EES, the VIS, Eurodac, [the ECRIS-TCN system] and the Central-SIS*.

Or. en

Amendment 503

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 12 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) a secure communication infrastructure between the shared BMS, Central-SIS *and the CIR*.

(b) a secure communication infrastructure between the shared BMS, Central-SIS *the EES, the VIS, EURODAC and [the ECRIS-TCN system]*.

Or. en

Justification

As the BMS should not store biometric templates, the BMS will need communication infrastructure with each of the individual databases which store the biometric data.

Amendment 504
Cornelia Ernst

Proposal for a regulation
Article 12 – paragraph 2 – point b

Text proposed by the Commission

(b) a secure communication infrastructure between the shared BMS, Central-SIS *and the CIR*.

Amendment

(b) a secure communication infrastructure between the shared BMS *and the* Central-SIS.

Or. en

Amendment 505
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

3. eu-LISA shall develop the shared BMS and ensure its technical management.

Amendment

3. eu-LISA shall develop the shared BMS and ensure its technical management. *It shall not, however, have access to any of the personal data processed through the shared BMS.*

Or. en

Justification

A clarification that eu-LISA is responsible for establishing and maintaining the BMS but should not enjoy any access to the personal data therein.

Amendment 506

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes, Birgit Sippel

Proposal for a regulation

Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Data stored in the shared biometric matching service

1. The shared BMS shall store the biometric templates that it shall obtain from the following biometric data:

- (a) the data referred to in Article 16(1)(d) and Article 17(1)(b) and (c) of Regulation (EU) 2017/2226;***
- (b) the data referred to in Article 9(6) of Regulation (EC) No 767/2008;***
- (c) [the data referred to in Article 20(2)(w) and (x) of the Regulation on SIS in the field of border checks;***
- (d) the data referred to in Article 20(3)(w) and (x) of the Regulation on SIS in the field of law enforcement;***
- (e) the data referred to in Article 4(3)(t) and (u) of the Regulation on SIS in the field of illegal return];***
- (f) [the data referred to in Article 13(a) of the Eurodac Regulation;]***
- (g) [the data referred to in Article 5(1)(b) and Article 5(2) of the ECRIS-TCN Regulation.]***

2. The shared BMS shall include in each biometric template a reference to the information systems in which the corresponding biometric data is stored.

3. *Biometric templates shall only be entered in the shared BMS following an automated quality check of the biometric data added to one of the information systems performed by the shared BMS to ascertain the fulfilment of a minimum data quality standard.*

4. *The storage of the data referred to in paragraph 1 shall meet the quality standards referred to in Article 37(2).*

Or. en

Justification

It is not necessary for the shared BMS to store biometric templates to achieve the aims of interoperability. The biometric data will continue to be stored in the individual databases in any event, and the biometric matching service should function using the biometric data of the systems individually rather than centrally duplicating that sensitive personal data in the form of a template.

Amendment 507

Bodil Valero

Proposal for a regulation

Article 13 – title

Text proposed by the Commission

Data **stored** in the shared biometric matching service

Amendment

Data **accessed by** in the shared biometric matching service

Or. en

Amendment 508

Bodil Valero

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

1. The shared BMS shall **store the biometric templates that it shall obtain**

Amendment

1. The shared BMS shall, **for each query, access** the following biometric data:

from the following biometric data:

Or. en

Amendment 509

Cornelia Ernst

Proposal for a regulation

Article 13 – paragraph 1 – point c

Text proposed by the Commission

(c) [the **data** referred to in Article 20(2)(w) and (x) of the Regulation on SIS in the field of border checks;

Amendment

(c) [the **fingerprints** referred to in Article 20(2)(w) and (x) of the Regulation on SIS in the field of border checks;

Or. en

Amendment 510

Sophia in 't Veld

Proposal for a regulation

Article 13 – paragraph 1 – point c

Text proposed by the Commission

(c) [the data referred to in Article 20(2)(w) and (x) of the Regulation on SIS in the field of border checks;

Amendment

(c) [the data referred to in Article 20(2)(w) and (x), **excluding palm prints**, of the Regulation on SIS in the field of border checks;

Or. en

Amendment 511

Cecilia Wikström, Gérard Deprez, Louis Michel, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Nathalie Griesbeck, Morten Helveg Petersen

Proposal for a regulation

Article 13 – paragraph 1 – point d

Text proposed by the Commission

(d) **the data referred to in Article**

Amendment

deleted

**20(3)(w) and (x) of the Regulation on SIS
in the field of law enforcement;**

Or. en

**Amendment 512
Sophia in 't Veld**

**Proposal for a regulation
Article 13 – paragraph 1 – point d**

Text proposed by the Commission

(d) the data referred to in Article 20(3)(w) **and (x)** of the Regulation on SIS in the field of law enforcement;

Amendment

(d) the data referred to in Article 20(3)(w), **excluding palm prints**, of the Regulation on SIS in the field of law enforcement;

Or. en

**Amendment 513
Cornelia Ernst**

**Proposal for a regulation
Article 13 – paragraph 1 – point d**

Text proposed by the Commission

(d) the data referred to in Article 20(3)(w) **and (x)** of the Regulation on SIS in the field of law enforcement;

Amendment

(d) the data referred to in Article 20(3)(w) of the Regulation on SIS in the field of law enforcement;

Or. en

**Amendment 514
Cornelia Ernst**

**Proposal for a regulation
Article 13 – paragraph 1 – point e**

Text proposed by the Commission

(e) the **data** referred to in Article

Amendment

(e) the **fingerprints** referred to in

4(3)(t) and (u) of the Regulation on SIS in the field of illegal return];

Article 4(3)(t) and (u) of the Regulation on SIS in the field of illegal return];

Or. en

Amendment 515
Sophia in 't Veld

Proposal for a regulation
Article 13 – paragraph 1 – point e

Text proposed by the Commission

(e) the data referred to in Article 4(3)(t) and (u) of the Regulation on SIS in the field of illegal return];

Amendment

(e) the data referred to in Article 4(3)(t) and (u), ***excluding palm prints***, of the Regulation on SIS in the field of illegal return];

Or. en

Amendment 516
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 13 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) the biometric data processed by Europol.

Or. en

Amendment 517
Bodil Valero

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. The shared BMS shall include in each biometric template a reference to the

deleted

information systems in which the corresponding biometric data is stored.

Or. en

Amendment 518
Cornelia Ernst

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

2. The shared BMS shall include in each biometric template a reference to the information systems in which the corresponding biometric data is stored.

Amendment

2. The shared BMS shall include in each biometric template a reference to the information systems in which the corresponding biometric data is stored. ***In all cases, in full respect of purpose limitation, the officer launching a query in the BMS shall only be able to see the references to those information system that he or she is authorised to access.***

Or. en

Amendment 519
Sophia in 't Veld

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

2. The shared BMS shall include in each biometric systems a reference to the information systems in which the corresponding biometric data is stored.

Amendment

2. The shared BMS shall include in each biometric template a reference to the information systems in which the corresponding biometric data is stored. ***The officer launching a query using the shared BMS shall see only the references to those information systems that he or she is authorised to access.***

Or. en

Amendment 520

Bodil Valero

Proposal for a regulation

Article 13 – paragraph 3

Text proposed by the Commission

3. Biometric *templates* shall only be entered in the shared BMS following an automated quality check of the biometric data *added to one of the information systems* performed by the shared BMS to ascertain the fulfilment of a minimum data quality standard.

Amendment

3. A biometric *template used for a query* shall only be entered in the shared BMS *search engine* following an automated quality check of the biometric data performed by the shared BMS to ascertain the fulfilment of a minimum data quality standard.

Or. en

Amendment 521

Bodil Valero

Proposal for a regulation

Article 13 – paragraph 4

Text proposed by the Commission

4. *The storage of the data referred to in paragraph 1 shall meet the quality standards referred to in Article 37(2).*

Amendment

deleted

Or. en

Amendment 522

Cornelia Ernst

Proposal for a regulation

Article 14

Text proposed by the Commission

Article 14
Searching biometric data with the shared

Amendment

deleted

biometric matching service

In order to search the biometric data stored within the CIR and the SIS, the CIR and the SIS shall use the biometric templates stored in the shared BMS. Queries with biometric data shall take place in accordance with the purposes provided for in this Regulation and in the EES Regulation, the VIS Regulation, the Eurodac Regulation, the [SIS Regulations] and [the ECRIS-TCN Regulation].

Or. en

Amendment 523
Bodil Valero

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

In order to search the biometric data stored within the CIR and the SIS, the CIR and the SIS shall use the biometric templates stored in the shared BMS. Queries with biometric data shall take place in accordance with the purposes provided for in this Regulation and in the EES Regulation, the VIS Regulation, the Eurodac Regulation, the [SIS Regulations] and [the ECRIS-TCN Regulation].

Amendment

*Queries with biometric data shall take place in accordance with the purposes provided for in this Regulation and in the EES Regulation, the VIS Regulation, the Eurodac Regulation, the [SIS Regulations] and [the ECRIS-TCN Regulation]. **Member State authorities and Union agencies may make use of the shared BMS and the data provided by it only for the objectives and purposes laid down in the legal instruments governing those Union information systems and in this Regulation, and only in specific cases where they have factual indications that a person is registered in one of the systems and the information about this is necessary for solving a specific on-going situation or facilitating a criminal investigation. They shall not use the shared BMS for systematic checks of large groups of persons. Any query of the shared BMS shall require the mandatory entering of the specific purpose of the***

query. For queries in the context of the prevention, detection or investigation of terrorist offences or other serious criminal offences, the case reference shall be required.

Or. en

Amendment 524

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

In order to search the biometric data stored within the *CIR* and the SIS, the *CIR and the SIS* shall *use* the biometric *templates* stored in the *shared BMS*. Queries with biometric data shall take place in accordance with the purposes provided for in this Regulation and in the EES Regulation, the VIS Regulation, the Eurodac Regulation, the [SIS Regulations] and [the ECRIS-TCN Regulation].

Amendment

In order to search the biometric data stored within the *EES, the VIS, EURODAC, [the ECRIS-TCN system]* and the SIS, the *shared BMS* shall *compare* the biometric *data* stored in the *underlying systems for a match*. Queries with biometric data shall take place in accordance with the purposes provided for in this Regulation and in the EES Regulation, the VIS Regulation, the Eurodac Regulation, the [SIS Regulations] and [the ECRIS-TCN Regulation].

Or. en

Amendment 525

Bodil Valero

Proposal for a regulation

Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where a police authority has been so empowered by national legislative measures, it may, for the purpose of identifying unknown persons who are not able to identify themselves or unidentified human remains, in the event of a natural

disaster or an accident, query the shared BMS with the biometric data of those persons. Member States wishing to avail themselves of this possibility shall adopt national legislative measures laying down the procedures, conditions and criteria.

Or. en

Amendment 526

Bodil Valero

Proposal for a regulation

Article 15

Text proposed by the Commission

Amendment

Article 15

deleted

Data retention in the shared biometric matching service

The data referred to in Article 13 shall be stored in the shared BMS for as long as the corresponding biometric data is stored in the CIR or the SIS.

Or. en

Amendment 527

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 15

Text proposed by the Commission

Amendment

Article 15

deleted

Data retention in the shared biometric matching service

The data referred to in Article 13 shall be stored in the shared BMS for as long as the corresponding biometric data is stored in the CIR or the SIS.

Justification

No biometric data need be stored in the BMS. The data will continue to be stored in the underlying databases

Amendment 528

Cornelia Ernst

Proposal for a regulation**Article 15 – paragraph 1***Text proposed by the Commission*

The data referred to in Article 13 shall be stored in the shared BMS for as long as the corresponding biometric data is stored in the *CIR or the SIS*.

Amendment

The data referred to in Article 13 shall be stored in the shared BMS for as long as the corresponding biometric data is stored in the *SIS and automatically deleted when the data retention time, as regulated in the individual IT system, expires*.

Or. en

Amendment 529

Sophia in 't Veld

Proposal for a regulation**Article 15 – paragraph 1***Text proposed by the Commission*

The data referred to in Article 13 shall be *stored in the shared BMS for as long as the corresponding biometric data is stored in the CIR or the SIS*.

Amendment

The data referred to in Article 13(1) and (2) shall be *automatically deleted from the BMS in accordance with the data retention provisions of Regulation (EU) 2017/2226, Regulation (EC) No 767/2008, [Regulation on SIS in the field of border checks], [Regulation on SIS in the field of law enforcement], [Regulation on SIS in the field of illegal return], [Eurodac Regulation], and [ECRIS-TCN Regulation] respectively*.

Amendment 530

Bodil Valero

Proposal for a regulation

Article 16 – paragraph 1 – point a

Text proposed by the Commission

(a) the history related to the **creation and storage of** biometric templates;

Amendment

(a) the history related to the **query with** biometric templates;

Or. en

Amendment 531

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 16 – paragraph 1 – point a

Text proposed by the Commission

(a) **the history related to the creation and storage of biometric templates;**

Amendment

deleted

Or. en

Amendment 532

Bodil Valero

Proposal for a regulation

Article 16 – paragraph 1 – point b

Text proposed by the Commission

(b) a reference to the EU information systems queried with the biometric templates **stored in** the shared BMS;

Amendment

(b) a reference to the EU information systems queried **with** the biometric templates **entered into** the shared BMS;

Or. en

Amendment 533

Cornelia Ernst

Proposal for a regulation

Article 16 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) *the exact purpose of the query;*

Or. en

Amendment 534

Cornelia Ernst

Proposal for a regulation

Article 16 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) in accordance with national rules or, when applicable, Regulation (EU) 45/2001, the identifying mark of the person who carried out the query.

(g) in accordance with national rules or, when applicable, Regulation (EU) 45/2001, the identifying mark of the person who carried out the query ***and the name of the authority which requested the query and of the official who ordered it;***

Or. en

Amendment 535

Bodil Valero

Proposal for a regulation

Article 16 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) *the specific purpose of the query and, where applicable, the case reference, pursuant to Article 14.*

Or. en

Amendment 536
Bodil Valero

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

2. The logs may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. Those logs shall be protected by appropriate measures against unauthorised access and erased **one year** after their creation, unless they are required for monitoring procedures that have already begun. The **logs referred to in paragraph 1(a)** shall **be erased once the data is erased**.

Amendment

2. The logs may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. Those logs **shall be made available to the competent supervisory authority on request. They** shall be protected by appropriate measures against unauthorised access and erased **five years** after their creation, unless they are required for monitoring procedures that have already begun. The **European Data Protection Supervisor shall perform an audit of these logs at least every two years and publish a report about the audit.**

Or. en

Amendment 537
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

2. The logs may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. Those logs shall be protected by appropriate measures against unauthorised access and erased **one year** after their creation, unless they are required for

Amendment

2. The logs may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. **. To that end, access to those logs shall be granted as appropriate to the data controllers identified pursuant to Article 40, to national supervisory authorities**

monitoring procedures that have already begun. The logs referred to in paragraph 1(a) shall be erased once the data is erased.

designated pursuant to Article 51 of Regulation (EU) 2016/679 and Article 41 of Directive (EU) 2016/680, and to the European Data Protection Supervisor.

Those logs shall be protected by appropriate measures against unauthorised access and erased **two years** after their creation, unless they are required for monitoring procedures that have already begun. The logs referred to in paragraph 1(a) shall be erased once the data is erased.

Or. en

Justification

In accordance with the recommendations of the European Data Protection Supervisor, supervisory authorities should be granted access to logs. As the log is only the record of the processing, it does not contain personal data. The log needs to be retained for sufficient time to ensure that unlawful processing can be uncovered or proven. One year does not seem adequate in that respect.

Amendment 538

Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation Article 16 – paragraph 2

Text proposed by the Commission

2. The logs may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. Those logs shall be protected by appropriate measures against unauthorised access and erased **one year** after their creation, unless they are required for monitoring procedures that have already begun. The logs referred to in paragraph 1(a) shall be erased once the data is erased.

Amendment

2. The logs may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. Those logs shall be protected by appropriate measures against unauthorised access and erased **two years** after their creation, unless they are required for monitoring procedures that have already begun. The logs referred to in paragraph 1(a) shall be erased once the data is erased.

Or. en

Amendment 539

Cornelia Ernst

Proposal for a regulation

Article 16 – paragraph 2

Text proposed by the Commission

2. The logs may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. Those logs shall be protected by appropriate measures against unauthorised access and erased one year after their creation, unless they are required for monitoring procedures that have already begun. The logs referred to in paragraph 1(a) shall be erased once the data is erased.

Amendment

2. The logs may be used only for data protection monitoring ***and monitoring the impact on fundamental rights***, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. Those logs shall be protected by appropriate measures against unauthorised access and erased one year after their creation, unless they are required for monitoring procedures that have already begun. The logs referred to in paragraph 1(a) shall be erased once the data is erased.

Or. en

Amendment 540

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes, Birgit Sippel

Proposal for a regulation

Article 17

Text proposed by the Commission

Article 17

Common identity repository

1. ***A common identity repository (CIR), creating an individual file for each person that is recorded in the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN system] containing the data referred to in Article 18, is established for the purpose of facilitating and assisting the correct identification of persons***

Amendment

deleted

registered in the EES, the VIS, [the ETIAS], the Eurodac and [the ECRIS-TCN system], of supporting the functioning of the multiple-identity detector and of facilitating and streamlining access by law enforcement authorities to non-law enforcement information systems at EU level, where necessary for the prevention, investigation, detection or prosecution of serious crime.

2. The CIR shall be composed of:

(a) a central infrastructure that shall replace the central systems of respectively the EES, the VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system] to the extent that it shall store the data referred to in Article 18;

(b) a secure communication channel between the CIR, Member States and EU bodies that are entitled to use the European search portal (ESP) in accordance with Union law;

(c) a secure communication infrastructure between the CIR and the EES, [the ETIAS], the VIS, Eurodac and [the ECRIS-TCN system] as well as with the central infrastructures of the ESP, the shared BMS and the multiple-identity detector.

3. eu-LISA shall develop the CIR and ensure its technical management.

Or. en

Justification

The Common Identity Repository is unnecessary to achieve the aims of interoperability and should be deleted.

Amendment 541
Cornelia Ernst

Proposal for a regulation

Article 17

Text proposed by the Commission

Amendment

Article 17

deleted

Common identity repository

1. A common identity repository (CIR), creating an individual file for each person that is recorded in the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN system] containing the data referred to in Article 18, is established for the purpose of facilitating and assisting the correct identification of persons registered in the EES, the VIS, [the ETIAS], the Eurodac and [the ECRIS-TCN system], of supporting the functioning of the multiple-identity detector and of facilitating and streamlining access by law enforcement authorities to non-law enforcement information systems at EU level, where necessary for the prevention, investigation, detection or prosecution of serious crime.

2. The CIR shall be composed of:

(a) a central infrastructure that shall replace the central systems of respectively the EES, the VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system] to the extent that it shall store the data referred to in Article 18;

(b) a secure communication channel between the CIR, Member States and EU bodies that are entitled to use the European search portal (ESP) in accordance with Union law;

(c) a secure communication infrastructure between the CIR and the EES, [the ETIAS], the VIS, Eurodac and [the ECRIS-TCN system] as well as with the central infrastructures of the ESP, the shared BMS and the multiple-identity detector.

3. eu-LISA shall develop the CIR and

ensure its technical management.

Or. en

Amendment 542

Bodil Valero

Proposal for a regulation

Article 17

Text proposed by the Commission

Amendment

Article 17

deleted

Common identity repository

1. A common identity repository (CIR), creating an individual file for each person that is recorded in the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN system] containing the data referred to in Article 18, is established for the purpose of facilitating and assisting the correct identification of persons registered in the EES, the VIS, [the ETIAS], the Eurodac and [the ECRIS-TCN system], of supporting the functioning of the multiple-identity detector and of facilitating and streamlining access by law enforcement authorities to non-law enforcement information systems at EU level, where necessary for the prevention, investigation, detection or prosecution of serious crime.

2. The CIR shall be composed of:

(a) a central infrastructure that shall replace the central systems of respectively the EES, the VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system] to the extent that it shall store the data referred to in Article 18;

(b) a secure communication channel between the CIR, Member States and EU bodies that are entitled to use the European search portal (ESP) in

accordance with Union law;

(c) a secure communication infrastructure between the CIR and the EES, [the ETIAS], the VIS, Eurodac and [the ECRIS-TCN system] as well as with the central infrastructures of the ESP, the shared BMS and the multiple-identity detector.

3. eu-LISA shall develop the CIR and ensure its technical management.

Or. en

Amendment 543

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 17 – paragraph 1

Text proposed by the Commission

1. A common identity repository (CIR), creating an individual file for each person that is recorded in the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN system] containing the data referred to in Article 18, is established for the purpose of facilitating and assisting the correct identification of persons registered in the EES, the VIS, [the ETIAS], the Eurodac and [the ECRIS-TCN system], of supporting the functioning of the multiple-identity detector and of facilitating and streamlining access by **law enforcement** authorities to non-law enforcement information systems at EU level, where necessary for the prevention, investigation, detection or prosecution of serious crime.

Amendment

1. A common identity repository (CIR), creating an individual file for each person that is recorded in the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN system] containing the data referred to in Article 18, is established for the purpose of facilitating and assisting the correct identification of persons registered in the EES, the VIS, [the ETIAS], the Eurodac and [the ECRIS-TCN system], of supporting the functioning of the multiple-identity detector and of facilitating and streamlining access by **designated** authorities to non-law enforcement information systems at EU level, where necessary for the prevention, investigation, detection or prosecution of serious crime.

Or. en

Amendment 544

Cecilia Wikström, Gérard Deprez, Louis Michel, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Nathalie Griesbeck, Morten Helveg Petersen

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

1. A common identity repository (CIR), creating an individual file for each person that is recorded in the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN system] containing the data referred to in Article 18, is established for the purpose of facilitating and assisting the correct identification of persons registered in the EES, the VIS, [the ETIAS], the Eurodac and [the ECRIS-TCN system], of supporting the functioning of the multiple-identity detector and of facilitating and streamlining access by law enforcement authorities to non-law enforcement information systems at EU level, where necessary for the prevention, investigation, detection or prosecution of serious crime.

Amendment

1. A common identity repository (CIR), creating an individual file for each person that is recorded in the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN system] containing the data referred to in Article 18, is established for the purpose of facilitating and assisting the correct identification of persons registered in the EES, the VIS, [the ETIAS], the Eurodac and [the ECRIS-TCN system], of supporting the functioning of the multiple-identity detector and of facilitating and streamlining access by law enforcement authorities to non-law enforcement information systems at EU level, where necessary for the prevention, investigation, detection or prosecution of serious crime, ***while fully respecting the principles of necessity and proportionality.***

Or. en

Amendment 545

G rard Deprez, Cecilia Wikstr m, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtund a Ruiz, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Article 17 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where it is technically impossible to query the CIR for the purpose of identifying a person pursuant Article 20, for the detection of multiple identities pursuant Article 21 or for law enforcement purposes pursuant Article 22, because of a failure of the CIR, the users of the CIR shall be immediately notified by eu-LISA.

Amendment 546

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes, Birgit Sippel

Proposal for a regulation
Article 18

Text proposed by the Commission

Amendment

Article 18

deleted

The common identity repository data

1. The CIR shall store the following data – logically separated – according to the information system from which the data was originated:

(a) the data referred to in [Article 16(1)(a) to (d) and Article 17(1)(a) to (c) of the EES Regulation];

(b) the data referred to in Article 9(4)(a) to (c), (5) and (6) of Regulation (EC) No 767/2008;

(c) [the data referred to in Article 15(2)(a) to (e) of the [ETIAS Regulation];]

(d) – (not applicable)

(e) – (not applicable)

2. For each set of data referred to in paragraph 1, the CIR shall include a reference to the information systems to which the data belongs.

3. The storage of the data referred to in paragraph 1 shall meet the quality standards referred to in Article 37(2).

Or. en

Justification

The Common Identity Repository is unnecessary to achieve the aims of interoperability and should be deleted. Storing the personal data from multiple databases in a single home on the grounds of efficiency contravenes the principles of purpose limitation and data minimisation.

The underlying databases will retain the personal data in any event.

Amendment 547

Cornelia Ernst

Proposal for a regulation

Article 18

Text proposed by the Commission

Amendment

Article 18

deleted

The common identity repository data

1. The CIR shall store the following data – logically separated – according to the information system from which the data was originated:

(a) the data referred to in [Article 16(1)(a) to (d) and Article 17(1)(a) to (c) of the EES Regulation];

(b) the data referred to in Article 9(4)(a) to (c), (5) and (6) of Regulation (EC) No 767/2008;

(c) [the data referred to in Article 15(2)(a) to (e) of the [ETIAS Regulation];]

(d) – (not applicable)

(e) – (not applicable)

2. For each set of data referred to in paragraph 1, the CIR shall include a reference to the information systems to which the data belongs.

3. The storage of the data referred to in paragraph 1 shall meet the quality standards referred to in Article 37(2).

Or. en

Amendment 548

Bodil Valero

Proposal for a regulation

Article 18

Article 18

deleted

The common identity repository data

1. The CIR shall store the following data – logically separated – according to the information system from which the data was originated:

(a) the data referred to in [Article 16(1)(a) to (d) and Article 17(1)(a) to (c) of the EES Regulation];

(b) the data referred to in Article 9(4)(a) to (c), (5) and (6) of Regulation (EC) No 767/2008;

(c) [the data referred to in Article 15(2)(a) to (e) of the [ETIAS Regulation];]

(d) – (not applicable)

(e) – (not applicable)

2. For each set of data referred to in paragraph 1, the CIR shall include a reference to the information systems to which the data belongs.

3. The storage of the data referred to in paragraph 1 shall meet the quality standards referred to in Article 37(2).

Or. en

Amendment 549

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 18 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) – (not applicable)

(e) – **[the data referred to in Article 5(1)(b) and 5(2) and the following data of Article 5(1)(a) of the ECRIS-TCN Regulation: surname or family name; first name(s) (given name(s)); sex; date of birth; place and country of birth;**

nationality or nationalities; gender and where applicable previous names, pseudonyms(s) and/or alias name(s) as well as information on travel documents.]

Or. en

Justification

The scope of data categories should be identical on all information systems.

Amendment 550
Sophia in 't Veld

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. For each set of data referred to in paragraph 1, the CIR shall include a reference to the information systems to which the data belongs.

Amendment

2. For each set of data referred to in paragraph 1, the CIR shall include a reference to the information systems to which the data belongs. ***The officer accessing the CIR shall see only the components of the identity file stored in the repository which originate from those information systems he or she is authorised to access.***

Or. en

Amendment 551
Cornelia Ernst

Proposal for a regulation
Article 19

Text proposed by the Commission

Article 19

Adding, amending and deleting data in the common identity repository

1. Where data is added, amended or deleted in the EES, the VIS and [the

Amendment

deleted

ETIAS], the data referred to in Article 18 stored in the individual file of the CIR shall be added, amended or deleted accordingly in an automated manner.

2. Where the multiple-identity detector creates a white or red link in accordance with Articles 32 and 33 between the data of two or more of the EU information systems constituting the CIR, instead of creating a new individual file, the CIR shall add the new data to the individual file of the linked data.

Or. en

Amendment 552

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes, Birgit Sippel

Proposal for a regulation

Article 19

Text proposed by the Commission

Amendment

Article 19

deleted

Adding, amending and deleting data in the common identity repository

1. Where data is added, amended or deleted in the EES, the VIS and [the ETIAS], the data referred to in Article 18 stored in the individual file of the CIR shall be added, amended or deleted accordingly in an automated manner.

2. Where the multiple-identity detector creates a white or red link in accordance with Articles 32 and 33 between the data of two or more of the EU information systems constituting the CIR, instead of creating a new individual file, the CIR shall add the new data to the individual file of the linked data.

Or. en

Justification

The Common Identity Repository is unnecessary to achieve the aims of interoperability and should be deleted. Storing the personal data from multiple databases in a single home on the grounds of efficiency contravenes the principles of purpose limitation and data minimisation. The underlying databases will retain the personal data in any event.

Amendment 553

Bodil Valero

Proposal for a regulation

Article 19

Text proposed by the Commission

Amendment

Article 19

deleted

Adding, amending and deleting data in the common identity repository

- 1. Where data is added, amended or deleted in the EES, the VIS and [the ETIAS], the data referred to in Article 18 stored in the individual file of the CIR shall be added, amended or deleted accordingly in an automated manner.***
- 2. Where the multiple-identity detector creates a white or red link in accordance with Articles 32 and 33 between the data of two or more of the EU information systems constituting the CIR, instead of creating a new individual file, the CIR shall add the new data to the individual file of the linked data.***

Or. en

Amendment 554

Cornelia Ernst

Proposal for a regulation

Article 20

Text proposed by the Commission

Amendment

Article 20

deleted

*Access to the common identity repository
for identification*

1. Where a Member State police authority has been so empowered by national legislative measures as referred to in paragraph 2, it may, solely for the purpose of identifying a person, query the CIR with the biometric data of that person taken during an identity check.

Where the query indicates that data on that person is stored in the CIR, the Member States authority shall have access to consult the data referred to in Article 18(1).

Where the biometric data of the person cannot be used or where the query with that data fails, the query shall be carried out with identity data of the person in combination with travel document data, or with the identity data provided by that person.

2. Member States wishing to avail themselves of the possibility provided for in this Article shall adopt national legislative measures. Such legislative measures shall specify the precise purposes of identity checks within the purposes referred to in Article 2(1)(b) and (c). They shall designate the police authorities competent and lay down the procedures, conditions and criteria of such checks.

Or. en

Amendment 555
Bodil Valero

Proposal for a regulation
Article 20

Text proposed by the Commission

Amendment

Article 20

deleted

*Access to the common identity repository
for identification*

1. Where a Member State police authority has been so empowered by national legislative measures as referred to in paragraph 2, it may, solely for the purpose of identifying a person, query the CIR with the biometric data of that person taken during an identity check.

Where the query indicates that data on that person is stored in the CIR, the Member States authority shall have access to consult the data referred to in Article 18(1).

Where the biometric data of the person cannot be used or where the query with that data fails, the query shall be carried out with identity data of the person in combination with travel document data, or with the identity data provided by that person.

2. Member States wishing to avail themselves of the possibility provided for in this Article shall adopt national legislative measures. Such legislative measures shall specify the precise purposes of identity checks within the purposes referred to in Article 2(1)(b) and (c). They shall designate the police authorities competent and lay down the procedures, conditions and criteria of such checks.

Or. en

Amendment 556

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 20 – title

Text proposed by the Commission

Amendment

20 *Access to the common identity*

20 *Use of the ESP and shared BMS*

repository for identification

for identification

Or. en

Justification

The possibility for MS police authorities to use EU databases to identify persons on a random basis is an entirely new provision of Union law. While identification of a person may be a legitimate public interest, there is no need for a common repository for that purpose. In those circumstances, notwithstanding national law governing identification practices, certain conditions must be laid down at Union level to regulate the use of such a provision.

Amendment 557

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where a Member State police authority has been so empowered by national legislative measures as referred to in paragraph 2, it may, solely for the purpose of identifying a person, query the *CIR* with the biometric data of that person taken during *an* identity check.

Amendment

Where a Member State police authority is unable to identify a person on the basis of his/her travel document, or of another credible document proving his/her identity, or with the identity data provided by that person in accordance with rules and procedures laid down in national law, and where a Member State police authority has been so empowered by national legislative measures as referred to in paragraph 2, it may, in the presence of that person, and solely for the purpose of identifying that person, query the ESP or the shared BMS with the biographical or biometric data of that person taken during the identity check.

Or. en

Justification

The possibility for MS police authorities to use EU databases to identify persons on a random basis is an entirely new provision of Union law. While identification of a person may be a legitimate public interest, there is no need for a common repository for that purpose. In those

circumstances, notwithstanding national law governing identification practices, certain conditions must be laid down at Union level to regulate the use of such a provision.

Amendment 558

Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where a Member State police authority has been so empowered by national legislative measures as referred to in paragraph 2, it may, solely for the purpose of identifying a person, query the CIR with the biometric data of that person taken during an identity check.

Amendment

Where a Member State police authority has been so empowered by national legislative measures as referred to in paragraph 2, it may, solely for the purpose of identifying a person, query the CIR with the biometric data of that person taken during an identity check. ***Such query may be carried out in principle in the presence of the person, solely where a Member State police authority was unable to identify a person on the basis of a travel document or with the identity data provided by that person following rules and procedures provided for in national law or where there are doubts as to the authenticity of the travel document or the identity of its holder or where the person is unable or refuse to cooperate, or where there are reasonable grounds to believe that the person is not telling the truth about his or her identity. Such query shall not be allowed against minors under the age of 12 years old.***

Or. en

Amendment 559

Sophia in 't Veld

Proposal for a regulation

Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Where a Member State police authority has been so empowered by national legislative measures as referred to in paragraph 2, it may, solely for the purpose of identifying a person, query the CIR with the biometric data of that person taken during an identity check.

Where a Member State police authority has been so empowered by national legislative measures as referred to in paragraph 2, it may, solely for the purpose of identifying a person, query the CIR with the biometric data of that person taken during an identity check. ***This query of the CIR shall only be carried out as a last resort measure, in presence of the person, where he or she is unable to cooperate and does not have a credible document proving his/her identity, where that person refuses to cooperate or where there are justified or well-founded grounds to believe that the documents presented are false or that the person is not telling the truth about his/her identity;***

Or. en

Amendment 560

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where a Member State police authority has been so empowered by national legislative measures as referred to in paragraph 2, it may, solely for the purpose of identifying a person, query the CIR with the biometric data of that person taken during an identity check.

Amendment

Where a Member State police authority has been so empowered by national legislative measures as referred to in paragraph 2, it may, solely for the purpose of identifying a person, query the CIR with the biometric data of that person taken during an identity check. ***Such checks shall not be limited to cases where the designated authority personnel was unable to identify a person on the basis of a travel document or provision of identity data or where there were doubts as to the authenticity of the travel document or the identity of its holder.***

Or. en

Justification

Limiting the access to the CIR for identification in a disproportionate and bureaucratic manner would contradict the intention of the interoperability proposals to significantly simplify the access of designated personnel to identity information by abolishing the cascade approach.

Amendment 561

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 20 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where the query indicates that data on that person is stored in the **CIR**, the Member States authority shall have access to consult the data referred to in Article **18(1)**.

Amendment

Where the query indicates that data on that person is stored in the **EU information systems or the SIS**, the Member States **police** authority shall have access to consult the **following data**:

(a) **the data referred to in [Article 16(1)(a) to (d) and Article 17(1)(a) to (c) of the EES Regulation];**

(b) **the data referred to in Article 9(4)(a) to (c), (5) and (6) of Regulation (EC) No 767/2008; and**

(c) **[the data referred to in Article 15(2)(a) to (e) of the ETIAS Regulation].**

Or. en

Justification

Since the CIR should be deleted, it is necessary to specify the information to which police authorities should have access for the purposes of identification.

Amendment 562

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 20 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Where the query indicates that data on that person is stored in the CIR, the Member States authority shall have access to consult the data referred to in Article 18(1).

Where the query indicates that data on that person is stored in the CIR, the Member States authority shall have access to consult the data referred to in Article 18(1).
The consultation shall reveal in any case to which Union information system the data belongs.

Or. en

Justification

This information helps the querying personnel to assess the control situation better.

Amendment 563

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 20 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

Where the biometric data of the person cannot be used or where the query with that data fails, the query shall be carried out with identity data of the person in combination with travel document data, or with the identity data provided by that person.

deleted

Or. en

Justification

The Member States police authorities remain free to determine which data they wish to check in order to verify the identity of the person in question.

Amendment 564

Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 20 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where a Member State police authority has been so empowered by national legislative measures as referred to in paragraph 2, it may, solely for the purpose of identifying unknown persons who are not able to identify themselves or unidentified human remains, in the event of a disaster or an accident query the CIR with the biometric data of those persons.

Or. en

Amendment 565

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 20 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where there is a national legal basis, Member States' designated authorities may query the CIR to identify unknown persons unable to identify themselves or unidentified human remains in cases of natural disasters, accidents or terrorist attacks with the biometric data of those persons.

Or. en

Justification

Abstaining from giving the Member States the opportunity to access the CIR for identification purposes within the purposes referred to in Article 2 (1)(b) and (c) would significantly weaken the added value of the interoperability efforts and disproportionately hinder effective police work.

Amendment 566

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 20 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Where a Member State police authority was unable to identify a person on the basis of a travel document or with the identity data provided by that person following rules and procedures provided for in national law or where there are doubts as to the authenticity of the travel document or the identity of its holder or where accessing the CIR may contribute to preventing and fighting illegal migration as well as to preserving public security, the authority shall be able to query the CIR in accordance with the rules provided for in paragraphs 1 and 2.

Or. en

Amendment 567
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States wishing to avail themselves of the possibility provided for in this Article shall adopt national legislative measures. ***Such legislative measures shall specify the precise purposes of identity checks*** within the purposes referred to in Article 2(1)(b) and (c). They shall designate the police authorities competent and lay down the procedures, conditions and criteria of such checks.

2. Member States wishing to avail themselves of the possibility provided for in this Article shall adopt national legislative measures within the purposes referred to in Article 2(1)(b) and (c). They shall designate the police authorities competent and lay down the procedures, conditions and criteria of such checks.

Or. en

Amendment 568

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Josef Weidenholzer, Tanja Fajon, Ana Gomes

**Proposal for a regulation
Article 20 – paragraph 2**

Text proposed by the Commission

2. Member States wishing to avail themselves of the possibility provided for in this Article shall adopt national legislative measures. Such legislative measures shall specify the precise purposes of identity checks within the purposes referred to in Article 2(1)(b) and (c). They shall designate the police authorities competent and lay down the procedures, conditions and criteria *of* such checks.

Amendment

2. Member States wishing to avail themselves of the possibility provided for in this Article shall adopt national legislative measures. Such legislative measures shall specify the precise purposes of identity checks within the purposes referred to in Article 2(1)(b) and (c). ***Without prejudice to the first subparagraph of paragraph 1***, they shall designate the police authorities competent and lay down the procedures, conditions and criteria ***for*** such checks.

Or. en

Justification

Irrespective of the requirements of national law, some parameters must exist at EU law level regarding the use of EU databases to carry out identity checks.

**Amendment 569
Sophia in 't Veld**

**Proposal for a regulation
Article 20 – paragraph 2**

Text proposed by the Commission

2. Member States wishing to avail themselves of the possibility provided for in this Article shall adopt national legislative measures. Such legislative measures shall specify the precise purposes of identity checks within the purposes referred to in Article 2(1)(b) and (c). They shall designate the police authorities competent and lay down the procedures, conditions and criteria of such checks.

Amendment

2. Member States wishing to avail themselves of the possibility provided for in this Article shall adopt national legislative measures. Such legislative measures shall specify the precise purposes of identity checks within the purposes referred to in Article 2(1)(b) and (c). They shall designate the police authorities competent and lay down the procedures, conditions and criteria of such checks.

Access to the CIR to establish the identity of a third country national for purposes of ensuring a high level of security shall only be allowed where access for the same purposes to similar national databases exist and under equivalent conditions.

Or. en

Amendment 570

Bodil Valero

Proposal for a regulation

Article 21

Text proposed by the Commission

Amendment

Article 21

deleted

Access to the common identity repository for the detection of multiple identities

1. Where a query of the CIR results in a yellow link in accordance with Article 28(4), the authority responsible for the verification of different identities determined in accordance with Article 29 shall have access, solely for the purpose of that verification, to the identity data stored in the CIR belonging to the various information systems connected to a yellow link.

2. Where a query of the CIR results in a red link in accordance with Article 32, the authorities referred to in Article 26(2) shall have access, solely for the purposes of fighting identity fraud, to the identity data stored in the CIR belonging to the various information systems connected to a red link.

Or. en

Amendment 571

Cornelia Ernst

Proposal for a regulation
Article 21

Text proposed by the Commission

Amendment

Article 21

deleted

***Access to the common identity repository
for the detection of multiple identities***

1. Where a query of the CIR results in a yellow link in accordance with Article 28(4), the authority responsible for the verification of different identities determined in accordance with Article 29 shall have access, solely for the purpose of that verification, to the identity data stored in the CIR belonging to the various information systems connected to a yellow link.

2. Where a query of the CIR results in a red link in accordance with Article 32, the authorities referred to in Article 26(2) shall have access, solely for the purposes of fighting identity fraud, to the identity data stored in the CIR belonging to the various information systems connected to a red link.

Or. en

Amendment 572

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 21

Text proposed by the Commission

Amendment

Article 21

deleted

***Access to the common identity repository
for the detection of multiple identities***

1. Where a query of the CIR results in a yellow link in accordance with Article 28(4), the authority responsible for the verification of different identities

determined in accordance with Article 29 shall have access, solely for the purpose of that verification, to the identity data stored in the CIR belonging to the various information systems connected to a yellow link.

2. Where a query of the CIR results in a red link in accordance with Article 32, the authorities referred to in Article 26(2) shall have access, solely for the purposes of fighting identity fraud, to the identity data stored in the CIR belonging to the various information systems connected to a red link.

Or. en

Justification

It is not clear what the query in this article refers to. For the purposes of detection of multiple identities access to identity data in the information systems is governed by article 29(3).

Amendment 573 **Péter Niedermüller**

Proposal for a regulation **Article 21 – title**

Text proposed by the Commission

Access to ***the common identity repository*** for the detection of multiple identities

Amendment

Access to ***EU information systems*** for the detection of multiple identities

Or. en

Justification

The Common Identity Repository is unnecessary to achieve the aims of interoperability and should be deleted. Storing the personal data from multiple databases in a single home on the grounds of efficiency contravenes the principles of purpose limitation and data minimisation. The underlying databases will retain the personal data in any event.

Amendment 574

Péter Niedermüller

**Proposal for a regulation
Article 21 – paragraph 1**

Text proposed by the Commission

1. Where a query *of the CIR* results in a yellow link in accordance with Article 28(4), the authority responsible for the verification of different identities determined in accordance with Article 29 shall have access, solely for the purpose of that verification, to the identity data stored in the *CIR belonging to the* various information systems connected to *a* yellow link.

Amendment

1. Where a query *carried out in accordance with Article 20* results in a yellow link in accordance with Article 28(4), the authority responsible for the verification of different identities determined in accordance with Article 29 shall have access, solely for the purpose of that verification, to the identity data stored in the various information systems connected to *that* yellow link.

Or. en

Justification

The Common Identity Repository is unnecessary to achieve the aims of interoperability and should be deleted. Storing the personal data from multiple databases in a single home on the grounds of efficiency contravenes the principles of purpose limitation and data minimisation. The underlying databases will retain the personal data in any event.

**Amendment 575
Péter Niedermüller**

**Proposal for a regulation
Article 21 – paragraph 2**

Text proposed by the Commission

2. Where a query *of the CIR* results in a red link in accordance with Article 32, the authorities referred to in Article 26(2) shall have access, solely for the purposes of fighting identity fraud, to the identity data stored in the *CIR belonging to the* various information systems connected to a red link.

Amendment

2. Where a query *carried out in accordance with Article 20* results in a red link in accordance with Article 32, the authorities referred to in Article 26(2) shall have access, solely for the purposes of fighting identity fraud, to the identity data stored in the various information systems connected to a red link.

Or. en

Justification

The Common Identity Repository is unnecessary to achieve the aims of interoperability and should be deleted. Storing the personal data from multiple databases in a single home on the grounds of efficiency contravenes the principles of purpose limitation and data minimisation. The underlying databases will retain the personal data in any event.

Amendment 576

Cornelia Ernst

Proposal for a regulation

Article 22

Text proposed by the Commission

Amendment

Article 22

deleted

Querying the common identity repository for law enforcement purposes

- 1. For the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences in a specific case and in order to obtain information on whether data on a specific person is present in the EES, the VIS and [the ETIAS] or the Member State designated authorities and Europol may consult the CIR.***
- 2. Member State designated authorities and Europol shall not be entitled to consult data belonging to [the ECRIS-TCN] when consulting the CIR for the purposes listed in paragraph 1.***
- 3. Where, in reply to a query the CIR indicates data on that person is present in the EES, the VIS and [the ETIAS] the CIR shall provide to Member States' designated authorities and Europol a reply in the form of a reference indicating which of the information systems contains matching data referred to in Article 18(2). The CIR shall reply in such a way that the security of the data is not compromised.***
- 4. Full access to the data contained in the EU information systems for the purposes of preventing, detecting and***

investigating terrorist offences or other serious criminal offences remains subject to the conditions and procedures laid down in the respective legislative instruments governing such access.

Or. en

Amendment 577

Bodil Valero

Proposal for a regulation

Article 22

Text proposed by the Commission

Amendment

Article 22

deleted

Querying the common identity repository for law enforcement purposes

- 1. For the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences in a specific case and in order to obtain information on whether data on a specific person is present in the EES, the VIS and [the ETIAS] or the Member State designated authorities and Europol may consult the CIR.*
- 2. Member State designated authorities and Europol shall not be entitled to consult data belonging to [the ECRIS-TCN] when consulting the CIR for the purposes listed in paragraph 1.*
- 3. Where, in reply to a query the CIR indicates data on that person is present in the EES, the VIS and [the ETIAS] the CIR shall provide to Member States' designated authorities and Europol a reply in the form of a reference indicating which of the information systems contains matching data referred to in Article 18(2). The CIR shall reply in such a way that the security of the data is not compromised.*
- 4. Full access to the data contained in the EU information systems for the*

purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences remains subject to the conditions and procedures laid down in the respective legislative instruments governing such access.

Or. en

Amendment 578

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation Article 22 – title

Text proposed by the Commission

Amendment

22 Querying *the common identity repository* for law enforcement purposes

22 Querying *EU information systems* for law enforcement purposes

Or. en

Justification

As it is proposed to delete the CIR, which is unnecessary for the objectives of interoperability, the original query for law enforcement purposes should be made by way of the European Search Portal.

Amendment 579

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes, Birgit Sippel

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

Amendment

1. *For the purposes of preventing, detecting and investigating* terrorist offences or other serious criminal offences *in a specific case and* in order to obtain information on whether data on a specific person is present in the EES, the VIS and

1. *Where there are reasonable grounds to believe that consultation of EU information systems will substantially contribute to the prevention, detection or investigation of* terrorist of other serious criminal offences, *in particular where*

[the ETIAS] or the Member State designated authorities and Europol may consult the CIR.

there is a substantiated suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence falls under the category of third-country nationals whose data are stored in [the EES], the VIS, [the ETIAS] or the Eurodac system, and where a prior search in national databases has been carried out and a query of the automated fingerprint identification system of the other Member States under Decision 2008/615/JHA has been launched, the Member States designated authorities and Europol may use the ESP and the shared BMS in order to obtain information on whether data on a specific person is present in the EES, the VIS and [the ETIAS].

Or. en

Justification

In line with the opinion of the EDPS, conditions should be attached to law enforcement access to EU information systems as a whole. As the purpose of many of these EU information is not primarily to fight serious crime, access to those systems for serious crime should be governed by the cascade approach, where MS should check their national databases and carry out a PRÜM query before resorting to EU information systems designed for border management and asylum claims.

Amendment 580 **Sophia in 't Veld**

Proposal for a regulation **Article 22 – paragraph 1**

Text proposed by the Commission

1. For the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences in a specific case and in order to obtain information on whether data on a specific person is present in the EES, the VIS and [the ETIAS] or the Member State designated authorities and Europol may consult the CIR.

Amendment

1. For the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences in a specific case and in order to obtain information on whether data on a specific person is present in the EES, the VIS and [the ETIAS] or the Member State designated authorities and Europol may consult the CIR. ***The CIR can only be***

consulted:

(a) where reasonable grounds exist that the consultation will substantially contribute to the prevention, detection or investigation of the terrorist or other serious criminal offences, in particular where there is a substantiated suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence falls under the category of third country nationals whose data are stored in the EES, the VIS, the ETIAS and the Eurodac system, and

(b) after a prior search in the national databases has been carried out and a query of the automated fingerprint identification system of the other Member States under Decision 2008/615/JHA has been launched.

Or. en

Amendment 581

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 22 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The central access points established in Article 50(2) [ETIAS Regulation], Article 29(3) of Regulation (EU) 2017/2226 and Article 3(2) of Regulation 767/2008 shall monitor the use made of the possibility provided for in paragraph 1. For that purpose, regular ex-post evaluations of this possibility shall be made and used for self-monitoring as referred to in Article 45. The central access points shall transmit a report to the supervisory authorities referred to in Article 49 every two years on the use made of this provision.

Or. en

Justification

In line with the recommendations of the European Data Protection Supervisor (paras 63, 68).

Amendment 582

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 22 – paragraph 2

Text proposed by the Commission

Amendment

2. *Member State designated authorities and Europol shall not be entitled to consult data belonging to [the ECRIS-TCN] when consulting the CIR for the purposes listed in paragraph 1.* **deleted**

Or. en

Justification

It is not comprehensible why ECRIS-TCN, which provides important information on previous convictions, thus enabling investigators to get a full picture, should be precluded here.

Amendment 583

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 22 – paragraph 2

Text proposed by the Commission

Amendment

2. Member State designated authorities and Europol shall not be entitled to consult data belonging to [the ECRIS-TCN] when *consulting the CIR* for the purposes listed in paragraph 1.

2. Member State designated authorities and Europol shall not be entitled to consult data belonging to [the ECRIS-TCN] when *using the ESP or shared BMS* for the purposes listed in paragraph 1.

Or. en

Amendment 584

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation Article 22 – paragraph 3

Text proposed by the Commission

3. Where, in reply to a query the **CIR** indicates data on that person is present in the EES, the VIS *and* [the ETIAS] the **CIR** shall provide to Member States' designated authorities *and* Europol a reply in the form of a reference indicating which of the information systems contains matching data referred to in Article 18(2). *The CIR* shall reply in such a way that the security of the data is not compromised.

Amendment

3. Where, in reply to a query the **ESP or the shared BMS** indicates *that* data on that person is present in the EES, the VIS *or* [the ETIAS] the **ESP or shared BMS** shall provide to Member States' designated authorities *or to* Europol a reply in the form of a reference indicating which of the information systems contains matching data referred to in *the second subparagraph of Article 20(1)*. *The ESP or shared BMS* shall reply in such a way that the security of the data is not compromised. *A reply indicating that data on that person is present in one of the EU information systems may be used solely for the purpose of submitting a request for access to that information system subject to the conditions and procedures laid down in the legislative instrument governing that information system.*

Or. en

Amendment 585 Sophia in 't Veld

Proposal for a regulation Article 22 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Member State designated authorities and Europol getting a hit shall refer to the national supervisory authorities that shall check whether the conditions of accessing the CIR were complied with. In case the ex post independent verification determines that

the consultation of the CIR was not justified, the law enforcement authority shall erase all data originating from the CIR.

Or. en

Amendment 586
Cornelia Ernst

Proposal for a regulation
Article 23

Text proposed by the Commission

Amendment

Article 23

deleted

Data retention in the common identity repository

1. The data referred to in Article 18(1) and (2) shall be deleted from the CIR in accordance with the data retention provisions of [the EES Regulation], the VIS Regulation and [the ETIAS Regulation] respectively.

2. The individual file shall be stored in the CIR for as long as the corresponding data is stored in at least one of the information systems whose data is contained in the CIR. The creation of a link shall not affect the retention period of each item of the linked data.

Or. en

Amendment 587
Bodil Valero

Proposal for a regulation
Article 23

Text proposed by the Commission

Amendment

Article 23

deleted

Data retention in the common identity repository

- 1. The data referred to in Article 18(1) and (2) shall be deleted from the CIR in accordance with the data retention provisions of [the EES Regulation], the VIS Regulation and [the ETIAS Regulation] respectively.*
- 2. The individual file shall be stored in the CIR for as long as the corresponding data is stored in at least one of the information systems whose data is contained in the CIR. The creation of a link shall not affect the retention period of each item of the linked data.*

Or. en

Amendment 588

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

**Proposal for a regulation
Article 23**

Text proposed by the Commission

Amendment

Article 23

deleted

Data retention in the common identity repository

- 1. The data referred to in Article 18(1) and (2) shall be deleted from the CIR in accordance with the data retention provisions of [the EES Regulation], the VIS Regulation and [the ETIAS Regulation] respectively.*
- 2. The individual file shall be stored in the CIR for as long as the corresponding data is stored in at least one of the information systems whose data is contained in the CIR. The creation of a link shall not affect the retention period of each item of the linked data.*

Justification

In line with previous amendments the CIR is not necessary to achieve the objectives of interoperability and should be deleted.

Amendment 589
Sophia in 't Veld

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

1. The data referred to in Article 18(1) and (2) shall be deleted from the CIR in accordance with the data retention provisions of [the EES Regulation], the VIS Regulation and [the ETIAS Regulation] respectively.

Amendment

1. The data referred to in Article 18(1) and (2) shall be ***automatically*** deleted from the CIR in accordance with the data retention provisions of [the EES Regulation], the VIS Regulation and [the ETIAS Regulation] respectively.

Or. en

Amendment 590
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where the MID establishes a red link according to Article 32, data retention in the CIR shall be prolonged as to linked data referred to in Article 18 shall be stored in the CIR for the period corresponding data remains stored in at least one of the originating EU information systems.

Or. en

Justification

In cases of misused identity, a longer retention period for all of the underlying data is necessary in order to investigate and effectively counteract such abuse.

Amendment 591

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 24

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

In line with previous amendments the CIR is not necessary to achieve the objectives of interoperability and should be deleted.

Amendment 592

Cornelia Ernst

Proposal for a regulation

Article 24

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 593

Bodil Valero

Proposal for a regulation

Article 24

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 594

Cecilia Wikström, Gérard Deprez, Louis Michel, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Nathalie Griesbeck, Morten Helveg Petersen

Proposal for a regulation

Article 24 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the national *file reference*;

(a) *the reference to* the national *investigation or case*;

Or. en

Amendment 595

Sophia in 't Veld

Proposal for a regulation

Article 24 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the national *file reference*;

(a) *the reference to* the national *investigation or case*;

Or. en

Amendment 596

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 24 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the national file reference;

(a) *only* the national file reference;

Or. en

Justification

Disproportionate information obligations for Member State users such as the purpose of access that are likely to have adverse effects on an extensive use of the CIR should not be added.

Amendment 597

Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 24 – paragraph 4 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) the *name of the* authority consulting the CIR;

(e) the *individual and unique user identifiers of both the competent* authority *and the person* consulting the CIR;

Or. en

Amendment 598

Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 24 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Europol shall keep logs of queries of the staff duly authorised to use the CIR pursuant to Article 22.

Or. en

Amendment 599

Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 24 – paragraph 6

Text proposed by the Commission

6. The logs referred to in paragraphs 1 **and 5** may be used only for data protection monitoring, including checking the admissibility of a request **and** the lawfulness of data processing, and for ensuring **data** security pursuant to Article 42. They shall be protected by appropriate measures against unauthorised access and erased **one year** after their creation, unless they are required for monitoring procedures that have already begun.

Amendment

6. The logs referred to in paragraphs 1, **5 and 5a** may be used only for data protection monitoring, including checking the admissibility of a request, the lawfulness of data processing, **for self-monitoring**, and for ensuring **the proper functioning and the data integrity and security** pursuant to Article 42. They shall be protected by appropriate measures against unauthorised access and erased **two years** after their creation, unless they are required for monitoring procedures that have already begun.

Or. en

Amendment 600

Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 24 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. The competent national authorities in charge of checking whether or not access is lawful, monitoring the lawfulness of data processing, self-monitoring and ensuring the proper functioning, data integrity and security, shall have access, within the limits of their competence and at their request, to these logs for the purpose of fulfilling their duties.

Or. en

Amendment 601

Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 24 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. *For the purposes of self-monitoring and ensuring the proper functioning of the CIR, data integrity and security, the EU-Lisa shall have access, within the limits of its competence, to those logs.*

Or. en

Amendment 602

Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 24 – paragraph 7 c (new)

Text proposed by the Commission

Amendment

7c. *The European Data Protection Supervisor shall have access, within the limits of its competence and at its request, to those logs for the purpose of fulfilling its tasks.*

Or. en

Amendment 603

Cornelia Ernst

Proposal for a regulation

Article 25

Text proposed by the Commission

Amendment

Article 25

deleted

Multiple-identity detector

1. *A multiple-identity detector (MID) creating and storing links between data in the EU information systems included in the common identity repository (CIR) and*

the SIS and as a consequence detecting multiple identities, with the dual purpose of facilitating identity checks and combating identity fraud, is established for the purpose of supporting the functioning of the CIR and the objectives of the EES, the VIS, the ETIAS], Eurodac, the SIS and [the ECRIS-TCN system].

2. The MID shall be composed of:

(a) a central infrastructure, storing links and references to information systems;

(b) a secure communication infrastructure to connect the MID with the SIS and the central infrastructures of the European search portal and the CIR.

3. eu-LISA shall develop the MID and ensure its technical management.

Or. en

Amendment 604

Bodil Valero

Proposal for a regulation

Article 25

Text proposed by the Commission

Amendment

Article 25

deleted

Multiple-identity detector

1. A multiple-identity detector (MID) creating and storing links between data in the EU information systems included in the common identity repository (CIR) and the SIS and as a consequence detecting multiple identities, with the dual purpose of facilitating identity checks and combating identity fraud, is established for the purpose of supporting the functioning of the CIR and the objectives of the EES, the VIS, the ETIAS], Eurodac, the SIS and [the ECRIS-TCN

system].

2. *The MID shall be composed of:*

(a) *a central infrastructure, storing links and references to information systems;*

(b) *a secure communication infrastructure to connect the MID with the SIS and the central infrastructures of the European search portal and the CIR.*

3. *eu-LISA shall develop the MID and ensure its technical management.*

Or. en

Amendment 605

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation Article 25 – paragraph 1

Text proposed by the Commission

1. A multiple-identity detector (MID) ***creating and storing*** links between data in the EU information systems ***included in the common identity repository (CIR)*** and the SIS and as a consequence ***detecting*** multiple identities, ***with the dual purpose of facilitating*** identity checks and ***combating*** identity fraud, ***is established for the purpose of supporting*** the functioning of the CIR and the objectives of the EES, the VIS, the ETIAS], Eurodac, the SIS and [the ECRIS-TCN system].

Amendment

1. A multiple-identity detector (MID) ***is established to create and store*** links between data in the EU information systems and the SIS, and as a consequence ***to detect*** multiple identities, ***in order to facilitate*** identity checks and ***combat*** identity fraud, ***and thus in order to support*** the functioning and the objectives of the EES, the VIS, the ETIAS], Eurodac, the SIS and [the ECRIS-TCN system].

Or. en

Justification

The Commission's proposal lacked clarity and referred to two sets of purposes for the creation of the MID.

Amendment 606

Cecilia Wikström, Gérard Deprez, Louis Michel, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Nathalie Griesbeck, Morten Helveg Petersen

Proposal for a regulation

Article 25 – paragraph 1

Text proposed by the Commission

1. A multiple-identity detector (MID) creating and storing links between data in the EU information systems included in the common identity repository (CIR) and the SIS and as a consequence detecting multiple identities, with the dual purpose of facilitating identity checks and combating identity fraud, is established for the purpose of supporting the functioning of the CIR and the objectives of the EES, the VIS, the ETIAS], Eurodac, the SIS and [the ECRIS-TCN system].

Amendment

1. A multiple-identity detector (MID) creating and storing links between data in the EU information systems included in the common identity repository (CIR) and the SIS and as a consequence detecting multiple identities, with the dual purpose of facilitating identity checks and combating identity fraud, is established for the purpose of supporting the functioning of the CIR and the objectives of the EES, the VIS, the ETIAS], Eurodac, the SIS and [the ECRIS-TCN system], ***while fully respecting the principles of necessity and proportionality.***

Or. en

Amendment 607

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 25 – paragraph 2 – point b

Text proposed by the Commission

(b) a secure communication infrastructure to connect the MID with the SIS and the central infrastructures of the European search portal and the **CIR**.

Amendment

(b) a secure communication infrastructure to connect the MID with the SIS and the central infrastructures of the European search portal and the **EES, [the ETIAS], the VIS, Eurodac and [the ECRIS-TCN system]**.

Or. en

Amendment 608

Proposal for a regulation
Article 25 – paragraph 3

Text proposed by the Commission

3. eu-LISA shall develop the MID and ensure its technical management.

Amendment

3. eu-LISA shall develop the MID and ensure its technical management. ***It shall not, however, have access to any of the personal data processed through the MID.***

Or. en

Justification

A clarification that eu-LISA is responsible for establishing and maintaining the MID but should not enjoy any access to the personal data therein.

Amendment 609
Cornelia Ernst

Proposal for a regulation
Article 25 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Eu-LISA (and the competent authorities of the Member States) should use appropriate procedures for the profiling, implement technical and organizational measures appropriate to ensure, in particular, that factors which result in inaccuracies in personal data are corrected and the risk of errors is minimized, secure personal data in a manner that takes account of the potential risks involved for the interests and rights of the data subject and that prevents discriminatory effects on natural persons on the basis of social, racial or ethnic origin, political opinion, religion or beliefs, trade union membership, genetic or health status or sexual orientation, or that result in measures having such effect.

Amendment 610

Cornelia Ernst

Proposal for a regulation

Article 25 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. The process of creating links for the purpose of multiple-identity detection constitutes profiling within the meaning of Article 4(4) of Regulation (EU) 2016/679 and Article 3(4) of Directive (EU) 2016/680. Transparency towards the individuals and adequate safeguards, as provided by relevant EU law, in particular Article 22 of Regulation (EU) 2016/679 and Article 11 of Directive (EU) 2016/680 should be therefore guaranteed.

Or. en

Amendment 611

Cornelia Ernst

Proposal for a regulation

Article 26

Text proposed by the Commission

Amendment

Article 26

deleted

Access to the multiple-identity detector

1. For the purposes of the manual identity verification referred to in Article 29, access to the data referred to in Article 34 stored in the MID shall be granted to:

(a) border authorities when creating or updating an individual file as provided for in Article 14 of the [EES Regulation];

(b) competent authorities referred to in Article 6(1) and (2) of Regulation 767/2008 when creating or updating an

application file in the VIS in accordance with Article 8 of Regulation (EC) No 767/2008;

(c) [the ETIAS Central Unit and the ETIAS National Units when carrying out the assessment referred to in Articles 20 and 22 of the ETIAS Regulation;]

(d) – (not applicable);

(e) the SIRENE Bureaux of the Member State creating a [SIS alert in accordance with the Regulation on SIS in the field of border checks];

(f) – (not applicable).

2. Member State authorities and EU bodies having access to at least one EU information system included in the common identity repository or to the SIS shall have access to the data referred to in Article 34(a) and (b) regarding any red links as referred to in Article 32.

Or. en

Amendment 612
Bodil Valero

Proposal for a regulation
Article 26

Text proposed by the Commission

Amendment

Article 26

deleted

Access to the multiple-identity detector

1. For the purposes of the manual identity verification referred to in Article 29, access to the data referred to in Article 34 stored in the MID shall be granted to:

(a) border authorities when creating or updating an individual file as provided for in Article 14 of the [EES Regulation];

(b) competent authorities referred to in Article 6(1) and (2) of Regulation 767/2008 when creating or updating an

application file in the VIS in accordance with Article 8 of Regulation (EC) No 767/2008;

(c) [the ETIAS Central Unit and the ETIAS National Units when carrying out the assessment referred to in Articles 20 and 22 of the ETIAS Regulation;]

(d) – (not applicable);

(e) the SIRENE Bureaux of the Member State creating a [SIS alert in accordance with the Regulation on SIS in the field of border checks];

(f) – (not applicable).

2. Member State authorities and EU bodies having access to at least one EU information system included in the common identity repository or to the SIS shall have access to the data referred to in Article 34(a) and (b) regarding any red links as referred to in Article 32.

Or. en

Amendment 613

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 26 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) – (not applicable);

deleted

Or. en

Amendment 614

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 26 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) the SIRENE Bureaux of the Member State creating a [SIS alert in accordance with the Regulation on SIS in the field of border checks];

(e) the SIRENE Bureaux of the Member State creating ***or updating*** a [SIS alert in accordance with the Regulation on SIS in the field of border checks];

Or. en

Justification

To ensure coherence with Article 27(1)(e)

Amendment 615

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 26 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) – *(not applicable)*.

deleted

Or. en

Amendment 616

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 26 – paragraph 2

Text proposed by the Commission

Amendment

2. Member State authorities and EU bodies having access to at least one EU information system ***included in the common identity repository*** or to the SIS shall have access to the data referred to in Article 34(a) and (b) regarding any red links as referred to in Article 32.

2. Member State authorities and EU bodies having access to at least one EU information system or to the SIS shall have access to the data referred to in Article 34(a) and (b) regarding any red links as referred to in Article 32.

Or. en

Amendment 617

Bodil Valero

Proposal for a regulation

Article 27

Text proposed by the Commission

Amendment

Article 27

deleted

Multiple-identity detection

1. A multiple-identity detection in the common identity repository and the SIS shall be launched where:

(a) an individual file is created or updated in [the EES in accordance with Article 14 of the EES Regulation];

(b) an application file is created or updated in the VIS in accordance with Article 8 of Regulation (EC) No 767/2008;

(c) [an application file is created or updated in the ETIAS in accordance with Article 17 of the ETIAS Regulation;]

(d) – (not applicable);

(e) [an alert on a person is created or updated in the SIS in accordance with Chapter V of the Regulation on SIS in the field of border checks];

(f) – (not applicable).

2. Where the data contained within an information system as referred to in paragraph 1 contains biometric data, the common identity repository (CIR) and the Central-SIS shall use the shared biometric matching service (shared BMS) in order to perform the multiple-identity detection. The shared BMS shall compare the biometric templates obtained from any new biometric data to the biometric templates already contained in the shared BMS in order to verify whether or not data belonging to the same third-country national is already stored in the CIR or in

the Central SIS.

3. In addition to the process referred to in paragraph 2, the CIR and the Central-SIS shall use the European search portal to search the data stored in the CIR and the Central-SIS using the following data:

(a) surname (family name); first name(s) (given name(s)); date of birth, sex and nationality(ies) as referred to in Article 16(1)(a) of the [EES Regulation];

(b) surname (family name); first name(s) (given name(s)); date of birth, sex and nationality(ies) as referred to in Article 9(4)(a) of Regulation (EC) No 767/2008;

(c) [surname (family name); first name(s) (given name(s)); surname at birth; date of birth, place of birth, sex and nationality(ies) as referred to in Article 15(2) of the ETIAS Regulation;]

(d) – (not applicable);

(e) [surname(s); forename(s); name(s) at birth, previously used names and aliases; date of birth, place of birth, nationality(ies) and sex as referred to in Article 20(2) of the Regulation on SIS in the field of border checks;]

(f) – (not applicable);

(g) – (not applicable);

(h) – (not applicable).

4. The multiple-identity detection shall only be launched in order to compare data available in one information system with data available in other information systems.

Or. en

**Amendment 618
Cornelia Ernst**

Proposal for a regulation
Article 27

Text proposed by the Commission

Amendment

Article 27

deleted

Multiple-identity detection

1. A multiple-identity detection in the common identity repository and the SIS shall be launched where:

(a) an individual file is created or updated in [the EES in accordance with Article 14 of the EES Regulation];

(b) an application file is created or updated in the VIS in accordance with Article 8 of Regulation (EC) No 767/2008;

(c) [an application file is created or updated in the ETIAS in accordance with Article 17 of the ETIAS Regulation;]

(d) – (not applicable);

(e) [an alert on a person is created or updated in the SIS in accordance with Chapter V of the Regulation on SIS in the field of border checks];

(f) – (not applicable).

2. Where the data contained within an information system as referred to in paragraph 1 contains biometric data, the common identity repository (CIR) and the Central-SIS shall use the shared biometric matching service (shared BMS) in order to perform the multiple-identity detection. The shared BMS shall compare the biometric templates obtained from any new biometric data to the biometric templates already contained in the shared BMS in order to verify whether or not data belonging to the same third-country national is already stored in the CIR or in the Central SIS.

3. In addition to the process referred to in paragraph 2, the CIR and the Central-SIS shall use the European search portal to search the data stored in

the CIR and the Central-SIS using the following data:

- (a) surname (family name); first name(s) (given name(s)); date of birth, sex and nationality(ies) as referred to in Article 16(1)(a) of the [EES Regulation];*
- (b) surname (family name); first name(s) (given name(s)); date of birth, sex and nationality(ies) as referred to in Article 9(4)(a) of Regulation (EC) No 767/2008;*
- (c) [surname (family name); first name(s) (given name(s)); surname at birth; date of birth, place of birth, sex and nationality(ies) as referred to in Article 15(2) of the ETIAS Regulation;]*
- (d) – (not applicable);*
- (e) [surname(s); forename(s); name(s) at birth, previously used names and aliases; date of birth, place of birth, nationality(ies) and sex as referred to in Article 20(2) of the Regulation on SIS in the field of border checks;]*
- (f) – (not applicable);*
- (g) – (not applicable);*
- (h) – (not applicable).*

4. The multiple-identity detection shall only be launched in order to compare data available in one information system with data available in other information systems.

Or. en

Amendment 619

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. A multiple-identity detection in the *common identity repository and the SIS* shall be launched where:

1. A multiple-identity detection in the *EU information systems and SIS* shall be launched where:

Or. en

Amendment 620

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 27 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) – (not applicable);

deleted

Or. en

Amendment 621

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 27 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) – (not applicable).

deleted

Or. en

Amendment 622

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 27 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The multiple-identity detection using the data referred to in paragraph

I(c) shall be launched only where an application file in ETIAS can be verified against an individual file in the EES.

Or. en

Justification

In line with recommendations of the Fundamental Rights Agency (para 16), as ETIAS data remains declaratory and cannot be checked until the person arrives at an external border, at which point an EES file is created, no multiple-detection is needed until after that point.

Amendment 623

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 27 – paragraph 2

Text proposed by the Commission

2. Where the data contained within an information system as referred to in paragraph 1 contains biometric data, ***the common identity repository (CIR)*** and the Central-SIS shall use the shared biometric matching service (shared BMS) in order to perform the multiple-identity detection. The shared BMS shall compare the ***biometric templates obtained from any new biometric data to the biometric templates*** already contained in the ***shared BMS*** in order to verify whether or not data belonging to the same third-country national is already stored in ***the CIR or in the Central SIS***.

Amendment

2. Where the data contained within an information system as referred to in paragraph 1 contains biometric data, ***that information system*** and the Central-SIS shall use the shared biometric matching service (shared BMS) in order to perform the multiple-identity detection. The shared BMS shall compare the new biometric data ***obtained from the relevant information system against any biometric data*** already contained in the ***other information systems*** in order to verify whether or not data belonging to the same third-country national is already stored in ***another information system***.

Or. en

Amendment 624

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 27 – paragraph 2

Text proposed by the Commission

2. Where the data contained within an information system as referred to in paragraph 1 contains biometric data, the common identity repository (CIR) and the Central-SIS shall use the shared biometric matching service (shared BMS) in order to perform the multiple-identity detection. The shared BMS shall compare the biometric templates obtained from any new biometric data to the biometric templates already contained in the shared BMS in order to verify whether or not data belonging to the same ***third-country national*** is already stored in the CIR or in the Central SIS.

Amendment

2. Where the data contained within an information system as referred to in paragraph 1 contains biometric data, the common identity repository (CIR) and the Central-SIS shall use the shared biometric matching service (shared BMS) in order to perform the multiple-identity detection. The shared BMS shall compare the biometric templates obtained from any new biometric data to the biometric templates already contained in the shared BMS in order to verify whether or not data belonging to the same ***person*** is already stored in the CIR or in the Central SIS.

Or. en

Amendment 625

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 27 – paragraph 3 – introductory part

Text proposed by the Commission

3. In addition to the process referred to in paragraph 2, the ***CIR*** and the Central-SIS shall use the European search portal to search the data stored in ***the CIR*** and the Central-SIS using the following data:

Amendment

3. In addition to the process referred to in paragraph 2, the ***information system*** and the Central-SIS shall use the European search portal to search the data stored in ***all the EU information systems*** and the Central-SIS using the following data:

Or. en

Amendment 626

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 27 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) – *(not applicable)*; *deleted*

Or. en

Amendment 627

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 27 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) – *(not applicable)*; *deleted*

Or. en

Amendment 628

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 27 – paragraph 3 – point g

Text proposed by the Commission

Amendment

(g) – *(not applicable)*; *deleted*

Or. en

Amendment 629

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 27 – paragraph 3 – point h

Text proposed by the Commission

Amendment

(h) – *(not applicable)*. *deleted*

Amendment 630
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 27 – paragraph 3 – point h

Text proposed by the Commission

(h) – *(not applicable)*.

Amendment

(h) – *[surname (family name); first name(s) (given names); previous name(s); pseudonym and/or alias name(s); date of birth, place of birth, nationality(ies) and gender as referred to in Article 5(1)(a) of the ECRIS-TCN Regulation.]*

Or. en

Amendment 631
Bodil Valero

Proposal for a regulation
Article 28

Text proposed by the Commission

Article 28

Results of the multiple-identity detection

1. Where the queries referred to in Article 27(2) and (3) do not report any hit, the procedures referred to in Article 27(1) shall continue in accordance with the respective Regulations governing them.

***THIS PARAGRAPH IS MISSING.
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LANGUAGE.***

2. Where the query laid down in Article 27(2) and (3) reports one or several hit(s), the common identity repository and, where relevant, the SIS shall create a link between the data used to launch the query and the data

Amendment

deleted

triggering the hit.

Where several hits are reported, a link shall be created between all data triggering the hit. Where data was already linked, the existing link shall be extended to the data used to launch the query.

3. Where the query referred to in Article 27(2) or (3) reports one or several hit(s) and the identity data of the linked files is identical or similar, a white link shall be created in accordance with Article 33.

4. Where the query referred to in Article 27(2) or (3) reports one or several hit(s) and the identity data of the linked files cannot be considered as similar, a yellow link shall be created in accordance with Article 30 and the procedure referred to in Article 29 shall apply.

5. The Commission shall lay down the procedures to determine the cases where identity data can be considered as identical or similar in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).

6. The links shall be stored in the identity confirmation file referred to in Article 34.

The Commission shall lay down the technical rules for linking data from different information systems by implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).

Or. en

Amendment 632
Cornelia Ernst

Proposal for a regulation
Article 28

Article 28

deleted

Results of the multiple-identity detection

1. Where the queries referred to in Article 27(2) and (3) do not report any hit, the procedures referred to in Article 27(1) shall continue in accordance with the respective Regulations governing them.

***THIS PARAGRAPH IS MISSING.
THANK YOU FOR USING ANOTHER
LANGUAGE.***

2. Where the query laid down in Article 27(2) and (3) reports one or several hit(s), the common identity repository and, where relevant, the SIS shall create a link between the data used to launch the query and the data triggering the hit.

Where several hits are reported, a link shall be created between all data triggering the hit. Where data was already linked, the existing link shall be extended to the data used to launch the query.

3. Where the query referred to in Article 27(2) or (3) reports one or several hit(s) and the identity data of the linked files is identical or similar, a white link shall be created in accordance with Article 33.

4. Where the query referred to in Article 27(2) or (3) reports one or several hit(s) and the identity data of the linked files cannot be considered as similar, a yellow link shall be created in accordance with Article 30 and the procedure referred to in Article 29 shall apply.

5. The Commission shall lay down the procedures to determine the cases where identity data can be considered as identical or similar in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).

6. *The links shall be stored in the identity confirmation file referred to in Article 34.*

The Commission shall lay down the technical rules for linking data from different information systems by implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).

Or. en

Amendment 633

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 28 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where the query laid down in Article 27(2) and (3) reports one or several hit(s), the *common identity repository and*, where relevant, the SIS shall create a link between the data used to launch the query and the data triggering the hit.

Amendment

Where the query laid down in Article 27(2) and (3) reports one or several hit(s), the *EU information systems concerned including*, where relevant, the SIS shall create a link between the data used to launch the query and the data triggering the hit.

Or. en

Amendment 634

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 28 – paragraph 5

Text proposed by the Commission

5. The Commission shall lay down the procedures to determine the cases where identity data can be considered as identical or similar in *implementing* acts. Those *implementing acts* shall be adopted in

Amendment

5. The Commission shall lay down the procedures to determine the cases where identity data can be considered as identical or similar in *delegated* acts. Those *delegated act* shall be adopted in

accordance with *the examination procedure referred to in* Article 64(2).

accordance with Article 63. *Such acts must be designed in a manner that ensures the protection of persons with multiple lawful identities against discrimination.*

Or. en

Justification

In this regard, women are more likely to be discriminated against due to the fact that they are more likely to have different legal identities (due to surname change following marriage).

Amendment 635 **Cornelia Ernst**

Proposal for a regulation **Article 28 – paragraph 5**

Text proposed by the Commission

5. The Commission shall lay down the procedures to determine the cases where identity data can be considered as identical or similar in *implementing acts*. Those *implementing acts* shall be adopted in accordance with *the examination procedure referred to in* Article 64(2).

Amendment

5. The Commission shall lay down the procedures to determine the cases where identity data can be considered as identical or similar in *delegated acts*. *Such delegated acts should be designed in a manner that protects persons with multiple lawful identities against discrimination.* Those *delegated acts* shall be adopted in accordance with Article 63.

Or. en

Amendment 636 **Cornelia Ernst**

Proposal for a regulation **Article 29**

Text proposed by the Commission

[...]

Amendment

deleted

Or. en

Amendment 637

Bodil Valero

Proposal for a regulation

Article 29

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 638

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) – *(not applicable)*;

deleted

Or. en

Amendment 639

Cornelia Ernst

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) the SIRENE Bureaux of the Member State for hits that occurred when creating a SIS alert in accordance with the [Regulations on SIS in the field of border checks];

(e) the SIRENE Bureaux of the Member State for hits that occurred when creating *or updating* a SIS alert in accordance with the [Regulations on SIS in the field of border checks];

Or. en

Amendment 640

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) the SIRENE Bureaux of the Member State for hits that occurred when creating a SIS alert in accordance with the [Regulations on SIS in the field of border checks];

(e) the SIRENE Bureaux of the Member State for hits that occurred when creating ***or updating*** a SIS alert in accordance with the [Regulations on SIS in the field of border checks];

Or. en

Amendment 641

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1 – point f

Text proposed by the Commission

Amendment

(f) – *(not applicable)*.

deleted

Or. en

Amendment 642

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The authority responsible shall verify the identity as soon as possible and, in any event, within eight hours. If verification proves impossible, the border authorities shall carry out the verification when the person concerned next enters or exits an

external border.

Or. en

Justification

The authority responsible needs to deal with yellow links expeditiously. As a person's travel or stay in the EU could be compromised until such time as the link is resolved, a deadline for dealing with the link must be imposed. If it is impossible to verify the identity, border authorities should be tasked with verification when the person next presents at an external border.

Amendment 643

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 29 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) in an alert on unknown wanted persons for identification according to national law and search with biometric data as referred to in Article 40 of [the Regulation on SIS in the field of law enforcement].

deleted

Or. en

Justification

It is not possible to have a different identity where one of the links is to an unknown person.

Amendment 644

Cornelia Ernst

Proposal for a regulation

Article 29 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

The responsible Sirene Bureau is immediately informed when a yellow link

has to be manually verified by it.

Or. en

Amendment 645

Sophia in 't Veld

Proposal for a regulation

Article 29 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

The responsible Sirene Bureau shall be immediately informed when a yellow link has to be verified by it.

Or. en

Amendment 646

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 29 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where the SIRENE Bureau is responsible for manually verifying different identities but has not been involved in the addition of the new identity data which has given rise to a yellow link, it shall be informed immediately by the relevant authority which added the new identity data. The SIRENE Bureau shall carry out the manual verification of different identities as soon as possible and, in any event, within eight hours.

Or. en

Justification

In accordance with the recommendations of the European Data Protection Supervisor (para 91), the SIRENE Bureau needs to deal with yellow links expeditiously. As a person's travel or stay in the EU could be compromised until such time as the link is resolved, a deadline for dealing with the link must be imposed.

Amendment 647

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation Article 29 – paragraph 3

Text proposed by the Commission

3. Without prejudice to paragraph 4, the authority responsible for verification of different identities shall have access to the related data contained in the relevant identity confirmation file and to the identity data linked in the *common identity repository and, where relevant, in the SIS*, and shall assess the different identities and *shall* update the link in accordance with Articles 31, *32 and* 33 and add it to the identity confirmation file without delay.

Amendment

3. Without prejudice to paragraph 4, the authority responsible for verification of different identities shall have access to the related data contained in the relevant identity confirmation file and to the identity data linked in the relevant *information systems*, and shall assess the different identities and update the link in accordance with Articles 31, *32 and* 33 and add it to the identity confirmation file without delay.

Or. en

Amendment 648

Cornelia Ernst

Proposal for a regulation Article 29 – paragraph 3

Text proposed by the Commission

3. Without prejudice to paragraph 4, the authority responsible for verification of different identities shall have access to the related data contained in the relevant identity confirmation file and to the identity data linked in the common identity repository and, where relevant, in the SIS,

Amendment

3. Without prejudice to paragraph 4, the authority responsible for verification of different identities shall have access to the related data contained in the relevant identity confirmation file and to the identity data linked in the common identity repository and, where relevant, in the SIS,

and shall assess the different identities and shall update the link in accordance with Articles 31, 32 and 33 and add it to the identity confirmation file without delay.

and shall assess the different identities and shall update the link in accordance with Articles 31, 32 and 33 and add it to the identity confirmation file without delay, *in any case within 24 hours*.

Or. en

Amendment 649

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 29 – paragraph 4

Text proposed by the Commission

4. Where the authority responsible for the verification of different identities in the identity confirmation file is the border authority creating or updating an individual file in the EES in accordance with Article 14 of the EES Regulation, and where a yellow link is obtained, the border authority shall carry out additional verifications *as part of a second-line check. During this second-line check*, the border authorities shall have access to the related data contained in the relevant identity confirmation file and shall assess the different identities and shall update the link in accordance with Articles 31 to 33 and add it to the identity confirmation file without delay.

Amendment

4. Where the authority responsible for the verification of different identities in the identity confirmation file is the border authority creating or updating an individual file in the EES in accordance with Article 14 of the EES Regulation, and where a yellow link is obtained, the border authority shall carry out additional verifications. *For that purpose only*, the border authorities shall have access to the related *identity* data contained in the relevant identity confirmation file and shall assess the different identities and shall update the link in accordance with Articles 31 to 33 and add it to the identity confirmation file without delay.

Or. en

Justification

This is in line with previous amendments. How the border authorities carry out additional verifications is a matter for them.

Amendment 650

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef

Weidenholzer, Ana Gomes

Proposal for a regulation

Article 29 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The verification of different identities shall, as a rule, take place in the presence of the person concerned who should be offered the opportunity to explain the circumstances to the authority responsible, which should take those explanations into account. Where the verification leads to the establishment of a red link, the person concerned should receive a justification in writing.

Or. en

Justification

In line with the recommendations of the Fundamental Rights Agency (para 18).

Amendment 651

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 29 – paragraph 5

Text proposed by the Commission

Amendment

5. Where more than one link is obtained, the authority responsible for the verification of different identities shall assess each link separately.

5. Where more than one link is obtained, the authority responsible for the verification of different identities shall assess each link separately. ***The authority responsible must ensure that the data subject is given the possibility to explain plausible reasons why there may be contradicting information within the different IT systems.***

Or. en

Justification

By ensuring consistent approaches, and offering guidance to such authorities on how verification can be achieved, we can avoid causing any undo consequences to the data subject (such as missed flights, or long delays)

Amendment 652

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 29 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The authority responsible for the manual verification of multiple identities must also assess whether there are plausible arguments presented by the third country national when deciding on the colour of the links. Such assessment should be performed, where possible, in the presence of the third-country national and, where necessary, by requesting additional clarifications or information. Such assessment should be performed without delay, in line with legal requirements for the accuracy of information under Union and national law.

Or. en

Justification

Such a safeguard is being added in order to take into consideration third country nationals whose data has been recorded in Eurodac when they were children.

Amendment 653

Cornelia Ernst

Proposal for a regulation

Article 30

Text proposed by the Commission

Amendment

Article 30

deleted

Yellow link

1. A link between data from two or more information systems shall be classified as yellow in any of the following cases:

(a) the linked data shares the same biometric but different identity data and no manual verification of different identity has taken place;

(b) the linked data has different identity data and no manual verification of different identity has taken place.

2. Where a link is classified as yellow in accordance with paragraph 1, the procedure laid down in Article 29 applies.

Or. en

Amendment 654

Bodil Valero

Proposal for a regulation

Article 30

Text proposed by the Commission

Amendment

Article 30

deleted

Yellow link

1. A link between data from two or more information systems shall be classified as yellow in any of the following cases:

(a) the linked data shares the same biometric but different identity data and no manual verification of different identity has taken place;

(b) the linked data has different identity data and no manual verification of different identity has taken place.

2. Where a link is classified as yellow in accordance with paragraph 1, the

procedure laid down in Article 29 applies.

Or. en

Amendment 655

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 30 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the linked data has different identity data and no manual verification of different identity has taken place.

(b) the linked data has different identity data, ***there is no biometric data to compare***, and no manual verification of different identity has taken place.

Or. en

Justification

Subparagraph (b) will not apply if biometric data is in both information systems. If biometric data exists in both the information systems between which a link is created, either the biometric data matches in which case it is covered by subparagraph (a), or the biometric data does not match and, since the identity data is different, it is covered by a green link in Article 31(1), i.e. it relates to two different persons.

Amendment 656

Bodil Valero

Proposal for a regulation

Article 31

Text proposed by the Commission

Amendment

Article 31

deleted

Green link

1. A link between data from two or more information systems shall be classified as green where the linked data do not share the same biometric but have similar identity data and the authority responsible for the verification of

different identities concluded it refers to two different persons.

2. *Where the common identity repository (CIR) or the SIS are queried and where a green link exists between two or more of the information systems constituting the CIR or with the SIS, the multiple-identity detector shall indicate that the identity data of the linked data does not correspond to the same person. The queried information system shall reply indicating only the data of the person whose data was used for the query, without triggering a hit against the data that is subject to the green link.*

Or. en

Amendment 657
Cornelia Ernst

Proposal for a regulation
Article 31

Text proposed by the Commission

Amendment

Article 31

deleted

Green link

1. *A link between data from two or more information systems shall be classified as green where the linked data do not share the same biometric but have similar identity data and the authority responsible for the verification of different identities concluded it refers to two different persons.*

2. *Where the common identity repository (CIR) or the SIS are queried and where a green link exists between two or more of the information systems constituting the CIR or with the SIS, the multiple-identity detector shall indicate that the identity data of the linked data does not correspond to the same person. The queried information system shall*

reply indicating only the data of the person whose data was used for the query, without triggering a hit against the data that is subject to the green link.

Or. en

Amendment 658
Daniel Dalton

Proposal for a regulation
Article 31 – paragraph 1

Text proposed by the Commission

1. A link between data from two or more information systems shall be classified as green where the linked data do not share the same biometric but have similar identity data and the authority responsible for the verification of different identities concluded it refers to two different persons.

Amendment

1. A link between data from two or more information systems shall be classified as green where the linked data do not share:
(i) the same biometric data but have the same or similar identity data; or
(ii) the same or similar identity data but have indistinguishable biometric data, and the authority responsible for the verification of different identities concluded it refers to two different persons.

Or. en

Justification

We believe that the current drafting does not make adequate provision for persons who have different identities but indistinguishable biometric data, such as identical twins who might have near identical biometric data.

Amendment 659
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 31 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the ***common identity repository (CIR) or the SIS*** are queried and where a green link exists between two or more of ***the*** information systems ***constituting the CIR or with the SIS***, the multiple-identity detector shall indicate that the identity data of the linked data does not correspond to the same person. The queried information system shall reply indicating only the data of the person whose data was used for the query, without triggering a hit against the data that is subject to the green link.

2. Where the ***relevant information systems*** are queried and where a green link exists between two or more of ***those*** information systems, the multiple-identity detector shall indicate that the identity data of the linked data does not correspond to the same person. The queried information system shall reply indicating only the data of the person whose data was used for the query, without triggering a hit against the data that is subject to the green link.

Or. en

Amendment 660
Bodil Valero

Proposal for a regulation
Article 32

Text proposed by the Commission

Amendment

Article 32

deleted

Red link

1. A link between data from two or more information systems shall be classified as red in any of the following cases:

(a) the linked data shares the same biometric but different identity data and the authority responsible for the verification of different identities concluded it refers unlawfully to the same person;

(b) the linked data has similar identity data and the authority responsible for the verification of different identities concluded it refers unlawfully to the same person.

2. Where the CIR or the SIS are queried and where a red link exists between two or more of the information systems constituting the CIR or with the

SIS, the multiple-identity detector shall reply indicating the data referred to in Article 34. Follow-up to a red link shall take place in accordance with Union and national law.

3. Where a red link is created between data from the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN System], the individual file stored in the CIR shall be updated in accordance with Article 19(1).

4. Without prejudice to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return], and without prejudice to limitations necessary to protect security and public order, prevent crime and guarantee that any national investigation will not be jeopardised, where a red link is created, the authority responsible for verification of different identities shall inform the person of the presence of multiple unlawful identities.

5. Where a red link is created, the authority responsible for verification of different identities shall provide a reference to the authorities responsible for the data linked.

Or. en

Amendment 661
Cornelia Ernst

Proposal for a regulation
Article 32

Text proposed by the Commission

Amendment

Article 32

deleted

Red link

1. A link between data from two or more information systems shall be

classified as red in any of the following cases:

(a) the linked data shares the same biometric but different identity data and the authority responsible for the verification of different identities concluded it refers unlawfully to the same person;

(b) the linked data has similar identity data and the authority responsible for the verification of different identities concluded it refers unlawfully to the same person.

2. Where the CIR or the SIS are queried and where a red link exists between two or more of the information systems constituting the CIR or with the SIS, the multiple-identity detector shall reply indicating the data referred to in Article 34. Follow-up to a red link shall take place in accordance with Union and national law.

3. Where a red link is created between data from the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN System], the individual file stored in the CIR shall be updated in accordance with Article 19(1).

4. Without prejudice to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return], and without prejudice to limitations necessary to protect security and public order, prevent crime and guarantee that any national investigation will not be jeopardised, where a red link is created, the authority responsible for verification of different identities shall inform the person of the presence of multiple unlawful identities.

5. Where a red link is created, the authority responsible for verification of different identities shall provide a reference to the authorities responsible

for the data linked.

Or. en

Amendment 662

Cornelia Ernst

Proposal for a regulation

Article 32 – paragraph 1 – point a

Text proposed by the Commission

(a) the linked data shares the same biometric but different identity data and the authority responsible for the verification of different identities concluded it refers *unlawfully* to the same person;

Amendment

(a) the linked data shares the same biometric but different identity data and the authority responsible for the verification of different identities concluded it refers to the same person *who has evidently provided false information with the intent of committing a serious criminal offence*;

Or. en

Amendment 663

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 32 – paragraph 1 – point a

Text proposed by the Commission

(a) the linked data shares the same biometric but different identity data and the authority responsible for the verification of different identities concluded it refers *unlawfully* to the same person;

Amendment

(a) the linked data shares the same biometric but different identity data and the authority responsible for the verification of different identities concluded it refers to the same person *in an unjustified manner*;

Or. en

Justification

It cannot be ascertained from a search of data whether the different identities are unlawful only that they seem to be unjustified.

Amendment 664

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 32 – paragraph 1 – point b

Text proposed by the Commission

(b) the linked data has similar identity data and the authority responsible for the verification of different identities concluded it refers *unlawfully* to the same person.

Amendment

(b) the linked data has similar identity data and the authority responsible for the verification of different identities concluded it refers to the same person *in an unjustified manner*.

Or. en

Amendment 665

Cornelia Ernst

Proposal for a regulation

Article 32 – paragraph 1 – point b

Text proposed by the Commission

(b) the linked data has similar identity data and the authority responsible for the verification of different identities concluded it refers unlawfully to the same person.

Amendment

(b) the linked data has similar identity data and the authority responsible for the verification of different identities concluded it refers unlawfully to the same person *who has evidently provided false information with the intent of committing a serious criminal offence*.

Or. en

Amendment 666

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 32 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the **CIR or** the SIS are queried and where a red link exists between two or more of the information systems **constituting the CIR or with the SIS**, the multiple-identity detector shall reply indicating the data referred to in Article 34. Follow-up to a red link shall take place in accordance with Union and national law.

2. Where the **EU information systems and** the SIS are queried and where a red link exists between two or more of the information systems, the multiple-identity detector shall reply indicating the data referred to in Article 34. Follow-up to a red link shall take place in accordance with Union and national law. **No legal consequence for the person or persons concerned shall derive solely from the existence of a red link.**

Or. en

Justification

The existence of a link should in no way be considered to create an offence by the person or persons concerned. The effects of a red link should be determined by the relevant authorities in line with the relevant Union and national law.

Amendment 667

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

**Proposal for a regulation
Article 32 – paragraph 3**

Text proposed by the Commission

Amendment

3. **Where a red link is created between data from the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN System], the individual file stored in the CIR shall be updated in accordance with Article 19(1).**

deleted

Or. en

Justification

Consequential amendment related to the deletion of the CIR

Amendment 668

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation Article 32 – paragraph 4

Text proposed by the Commission

4. Without prejudice to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return], and without prejudice to limitations *necessary to protect security and public order, prevent crime and guarantee that any national investigation will not be jeopardised*, where a red link is created, the authority responsible for verification of different identities shall inform the person of the presence of multiple *unlawful* identities.

Amendment

4. Without prejudice to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return], and without prejudice to limitations *laid down in Article 13(3) of Directive (EU) 680/2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data* where a red link is created, the authority responsible for verification of different identities shall inform the person of the presence of multiple *unjustified* identities.

Or. en

Justification

The limitations provided for here regarding informing a data subject about the creation of a red link should be in line with limitations already laid down in EU data protection rules. This is also in line with the recommendations of the European Data Protection Supervisor (para 117).

The language proposed by the Commission is unclear. In particular, it is not clear how to “protect security”.

Amendment 669

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation Article 32 – paragraph 4

Text proposed by the Commission

4. Without prejudice to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return], ***and without prejudice to limitations necessary to protect security and public order, prevent crime and guarantee that any national investigation will not be jeopardised,*** where a red link is created, the authority responsible for verification of different identities shall inform the person of the presence of multiple unlawful identities.

Amendment

4. Without prejudice ***to limitations necessary to protect security and public order, prevent crime and guarantee that any national investigation will not be jeopardised, with particular emphasis*** to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return], where a red link is created, the authority responsible for verification of different identities shall inform the person of the presence of multiple unlawful identities.

Or. en

Amendment 670
Cornelia Ernst

Proposal for a regulation
Article 32 – paragraph 4

Text proposed by the Commission

4. Without prejudice to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return], and without prejudice to limitations necessary to protect security ***and public order,*** prevent crime and guarantee that any national investigation will not be jeopardised, where a red link is created, the authority responsible for verification of different identities shall inform the person of the presence of multiple unlawful identities.

Amendment

4. Without prejudice to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return], and without prejudice to limitations necessary to protect security, prevent crime and guarantee that any national investigation will not be jeopardised, ***in accordance with Article 13 of Directive (EU) 2016/680 and Article 23 of Regulation (EU) 2016/679 and other relevant EU legislation,*** where a red link is created, the authority responsible for verification of different identities shall inform the person of the presence of multiple unlawful identities.

Amendment 671
Sophia in 't Veld

Proposal for a regulation
Article 32 – paragraph 4

Text proposed by the Commission

4. Without prejudice to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return], and without prejudice to limitations necessary to protect security *and public order*, prevent crime and guarantee that any national investigation will not be jeopardised, where a red link is created, the authority responsible for verification of different identities shall inform the person of the presence of multiple unlawful identities.

Amendment

4. Without prejudice to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return], and without prejudice to limitations necessary to protect security, prevent crime and guarantee that any national investigation will not be jeopardised, where a red link is created, the authority responsible for verification of different identities shall inform the person of the presence of multiple unlawful identities.

Or. en

Amendment 672
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 32 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Where a Member State authority or EU body with access to one of the EU information systems or the SIS obtains evidence showing that a red link recorded in the MID is incorrect or that the data processed in the MID, the relevant EU information systems and the SIS were processed in breach of this Regulation, that authority shall, where the link relates

to EU information systems either rectify or erase the link from the MID immediately, or where the link relates to the SIS, inform the relevant SIRENE Bureau of the Member State that created the SIS alert immediately. That SIRENE Bureau shall verify the evidence provided by the Member State authority and rectify or erase the link from the MID immediately thereafter.

Or. en

Justification

As the creation of red links could have serious consequences for the person subject to the link, it is important to set out the procedure where it becomes apparent that the red link has been created based on incorrect or unlawfully processed information.

Amendment 673
Cornelia Ernst

Proposal for a regulation
Article 32 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. *A third-country national shall be notified of the existence of a red link as soon as such a notification can no longer jeopardize on-going investigations or proceedings.*

Or. en

Amendment 674
Bodil Valero

Proposal for a regulation
Article 33

Text proposed by the Commission

Amendment

Article 33

deleted

White link

1. A link between data from two or more information systems shall be classified as white in any of the following cases:

(a) the linked data shares the same biometric and the same or similar identity data;

(b) the linked data shares the same or similar identity data and at least one of the information systems does not have biometric data on the person;

(c) the linked data shares the same biometric but different identity data and the authority responsible for the verification of different identities concluded it refers to the same person legally having different identity data.

2. Where the CIR or the SIS are queried and where a white link exists between one or more of the information systems constituting the CIR or with the SIS, the multiple-identity detector shall indicate that the identity data of the linked data correspond to the same person. The queried information systems shall reply indicating, where relevant, all the linked data on the person, hence triggering a hit against the data that is subject to the white link, if the authority launching the query has access to the linked data under Union or national law.

3. Where a white link is created between data from the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN system], the individual file stored in the CIR shall be updated in accordance with Article 19(1).

4. Without prejudice to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return], where a white link is created following a manual verification of multiple identities, the

authority responsible for verification of different identities shall inform the person of the presence of discrepancies between his or her personal data between systems and shall provide a reference to the authorities responsible for the data linked.

Or. en

Amendment 675

Cornelia Ernst

Proposal for a regulation

Article 33

Text proposed by the Commission

Amendment

Article 33

deleted

White link

1. A link between data from two or more information systems shall be classified as white in any of the following cases:

(a) the linked data shares the same biometric and the same or similar identity data;

(b) the linked data shares the same or similar identity data and at least one of the information systems does not have biometric data on the person;

(c) the linked data shares the same biometric but different identity data and the authority responsible for the verification of different identities concluded it refers to the same person legally having different identity data.

2. Where the CIR or the SIS are queried and where a white link exists between one or more of the information systems constituting the CIR or with the SIS, the multiple-identity detector shall indicate that the identity data of the linked data correspond to the same person. The queried information systems shall reply

indicating, where relevant, all the linked data on the person, hence triggering a hit against the data that is subject to the white link, if the authority launching the query has access to the linked data under Union or national law.

3. *Where a white link is created between data from the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN system], the individual file stored in the CIR shall be updated in accordance with Article 19(1).*

4. *Without prejudice to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return], where a white link is created following a manual verification of multiple identities, the authority responsible for verification of different identities shall inform the person of the presence of discrepancies between his or her personal data between systems and shall provide a reference to the authorities responsible for the data linked.*

Or. en

Amendment 676

Daniel Dalton

Proposal for a regulation

Article 33 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) *the linked data shares the same identity data and different biometric data and the authority responsible for the verification of different identities has concluded it refers to the same person and their biometric data has changed due to injury, illness or other legitimate reason.*

Or. en

Justification

The present article does not include contingencies for persons whose biometric data changes due to injury or illness, such as people whose fingerprints are altered by severe burns.

Amendment 677

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation Article 33 – paragraph 2

Text proposed by the Commission

2. Where *the CIR or the SIS* are queried and where a white link exists between one or more of the information systems *constituting the CIR or with the SIS*, the multiple-identity detector shall indicate that the identity data of the linked data correspond to the same person. The queried information systems shall reply indicating, where relevant, all the linked data on the person, hence triggering a hit against the data that is subject to the white link, if the authority launching the query has access to the linked data under Union or national law.

Amendment

2. Where *information systems* are queried and where a white link exists between one or more of the information systems, the multiple-identity detector shall indicate that the identity data of the linked data correspond to the same person. The queried information systems shall reply indicating, where relevant, all the linked data on the person, hence triggering a hit against the data that is subject to the white link, if the authority launching the query has access to the linked data under Union or national law.

Or. en

Amendment 678

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation Article 33 – paragraph 3

Text proposed by the Commission

3. *Where a white link is created between data from the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN system], the individual file stored in the CIR shall be updated in accordance with*

Amendment

deleted

Article 19(1).

Or. en

Justification

Consequential amendment related to the deletion of the CIR

Amendment 679
Péter Niedermüller

Proposal for a regulation
Article 33 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. If a Member State authority has evidence to suggest that a red link/ white link recorded in the MID is factually inaccurate or not up-to-date or that data were processed in the MID, the EU information systems or the SIS in breach of this Regulation, it shall check the relevant data stored in the EU information systems and SIS and shall, if necessary, rectify or erase the link from the MID without delay. That Member State authority shall inform the Member State responsible for the manual verification without delay.

Or. en

Amendment 680
Bodil Valero

Proposal for a regulation
Article 34

Text proposed by the Commission

Amendment

Article 34

deleted

Identity confirmation file

The identity confirmation file shall contain the following data:

- (a) the links, including their description in form of colours, as referred to in Articles 30 to 33;*
- (b) a reference to the information systems whose data is linked;*
- (c) a single identification number allowing to retrieve the data from the information systems of corresponding linked files;*
- (d) where relevant, the authority responsible for the verification of different identities.*

Or. en

Amendment 681
Cornelia Ernst

Proposal for a regulation
Article 34

Text proposed by the Commission

Amendment

Article 34

deleted

Identity confirmation file

The identity confirmation file shall contain the following data:

- (a) the links, including their description in form of colours, as referred to in Articles 30 to 33;*
- (b) a reference to the information systems whose data is linked;*
- (c) a single identification number allowing to retrieve the data from the information systems of corresponding linked files;*
- (d) where relevant, the authority responsible for the verification of different identities.*

Amendment 682

Bodil Valero

Proposal for a regulation

Article 35

Text proposed by the Commission

Amendment

Article 35

deleted

Data retention in the multiple-identity detector

The identity confirmation files and its data, including the links, shall be stored in the multiple-identity detector (MID) only for as long as the linked data is stored in two or more EU information systems.

Amendment 683

Cornelia Ernst

Proposal for a regulation

Article 35

Text proposed by the Commission

Amendment

Article 35

deleted

Data retention in the multiple-identity detector

The identity confirmation files and its data, including the links, shall be stored in the multiple-identity detector (MID) only for as long as the linked data is stored in two or more EU information systems.

Amendment 684

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation Article 35 – paragraph 1

Text proposed by the Commission

The identity confirmation files and its data, including the links, shall be stored in the multiple-identity detector (MID) only for as long as the linked data is stored in two or more EU information systems.

Amendment

The identity confirmation files and its data, including the links, shall be stored in the multiple-identity detector (MID) only for as long as the linked data is stored in two or more EU information systems. ***Once this condition is no longer met, the identity confirmation files and their data, including all related links, shall be deleted automatically.***

Or. en

Justification

In line with the recommendations of the European Data Protection Supervisor (para 85).

Amendment 685

Cornelia Ernst

Proposal for a regulation Article 35 – paragraph 1

Text proposed by the Commission

The identity confirmation files and its data, including the links, shall be ***stored in the multiple-identity detector (MID) only for as long as the linked data is stored in two or more EU information systems.***

Amendment

The identity confirmation files and its data, including the links, shall be ***deleted after their use, except if there is a green link.***

Or. en

Amendment 686

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 35 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In case of the establishment of a red link between data in the CIR, the identity confirmation files and its data, including the red link, shall be stored in the MID only for as long as the corresponding data are stored in at least one of the originating EU information systems.

Or. en

Justification

In cases of misused identity, a longer retention period for all of the underlying data is necessary in order to investigate and effectively counteract such abuse.

Amendment 687
Cornelia Ernst

Proposal for a regulation
Article 36

Text proposed by the Commission

Amendment

Article 36

deleted

Keeping of logs

1. eu-LISA shall keep logs of all data processing operations within the MID. Those logs shall include, in particular, the following:

- (a) the purpose of access of the user and his or her access rights;***
- (b) the date and time of the query;***
- (c) the type of data used to launch the query or queries;***
- (d) the reference to the data linked;***
- (e) the history of the identity confirmation file;***
- (f) the identifying mark of the person***

who carried out the query.

2. Each Member State shall keep logs of the staff duly authorised to use the MID.

3. The logs may be used only for data protection monitoring, including checking the admissibility of a request and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. The logs shall be protected by appropriate measures against unauthorised access and erased one year after their creation, unless they are required for monitoring procedures that have already begun. The logs related to the history of the identity confirmation file shall be erased once the data in the identity confirmation file is erased.

Or. en

**Amendment 688
Bodil Valero**

**Proposal for a regulation
Article 36**

Text proposed by the Commission

Amendment

Article 36

deleted

Keeping of logs

1. eu-LISA shall keep logs of all data processing operations within the MID. Those logs shall include, in particular, the following:

- (a) the purpose of access of the user and his or her access rights;**
- (b) the date and time of the query;**
- (c) the type of data used to launch the query or queries;**
- (d) the reference to the data linked;**
- (e) the history of the identity confirmation file;**

(f) the identifying mark of the person who carried out the query.

2. Each Member State shall keep logs of the staff duly authorised to use the MID.

3. The logs may be used only for data protection monitoring, including checking the admissibility of a request and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. The logs shall be protected by appropriate measures against unauthorised access and erased one year after their creation, unless they are required for monitoring procedures that have already begun. The logs related to the history of the identity confirmation file shall be erased once the data in the identity confirmation file is erased.

Or. en

Amendment 689

Gérard Deprez, Cecilia Wikström, Louis Michel, Angelika Mlinar, Morten Helveg Petersen, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz

Proposal for a regulation

Article 36 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Each EU body shall keep logs of queries of the authority and the staff duly authorised to use the MID.

Or. en

Amendment 690

Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation

Article 36 – paragraph 3

Text proposed by the Commission

3. The logs may be used only for data protection monitoring, including checking the admissibility of a request and the lawfulness of data processing, and for ensuring **data** security pursuant to Article 42. The logs shall be protected by appropriate measures against unauthorised access and erased **one year** after their creation, unless they are required for monitoring procedures that have already begun. The logs related to the history of the identity confirmation file shall be erased once the data in the identity confirmation file is erased.

Amendment

3. The logs may be used only for data protection monitoring, including checking the admissibility of a request and the lawfulness of data processing, **for self-monitoring**, and for ensuring **the proper functioning and the data integrity and security** pursuant to Article 42. The logs shall be protected by appropriate measures against unauthorised access and erased **two years** after their creation, unless they are required for monitoring procedures that have already begun. The logs related to the history of the identity confirmation file shall be erased once the data in the identity confirmation file is erased.

Or. en

Amendment 691

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

**Proposal for a regulation
Article 36 – paragraph 3**

Text proposed by the Commission

3. The logs may be used only for data protection monitoring, including checking the admissibility of a request and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. The logs shall be protected by appropriate measures against unauthorised access and erased **one year** after their creation, unless they are required for monitoring procedures that have already begun. The logs related to the history of the identity confirmation file shall be erased once the data in the identity confirmation file is erased.

Amendment

3. The logs may be used only for data protection monitoring, including checking the admissibility of a request and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. **To that end, access to those logs shall be granted as appropriate to the data controllers identified pursuant to Article 40, to national supervisory authorities designated pursuant to Article 51 of Regulation (EU)2016/679 and Article 41 of Directive (EU) 2016/680, and to the European Data Protection Supervisor.** The logs shall be protected by appropriate measures against unauthorised access and erased **two years** after their creation, unless they are required for monitoring procedures that have already begun. The

logs related to the history of the identity confirmation file shall be erased once the data in the identity confirmation file is erased.

Or. en

Justification

In accordance with the recommendations of the European Data Protection Supervisor, supervisory authorities should be granted access to logs. As the log is only the record of the processing, it does not contain personal data. The log needs to be retained for sufficient time to ensure that unlawful processing can be uncovered or proven. One year does not seem adequate in that respect.

Amendment 692

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation Article 37 – paragraph 1

Text proposed by the Commission

1. eu-LISA shall establish automated data quality control mechanisms and procedures on the data stored in the EES, the [ETIAS], the VIS, the SIS, *the shared biometric matching service (shared BMS), the common identity repository (CIR)* and the multiple-identity detector (MID).

Amendment

1. eu-LISA shall establish *as soon as possible* automated data quality control mechanisms and procedures on the data stored in the EES, the [ETIAS], the VIS *and* the SIS, and the multiple-identity detector (MID). *Those automated data quality control mechanisms should be adequately tested prior to the start of operations of the interoperability components in accordance with Article 62.*

Or. en

Justification

Consequential amendment related to the deletion of the CIR.

In accordance with the recommendations of the European Data Protection Supervisor (paragraph 111), the automated data quality control should be tested adequately prior to the start of operations of interoperability components.

Amendment 693

Bodil Valero

Proposal for a regulation

Article 37 – paragraph 1

Text proposed by the Commission

1. eu-LISA shall establish automated data quality control mechanisms and procedures on the data stored in the EES, the [ETIAS], the VIS, the SIS, the shared biometric matching service (shared BMS), ***the common identity repository (CIR) and the multiple-identity detector (MID)***.

Amendment

1. eu-LISA shall establish automated data quality control mechanisms and procedures on the data stored in ***or accessed through*** the EES, the [ETIAS], the VIS, the SIS, ***and*** the shared biometric matching service (shared BMS).

Or. en

Amendment 694

Bodil Valero

Proposal for a regulation

Article 37 – paragraph 2

Text proposed by the Commission

2. eu-LISA shall establish common data quality indicators and the minimum quality standards to store data in the EES, the [ETIAS], the VIS, the SIS, the shared BMS, ***the CIR and the MID***.

Amendment

2. eu-LISA shall establish common data quality indicators and the minimum quality standards to store data in ***or access data through*** the EES, the [ETIAS], the VIS, the SIS, ***and*** the shared BMS.

Or. en

Amendment 695

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 37 – paragraph 2

Text proposed by the Commission

Amendment

2. eu-LISA shall establish common data quality indicators and the minimum quality standards to store data in the EES, the [ETIAS], the VIS, the SIS, *the shared BMS, the CIR* and the MID.

2. eu-LISA shall establish common data quality indicators and the minimum quality standards to store data in the EES, the [ETIAS], the VIS, the SIS and the MID.

Or. en

Amendment 696
Bodil Valero

Proposal for a regulation
Article 37 – paragraph 3

Text proposed by the Commission

3. eu-LISA shall provide regular reports on the automated data quality control mechanisms and procedures and the common data quality indicators to the Member States. eu-LISA shall also provide a regular report to the Commission covering the issues encountered and the Member States concerned.

Amendment

3. eu-LISA shall provide regular reports on the automated data quality control mechanisms and procedures and the common data quality indicators to the Member States. eu-LISA shall also provide a regular report to the Commission, *the Council, the European Parliament, the European Data Protection Supervisor, the European Data Protection Board and the Fundamental Rights Agency*, covering the issues encountered and the Member States concerned. *No reports provided under this paragraph shall contain any personal data*

Or. en

Amendment 697
Cornelia Ernst

Proposal for a regulation
Article 37 – paragraph 3

Text proposed by the Commission

3. eu-LISA shall provide regular reports on the automated data quality control mechanisms and procedures and the common data quality indicators to the

Amendment

3. eu-LISA shall provide regular reports on the automated data quality control mechanisms and procedures and the common data quality indicators to the

Member States. eu-LISA shall also provide a regular report to the Commission covering the issues encountered and the Member States concerned.

Member States *and the European Data Protection Board*. eu-LISA shall also provide a regular report to the Commission covering the issues encountered and the Member States concerned.

Or. en

Amendment 698
Cornelia Ernst

Proposal for a regulation
Article 37 – paragraph 4

Text proposed by the Commission

4. The details of the automated data quality control mechanisms and procedures and the common data quality indicators and the minimum quality standards to store data in the EES, the [ETIAS], the VIS, the SIS, the shared BMS, *the CIR and the MID*, in particular regarding biometric data, shall be laid down in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).

Amendment

4. The details of the automated data quality control mechanisms and procedures and the common data quality indicators and the minimum quality standards to store data in the EES, the [ETIAS], the VIS, the SIS, the shared BMS, in particular regarding biometric data, shall be laid down in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).

Or. en

Amendment 699
Bodil Valero

Proposal for a regulation
Article 37 – paragraph 4

Text proposed by the Commission

4. The details of the automated data quality control mechanisms and procedures and the common data quality indicators and the minimum quality standards to store data in the EES, the [ETIAS], the VIS, the SIS, the shared BMS, *the CIR and the*

Amendment

4. The details of the automated data quality control mechanisms and procedures and the common data quality indicators and the minimum quality standards to store data in *or access data through* the EES, the [ETIAS], the VIS, the SIS, the shared

MID, in particular regarding biometric data, shall be laid down in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).

BMS, in particular regarding biometric data, shall be laid down in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).

Or. en

Amendment 700

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation Article 37 – paragraph 4

Text proposed by the Commission

4. The details of the automated data quality control mechanisms and procedures and the common data quality indicators and the minimum quality standards to store data in the EES, the [ETIAS], the VIS, the SIS, the shared BMS, *the CIR* and the MID, in particular regarding biometric data, shall be laid down in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).

Amendment

4. The details of the automated data quality control mechanisms and procedures and the common data quality indicators and the minimum quality standards to store data in the EES, the [ETIAS], the VIS, the SIS, the shared BMS and the MID, in particular regarding biometric data, shall be laid down in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).

Or. en

Amendment 701

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation Article 37 – paragraph 5

Text proposed by the Commission

5. One year after the establishment of the automated data quality control mechanisms and procedures and common

Amendment

5. One year after the establishment of the automated data quality control mechanisms and procedures and common

data quality indicators and every year thereafter, the Commission shall evaluate Member State implementation of data quality and shall make any necessary recommendations. The Member States shall provide the Commission with an action plan to remedy any deficiencies identified in the evaluation report and shall report on any progress against this action plan until it is fully implemented. The Commission shall transmit the evaluation report to the European Parliament, to the Council, to the European Data Protection Supervisor and to the European Union Agency for Fundamental Rights established by Council Regulation (EC) No 168/2007.⁷⁵

⁷⁵ Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (OJ L 53, 22.2.2007, p. 1).

data quality indicators and every year thereafter, the Commission shall evaluate Member State implementation of data quality and, *in particular, data quality issues deriving from erroneous historical data in existing EU information systems and in the SIS. The Commission* shall make any necessary recommendations. The Member States shall provide the Commission with an action plan to remedy any deficiencies identified in the evaluation report and shall report on any progress against this action plan until it is fully implemented. The Commission shall transmit the evaluation report to the European Parliament, to the Council, to the European Data Protection Supervisor and to the European Union Agency for Fundamental Rights established by Council Regulation (EC) No 168/2007.⁷⁵

⁷⁵ Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (OJ L 53, 22.2.2007, p. 1).

Or. en

Amendment 702
Bodil Valero

Proposal for a regulation
Article 37 – paragraph 5

Text proposed by the Commission

5. One year after the establishment of the automated data quality control mechanisms and procedures and common data quality indicators and every year thereafter, the Commission shall evaluate Member State implementation of data quality and shall make any necessary recommendations. The Member States shall provide the Commission with an action plan to remedy any deficiencies

Amendment

5. One year after the establishment of the automated data quality control mechanisms and procedures and common data quality indicators and every year thereafter, the Commission shall evaluate Member State implementation of data quality and shall make any necessary recommendations. The Member States shall provide the Commission with an action plan to remedy any deficiencies

identified in the evaluation report and shall report on any progress against this action plan until it is fully implemented. The Commission shall transmit the evaluation report to the European Parliament, to the Council, to the European Data Protection Supervisor and to the European Union Agency for Fundamental Rights established by Council Regulation (EC) No 168/2007.⁷⁵

⁷⁵ Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (OJ L 53, 22.2.2007, p. 1).

identified in the evaluation report and shall report on any progress against this action plan until it is fully implemented. The Commission shall transmit the evaluation report to the European Parliament, to the Council, to the European Data Protection Supervisor, ***the European Data protection Board*** and to the European Union Agency for Fundamental Rights established by Council Regulation (EC) No 168/2007.⁷⁵

⁷⁵ Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (OJ L 53, 22.2.2007, p. 1).

Or. en

Amendment 703

Bodil Valero

Proposal for a regulation

Article 38 – paragraph 2

Text proposed by the Commission

2. The UMF standard shall be used in the development of the EES, the [ETIAS], the European search portal, ***the CIR, the MID*** and, if appropriate, in the development by eu-LISA or any other EU body of new information exchange models and information systems in the area of Justice and Home Affairs.

Amendment

2. The UMF standard shall be used in the development of the EES, the [ETIAS], the European search portal, and, if appropriate, in the development by eu-LISA or any other EU body of new information exchange models and information systems in the area of Justice and Home Affairs.

Or. en

Amendment 704

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 38 – paragraph 2

Text proposed by the Commission

Amendment

2. The UMF standard shall be used in the development of the EES, the [ETIAS], , the European search portal, *the CIR*, the MID and, if appropriate, in the development by eu-LISA or any other EU body of new information exchange models and information systems in the area of Justice and Home Affairs.

2. The UMF standard shall be used in the development of the EES, the [ETIAS], , the European search portal, the MID and, if appropriate, in the development by eu-LISA or any other EU body of new information exchange models and information systems in the area of Justice and Home Affairs.

Or. en

Amendment 705

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 38 – paragraph 3

Text proposed by the Commission

Amendment

3. *The implementation of the UMF standard may be considered in the VIS, the SIS and in any existing or new cross-border information exchange models and information systems in the area of Justice and Home Affairs, developed by Member States or associated countries.*

deleted

Or. en

Justification

This paragraph is superfluous. What message format MS or associated countries choose to use in their information systems is a matter for them - they are not precluded from using UMF. In addition, EU information systems can always stipulate whether UMF should be used or not in their legal base.

Amendment 706

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 38 – paragraph 3

Text proposed by the Commission

3. The implementation of the UMF standard *may* be considered in the VIS, the SIS and in any existing or new cross-border information exchange models and information systems in the area of Justice and Home Affairs, developed by Member States or associated countries.

Amendment

3. The implementation of the UMF standard *shall* be considered in the VIS, the SIS and in any existing or new cross-border information exchange models and information systems in the area of Justice and Home Affairs, developed by Member States or associated countries.

Or. en

Justification

This is an important demand for the seamless functioning of interoperability and should - given the unbinding legal nature - not be moved to recitals.

Amendment 707

Bodil Valero

Proposal for a regulation

Article 39

Text proposed by the Commission

Article 39

Central repository for reporting and statistics

1. A central repository for reporting and statistics (CRRS) is established for the purposes of supporting the objectives of the EES, the VIS, [the ETIAS] and the SIS and to generate cross-system statistical data and analytical reporting for policy, operational and data quality purposes.

2. eu-LISA shall establish, implement and host the CRRS in its technical sites containing the data referred to in [Article 63 of the EES Regulation], Article 17 of Regulation (EC) No 767/2008, [Article 73 of the ETIAS Regulation] and [Article 54 of the Regulation on SIS in the field of border

Amendment

deleted

checks], logically separated. The data contained in the CRRS shall not enable the identification of individuals. Access to the repository shall be granted by means of secured access through the Trans-European Services for Telematics between Administrations (TESTA) network service with control of access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in [Article 63 of the EES Regulation], Article 17 of Regulation (EC) No 767/2008, [Article 73 of the ETIAS Regulation] and [Article 54 of the Regulation on SIS in the field of border checks].

3. eu-LISA shall render the data anonymous and shall record such anonymous data in the CRRS. The process for rendering the data anonymous shall be automated.

4. The CRRS shall be composed of:

(a) a central infrastructure, consisting of a data repository enabling the rendering of anonymous data;

(b) a secure communication infrastructure to connect the CRRS to the EES, [the ETIAS], the VIS and the SIS, as well as the central infrastructures of the shared BMS, the CIR and the MID.

5. The Commission shall lay down detailed rules on the operation of the CRRS, including specific safeguards for processing of personal data referred to under paragraph 2 and 3 and security rules applicable to the repository by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).

Or. en

Amendment 708
Cornelia Ernst

Proposal for a regulation
Article 39

Text proposed by the Commission

Amendment

Article 39

deleted

Central repository for reporting and statistics

- 1. A central repository for reporting and statistics (CRRS) is established for the purposes of supporting the objectives of the EES, the VIS, [the ETIAS] and the SIS and to generate cross-system statistical data and analytical reporting for policy, operational and data quality purposes.**
- 2. eu-LISA shall establish, implement and host the CRRS in its technical sites containing the data referred to in [Article 63 of the EES Regulation], Article 17 of Regulation (EC) No 767/2008, [Article 73 of the ETIAS Regulation] and [Article 54 of the Regulation on SIS in the field of border checks], logically separated. The data contained in the CRRS shall not enable the identification of individuals. Access to the repository shall be granted by means of secured access through the Trans-European Services for Telematics between Administrations (TESTA) network service with control of access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in [Article 63 of the EES Regulation], Article 17 of Regulation (EC) No 767/2008, [Article 73 of the ETIAS Regulation] and [Article 54 of the Regulation on SIS in the field of border checks],.**
- 3. eu-LISA shall render the data anonymous and shall record such anonymous data in the CRRS. The process for rendering the data anonymous shall be automated.**

4. *The CRRS shall be composed of:*

(a) *a central infrastructure, consisting of a data repository enabling the rendering of anonymous data;*

(b) *a secure communication infrastructure to connect the CRRS to the EES, [the ETIAS], the VIS and the SIS, as well as the central infrastructures of the shared BMS, the CIR and the MID.*

5. *The Commission shall lay down detailed rules on the operation of the CRRS, including specific safeguards for processing of personal data referred to under paragraph 2 and 3 and security rules applicable to the repository by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).*

Or. en

Justification

Such a large database for automated decision making with legal consequences should never be established without proper impact assessment and public debate.

Amendment 709

Heinz K. Becker, Monika Hohlmeier

Proposal for a regulation

Article 39 – paragraph 2

Text proposed by the Commission

2. eu-LISA shall establish, implement and host the CRRS in its technical sites ***containing the data referred to in*** [Article 63 of the EES Regulation], Article 17 of Regulation (EC) No 767/2008, [Article 73 of the ETIAS Regulation] and [Article 54 of the Regulation on SIS in the field of border checks], logically separated. The data contained in the CRRS shall not enable the identification of individuals.

Amendment

2. eu-LISA shall establish, implement and host the CRRS in its technical sites ***in order to implement*** [Article 63 of the EES Regulation], Article 17 of Regulation (EC) No 767/2008, [Article 73 of the ETIAS Regulation] and [Article 54 of the Regulation on SIS in the field of border checks] ***and support the implementation of the analytical tasks by the Agencies referred to in (new) paragraph 2b,***

Access to the repository shall be granted by means of secured access through the Trans-European Services for Telematics between Administrations (TESTA) network service with control of access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in [Article 63 of the EES Regulation], Article 17 of Regulation (EC) No 767/2008, [Article 73 of the ETIAS Regulation] and [Article 54 of the Regulation on SIS in the field of border checks].

logically separated. The data contained in the CRRS shall not enable the identification of individuals. Access to the repository shall be granted by means of secured access through the Trans-European Services for Telematics between Administrations (TESTA) network service with control of access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in [Article 63 of the EES Regulation], Article 17 of Regulation (EC) No 767/2008, [Article 73 of the ETIAS Regulation] and [Article 54 of the Regulation on SIS in the field of border checks] ***and for the purpose of the implementation of the analytical tasks by the Agencies referred to in (new) paragraph 2a.***

Or. en

Amendment 710
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 39 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Europol may access data contained in the CRRS for the performance of its tasks referred to in Article 4 of Regulation (EU) 2016/794.

Or. en

Amendment 711
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 39 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The European Border and Coast Guard Agency may access data contained in the CRRS for the performance of its analytical tasks referred to in Article 8 of Regulation (EU)2016/1624.

Or. en

Amendment 712
Sophia in 't Veld

Proposal for a regulation
Article 39 – paragraph 3

Text proposed by the Commission

3. eu-LISA shall render the data **anonymous** and shall record such anonymous data in the CRRS. The process for rendering the data anonymous shall be automated.

Amendment

3. eu-LISA shall render the data **non-identified and non-identifiable** and shall record such anonymous data in the CRRS. The process for rendering the data anonymous shall be automated.

Or. en

Amendment 713
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 39 – paragraph 3

Text proposed by the Commission

3. eu-LISA shall render the data anonymous and shall record such anonymous data in the CRRS. The process for rendering the data anonymous shall be automated.

Amendment

3. eu-LISA shall render the data anonymous, **by ensuring that the data is non-identifiable**, and shall record such anonymous data in the CRRS. The process for rendering the data anonymous shall be automated.

Or. en

Justification

Further anonymization safeguard to ensure there is no risk of indirect identification of individuals whose data is stored in the CRRS.

Amendment 714

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 39 – paragraph 4 – point b

Text proposed by the Commission

(b) a secure communication infrastructure to connect the CRRS to the EES, [the ETIAS], the VIS and the SIS, as well as the central infrastructures of the shared BMS, *the CIR* and the MID.

Amendment

(b) a secure communication infrastructure to connect the CRRS to the EES, [the ETIAS], the VIS and the SIS, as well as the central infrastructures of the shared BMS and the MID.

Or. en

Amendment 715

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 39 – paragraph 5

Text proposed by the Commission

5. The Commission shall lay down detailed rules on the operation of the CRRS, including specific safeguards for processing of personal data referred to under paragraph 2 and 3 and security rules applicable to the repository by means of *implementing acts*. *Those implementing acts* shall be adopted in accordance with the examination procedure referred to in Article **64(2)**.

Amendment

5. The Commission shall lay down detailed rules on the operation of the CRRS, including specific safeguards for processing of personal data referred to under paragraph 2 and 3 and security rules applicable to the repository by means of *a delegated act*. *That delegated act* shall be adopted in accordance with the examination procedure referred to in Article **63**.

Or. en

Justification

The CRRS will constitute a further database at EU level, albeit that the personal data it contains should be anonymised. The rules related safeguards on data protection fall under the remit of the co-legislators and as such should be the subject of a delegated act.

Amendment 716

Bodil Valero

Proposal for a regulation

Article 39 a (new)

Text proposed by the Commission

Amendment

Article 39a

Statistics

- 1. *eu-LISA shall develop functionalities to allow Member States' authorities, the Commission, eu-LISA as well as the EDPS to automatically extract statistics directly from the system. Such extraction shall take place only in duly justified cases, at reasonable intervals, and for a specific purpose. Extracted statistics shall only contain anonymous data.***
- 2. *Before developing the functionalities laid down in paragraph 1, eu-LISA shall perform a thorough information security risk assessment and establish secure access points.***

Or. en

Amendment 717

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 40 – paragraph 1

Text proposed by the Commission

Amendment

1. In relation to the processing of data

1. In relation to the processing of data

in the shared biometric matching service (shared BMS), the Member State authorities that are controllers for the VIS, EES, and SIS respectively, shall also be considered as controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 in relation to the biometric *templates obtained from the data referred to in Article 13* that they enter into respective systems *and shall have responsibility for the processing of the biometric templates* in the shared BMS.

in the shared biometric matching service (shared BMS), the Member State authorities that are controllers for the VIS, EES, and SIS respectively, shall also be considered as controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 in relation to the *processing of biometric data* that they enter into respective systems. *In relation to information security management of the shared BMS, eu-LISA shall be considered a controller.*

Or. en

Justification

Amendments reflecting recommendations of the European Data Protection Supervisor (para 107) and the outcome of negotiations on the recently agreed ETIAS Regulation.

Amendment 718 **Bodil Valero**

Proposal for a regulation **Article 40 – paragraph 1**

Text proposed by the Commission

1. In relation to the processing of data in the shared biometric matching service (shared BMS), the Member State authorities that are controllers for the VIS, EES, and SIS respectively, shall also be considered as controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 in relation to the biometric templates obtained from the data referred to in Article 13 that they enter into respective systems and shall have responsibility for the processing of the biometric templates in the shared BMS.

Amendment

1. In relation to the processing of data in the shared biometric matching service (shared BMS), the Member State authorities that are controllers for the VIS, EES, and SIS respectively, shall also be considered as controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 *or Article 3(8) of Directive (EU) 2016/680* in relation to the biometric templates obtained from the data referred to in Article 13 that they enter into respective systems and shall have responsibility for the processing of the biometric templates in the shared BMS.

Or. en

Amendment 719

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 40 – paragraph 2

Text proposed by the Commission

Amendment

2. *In relation to the processing of data in the common identity repository (CIR), the Member State authorities that are controllers for the VIS, EES and [ETIAS], respectively, shall also be considered as controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 in relation to data referred to in Article 18 that they enter into respective systems and shall have responsibility for the processing of that personal data in the CIR.* **deleted**

Or. en

Justification

Consequential amendment related to the deletion of the CIR.

Amendment 720

Bodil Valero

Proposal for a regulation

Article 40 – paragraph 2

Text proposed by the Commission

Amendment

2. *In relation to the processing of data in the common identity repository (CIR), the Member State authorities that are controllers for the VIS, EES and [ETIAS], respectively, shall also be considered as controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 in relation to data referred to in Article 18 that they enter into respective systems and shall have responsibility for* **deleted**

the processing of that personal data in the CIR.

Or. en

Amendment 721
Bodil Valero

Proposal for a regulation
Article 40 – paragraph 3

Text proposed by the Commission

Amendment

3. In relation to the processing of data in the multiple-identity detector: *deleted*

(a) the European Border and Coast Guard Agency shall be considered a data controller in accordance with Article 2(b) of Regulation No 45/2001 in relation to processing of personal data by the ETIAS Central Unit;

(b) the Member State authorities adding or modifying the data in the identity confirmation file are also to be considered as controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 and shall have responsibility for the processing of the personal data in the multiple-identity detector;

Or. en

Amendment 722
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 40 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) the European Border and Coast Guard Agency shall be considered a data controller in accordance with Article 2(b)

(a) the European Border and Coast Guard Agency shall be considered a data controller in accordance with Article 2(b)

of Regulation No 45/2001 in relation to processing of personal data by the ETIAS Central Unit;

of Regulation No 45/2001 in relation to processing of personal data by the ETIAS Central Unit. ***In relation to information security management of the ETIAS Central System, eu-LISA shall be considered a controller;***

Or. en

Justification

Amendments reflecting recommendations of the European Data Protection Supervisor (para 107) and the outcome of negotiations on the recently agreed ETIAS Regulation.

Amendment 723

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 40 – paragraph 3 – point b

Text proposed by the Commission

(b) the Member State authorities adding or modifying the data in the identity confirmation file are also to be considered as controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 and shall have responsibility for the processing of the personal data in the multiple-identity detector;

Amendment

(b) the Member State authorities adding or modifying the data in the identity confirmation file are also to be considered as controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 and shall have responsibility for the processing of the personal data in the multiple-identity detector. ***In relation to information security management of the multiple-identity detector, eu-LISA shall be considered a controller;***

Or. en

Justification

Amendments reflecting recommendations of the European Data Protection Supervisor (para 107) and the outcome of negotiations on the recently agreed ETIAS Regulation.

Amendment 724

Cornelia Ernst

Proposal for a regulation
Article 40 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. eu-LISA shall also be considered to be a controller in relation to all processing under this Regulation. Relevant provisions of Regulation (EC) 45/2001 shall apply.

Or. en

Amendment 725
Cornelia Ernst

Proposal for a regulation
Article 41

Text proposed by the Commission

Amendment

Article 41

deleted

Data processor

In relation to the processing of personal data in the CIR, eu-LISA is to be considered the data processor in accordance with Article 2(e) of Regulation (EC) No 45/2001.

Or. en

Amendment 726
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 41

Text proposed by the Commission

Amendment

Article 41

deleted

Data processor

In relation to the processing of personal data in the CIR, eu-LISA is to be considered the data processor in accordance with Article 2(e) of Regulation (EC) No 45/2001.

Or. en

Justification

Consequential amendment related to the deletion of the CIR

Amendment 727

Bodil Valero

Proposal for a regulation

Article 41 – paragraph 1

Text proposed by the Commission

Amendment

In relation to the processing of personal data in the CIR, eu-LISA is to be considered the data processor in accordance with Article 2(e) of Regulation (EC) No 45/2001. ***deleted***

Or. en

Amendment 728

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 42 – paragraph 1

Text proposed by the Commission

Amendment

1. Both eu-LISA and the Member State authorities shall ensure the security of the processing of personal data that takes place pursuant to the application of this Regulation. eu-LISA, [the ETIAS Central Unit] and the Member State authorities shall cooperate on security-related tasks.

1. Both eu-LISA and the Member State authorities shall ensure the security of the processing of personal data that takes place pursuant to the application of this Regulation. eu-LISA ***shall be responsible for the central systems and Member State authorities shall be responsible for the***

security at the end-points controlling access to the systems, [the ETIAS Central Unit] and the Member State authorities shall cooperate on security-related tasks.

Or. en

Justification

Amendment reflecting the recommendations of the European Data Protection Supervisor (para 113).

Amendment 729

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 42 – paragraph 3 – point i

Text proposed by the Commission

(i) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring to ensure compliance with this Regulation.

Amendment

(i) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring to ensure compliance with this Regulation *and to assess those security measures in the light of new technological developments*.

Or. en

Justification

Amendment reflecting the recommendations of the European Data Protection Supervisor

Amendment 730

Bodil Valero

Proposal for a regulation

Article 43 – paragraph 1

Text proposed by the Commission

Amendment

1. Each Member State shall apply its rules of professional secrecy or other equivalent duties of confidentiality to all persons and bodies **required** to work with SIS data accessed through any of the interoperability components in accordance with its national law. That obligation shall also apply after those persons leave office or employment or after the termination of the activities of those bodies.

1. Each Member State shall apply its rules of professional secrecy or other equivalent duties of confidentiality to all persons and bodies **allowed** to work with SIS data accessed through any of the interoperability components in accordance with its national law. That obligation shall also apply after those persons leave office or employment or after the termination of the activities of those bodies.

Or. en

Amendment 731
Bodil Valero

Proposal for a regulation
Article 43 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where eu-LISA or a Member State cooperates with external contractors in any task related to the accessibility components, it shall closely monitor the activities of the contractor to ensure compliance with all provisions of this Regulation, including in particular security, confidentiality and data protection. In case potential and existing contractors are also established in third countries, eu-LISA or the respective Member State shall closely monitor and assess any legal obligations in those third countries that might have a detrimental impact on the confidentiality of the accessibility components and the information systems operated by eu-LISA and by the Member States in the scope of this Regulation, and take all necessary steps to ensure the confidentiality, including, where necessary, declining a contract.

Or. en

Amendment 732

Bodil Valero

Proposal for a regulation

Article 44 – paragraph 1

Text proposed by the Commission

1. Any event that has or may have an impact on the security of the interoperability components and may cause damage to or loss of data stored in them shall be considered to be a security incident, in particular where unauthorised access to data may have occurred or where the availability, integrity and confidentiality of data has or may have been compromised.

Amendment

1. Any event that has or may have an impact on the security of the interoperability components and may cause **unauthorised access to**, damage to or loss of data stored in them shall be considered to be a security incident, in particular where unauthorised access to data may have occurred or where the availability, integrity and confidentiality of data has or may have been compromised.

Or. en

Amendment 733

Bodil Valero

Proposal for a regulation

Article 44 – paragraph 3

Text proposed by the Commission

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, **eu-LISA** and the European Data Protection Supervisor of security incidents. In the event of a security incident in relation to the central infrastructure of the **interoperability** components, **eu-LISA** shall notify the Commission and the European Data Protection Supervisor.

Amendment

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation(EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, **eu-LISA** and the European Data Protection Supervisor of security incidents. ***Without prejudice to Article 35 of Regulation (EC)45/2001 [or Article 37 of Regulation XX/2018 of the European Parliament and of the Council on the protection of individuals 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 No 1247/2002/EC] and***

Article 34 of Regulation (EU)2016/794, [the ETIAS Central Unit] and Europol shall notify the Commission, eu-LISA and the European Data Protection Supervisor of any security incident. In the event of a security incident in relation to the central infrastructure of the *accessibility* components, *eu-LISA* shall notify the Commission and the European Data Protection Supervisor.

Or. en

Amendment 734
Cornelia Ernst

Proposal for a regulation
Article 44 – paragraph 3

Text proposed by the Commission

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA and the European Data Protection Supervisor of security incidents. In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.

Amendment

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA and the European Data Protection Supervisor of security incidents. In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor ***as well as national supervisory authorities concerned.***

Or. en

Amendment 735
Cecilia Wikström, Gérard Deprez, Louis Michel, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Nathalie Griesbeck, Morten Helveg Petersen

Proposal for a regulation
Article 44 – paragraph 3

Text proposed by the Commission

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA and the European Data Protection Supervisor of security incidents. In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.

Amendment

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA, ***the national supervisory authorities*** and the European Data Protection Supervisor of security incidents. In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.

Or. en

Amendment 736

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

**Proposal for a regulation
Article 44 – paragraph 3**

Text proposed by the Commission

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA and the European Data Protection Supervisor of security incidents. In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.

Amendment

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA, ***the national supervisory authority*** and the European Data Protection Supervisor of security incidents. In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.

Or. en

Justification

In line with the recommendations of the European Data Protection Supervisor (para 139).

Amendment 737

Sophia in 't Veld

Proposal for a regulation

Article 44 – paragraph 3

Text proposed by the Commission

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA and the European Data Protection Supervisor of security incidents. In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.

Amendment

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA, ***the national supervisory authority*** and the European Data Protection Supervisor of security incidents. In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.

Or. en

Amendment 738

Maria Grapini

Proposal for a regulation

Article 44 – paragraph 3

Text proposed by the Commission

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA and the European Data Protection Supervisor of security incidents. In the

Amendment

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall ***immediately*** notify the Commission, eu-LISA and the European Data Protection Supervisor of security

event of a security incident in relation to the central infrastructure of the interoperability components, eu LISA shall notify the Commission and the European Data Protection Supervisor.

incidents. In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.

Or. ro

Amendment 739
Cornelia Ernst

Proposal for a regulation
Article 44 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall report serious incidents immediately to the European Parliament and the Council. These reports shall be classified as EU RESTRICTED/RESTREINT UE in accordance with applicable security rules.

Or. en

Amendment 740
Cornelia Ernst

Proposal for a regulation
Article 44 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Where a security incident is caused by the misuse of data, Member States or the relevant EU Agencies shall ensure that penalties or disciplinary measures are imposed in accordance with Union and national law.

Or. en

Amendment 741

Cecilia Wikström, Gérard Deprez, Louis Michel, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Nathalie Griesbeck, Morten Helveg Petersen

Proposal for a regulation

Article 44 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The European Commission shall carry out annual evaluations to ensure that Member States are in full compliance with the obligations under each respective IT-systems. The concrete findings of the evaluations shall be communicated to the European Parliament and the Council, and in case of a breach, appropriate measures shall be taken thereafter.

Or. en

Amendment 742

Maria Grapini

Proposal for a regulation

Article 45 – paragraph 1

Text proposed by the Commission

Amendment

Member States and the relevant EU bodies shall ensure that each authority entitled to access the interoperability components takes the measures necessary to monitor its compliance with this Regulation and cooperates, where necessary, with the supervisory authority.

Member States and the relevant EU bodies shall ensure that each authority entitled to access the interoperability components takes the measures necessary to monitor its compliance with this Regulation and cooperates, where necessary, with the supervisory authority. **Where the Member States establish that this Regulation has been infringed, they must define and apply the appropriate penalties.**

Or. ro

Amendment 743

Bodil Valero

Proposal for a regulation

Article 45 – paragraph 1

Text proposed by the Commission

Member States and the relevant EU bodies shall ensure that each authority entitled to access the ***interoperability*** components takes the measures necessary to monitor its compliance with this Regulation and cooperates, where necessary, with the supervisory authority.

Amendment

Member States and the relevant EU bodies shall ensure that each authority entitled to access the ***accessibility*** components takes the measures necessary to monitor its compliance with this Regulation and cooperates, where necessary, with the ***competent*** supervisory authority.

Or. en

Amendment 744

Cornelia Ernst

Proposal for a regulation

Article 45 a (new)

Text proposed by the Commission

Amendment

Article 45a

Penalties

Member States shall take the necessary measures to ensure that any use of data in a manner contrary to this Regulation is punishable by effective, proportionate and dissuasive penalties in accordance with national law, Article 84 of Regulation (EU) 2016/679 and Article 57 of Directive (EU) 2016/680 as well as [relevant Article of new] Regulation 45/2001.

Or. en

Amendment 745

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 46 – title

46 Right *of* information

46 Right *to* information

Or. en

Amendment 746

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 46 – paragraph 1

Text proposed by the Commission

Amendment

1. Without prejudice to the right *of* information referred to in Articles 11 and 12 of Regulation (EC) **45/2001** and Articles 13 and 14 of Regulation (EU) 2016/679, persons whose data are stored in ***the shared biometric matching service, the common identity repository or the multiple-identity detector*** shall be informed by the authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, ***and*** about the procedures for exercising their rights of access, rectification and erasure, ***as well as*** about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data.

1. Without prejudice to the right *to* information referred to in Articles 11 and 12 of Regulation (EC)**45/2001**, Articles 13 and 14 of Regulation (EU) 2016/679, ***and Article 13 of Directive 2016/680***, persons whose data are stored in ***one of the EU information systems, in the SIS, or in*** the multiple-identity detector shall be informed by the authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, about the procedures for exercising their rights of access, rectification and erasure ***as laid down in Article 47, and*** about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data.

Or. en

Justification

In accordance with the recommendations of the European Data Protection Supervisor (para 116).

Amendment 747

Bodil Valero

Proposal for a regulation

Article 46 – paragraph 1

Text proposed by the Commission

1. Without prejudice to the right of information referred to in Articles 11 and 12 of Regulation (EC) 45/2001 and Articles **13 and** 14 of Regulation (EU) 2016/679, persons whose data are stored in the shared biometric matching service, **the common identity repository or the multiple-identity detector** shall be informed by the authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, and about the procedures for exercising their rights of access, rectification and erasure, as well as about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data.

Amendment

1. Without prejudice to the right of information referred to in Articles 11 and 12 of Regulation (EC) 45/2001 and Articles **13and** 14 of Regulation (EU) 2016/679, persons whose data are stored in the shared biometric matching service shall be informed by the authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, and about the procedures for exercising their rights of access, rectification and erasure, as well as about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data.

Or. en

Amendment 748

Sophia in 't Veld

Proposal for a regulation

Article 46 – paragraph 1

Text proposed by the Commission

1. Without prejudice to the right of information referred to in Articles 11 and 12 of Regulation (EC) 45/2001 **and** Articles 13 and 14 of Regulation (EU) 2016/679, persons whose data are stored in the shared biometric matching service, the common identity repository or the

Amendment

1. Without prejudice to the right of information referred to in Articles 11 and 12 of Regulation (EC) 45/2001, Articles 13 and 14 of Regulation (EU) 2016/679, **and Article 13 of Directive 2016/680**, persons whose data are stored in the shared biometric matching service, the common

multiple-identity detector shall be informed by the authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, and about the procedures for exercising their rights of access, rectification and erasure, as well as about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data.

identity repository or the multiple-identity detector shall be informed by the authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, and about the procedures for exercising their rights of access, rectification and erasure, ***about the relevant retention periods, the automated decision-making and the fact that personal data is not transferred or made available to third countries, international organisations or private parties with the exception of transfer to Interpol***, as well as about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data.

Or. en

Amendment 749

Cecilia Wikström, Gérard Deprez, Louis Michel, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Nathalie Griesbeck, Morten Helveg Petersen

Proposal for a regulation Article 46 – paragraph 1

Text proposed by the Commission

1. Without prejudice to the right of information referred to in Articles 11 and 12 of Regulation (EC) 45/2001 and Articles 13 and 14 of Regulation (EU) 2016/679, persons whose data are stored in the shared biometric matching service, the common identity repository or the multiple-identity detector shall be informed by the authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, and about the

Amendment

1. Without prejudice to the right of information referred to in Articles 11 and 12 of Regulation (EC) 45/2001 and Articles 13 and 14 of Regulation (EU) 2016/679, persons whose data are stored in the shared biometric matching service, the common identity repository or the multiple-identity detector shall be informed by the authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, and about the

procedures for exercising their rights of access, rectification and erasure, as well as about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data.

procedures for exercising their rights of access, rectification and erasure, as well as about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data. ***Persons whose data is stored should also be informed of retention periods, automated decision-making and the fact that personal data is not transferred or made available to third countries, international organisations of private parties, with the exception of transfers to Interpol.***

Or. en

Amendment 750
Cornelia Ernst

Proposal for a regulation
Article 46 – paragraph 1

Text proposed by the Commission

1. Without prejudice to the right of information referred to in Articles 11 and 12 of Regulation (EC) 45/2001 and Articles 13 and 14 of Regulation (EU) 2016/679, persons whose data are stored in the shared biometric matching service, the common identity repository or the multiple-identity detector shall be informed by the authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, and about the procedures for exercising their rights of access, rectification and erasure, as well as about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data.

Amendment

1. Without prejudice to the right of information referred to in Articles 11 and 12 of Regulation (EC) 45/2001 and Articles 13 and 14 of Regulation (EU) 2016/679, ***as well as Article 13 of Directive (EU) 2016/680***, persons whose data are stored in the shared biometric matching service, the common identity repository or the multiple-identity detector shall be informed by the authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, and about the procedures for exercising their rights of access, rectification and erasure, as well as about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the

collection of the data.

Or. en

Amendment 751

Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Article 46 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. All information must be provided to data subjects in a manner and language which they understand, or are reasonably expected to understand. This must include providing information in an age- appropriate manner for data subjects who are minors.

Or. en

Justification

In line with Article 30 and 50 of the Eurodac and EES Regulation respectively, Article 30 (2) of the Eurodac proposal, Recital 58 and Article 12 of the GDPR and Recital 39 of the Police Directive, data subjects, including children must be informed in a way in which they understand the information being provided to them.

Amendment 752

Cornelia Ernst

Proposal for a regulation

Article 46 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Persons whose data is recorded in the EES, the VIS or [the ETIAS] shall be informed about the processing of data for the purposes of this Regulation in accordance with paragraph 1 **when:**

2. Persons whose data is recorded in the EES, the VIS or [the ETIAS] shall be informed about the processing of data for the purposes of this Regulation in accordance with paragraph 1.

Amendment 753

Cornelia Ernst

Proposal for a regulation

Article 46 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) [an individual file is created or updated in the EES in accordance with Article 14 of the EES Regulation]; **deleted**

Or. en

Amendment 754

Cornelia Ernst

Proposal for a regulation

Article 46 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) an application file is created or updated in the VIS in accordance with Article 8 of Regulation (EC) No 767/2008; **deleted**

Or. en

Amendment 755

Cornelia Ernst

Proposal for a regulation

Article 46 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) [an application file is created or updated in the ETIAS in accordance with Article 17 of the ETIAS Regulation;] **deleted**

Amendment 756

Cornelia Ernst

Proposal for a regulation

Article 46 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The data subject should also be informed about the relevant retention periods, the automated decision-making and the fact that personal data is not transferred or made available to third countries, international organizations or private parties.

Or. en

Amendment 757

Cornelia Ernst

Proposal for a regulation

Article 46 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The information referred to in this Article shall be given in a language that the person understands. The information shall be provided to children in an age-appropriate manner. The provision of the information shall also take into account specific needs of a person concerned.

Or. en

Amendment 758

Cornelia Ernst

Proposal for a regulation

Article 46 a (new)

Text proposed by the Commission

Amendment

Article 46a

Information Campaign

The Commission shall, in cooperation with the supervisory authorities and the European Data Protection Supervisor, accompany the start of operations of each interconnectivity component with an information campaign informing the public and, in particular, third-country nationals, about the objectives and the functioning of those components, the authorities having access and the conditions for such access, and the rights of persons concerned. Such information campaigns shall be conducted continuously.

Or. en

Amendment 759

Cornelia Ernst

Proposal for a regulation

Article 47 – title

Text proposed by the Commission

Amendment

Right of access, *correction* and erasure

Right of access *to, rectification, completion* and erasure *of personal data, and of restriction of the processing thereof*

Or. en

Amendment 760

Péter Niedermüller

Proposal for a regulation

Article 47 – title

Text proposed by the Commission

Amendment

Right of access, correction and erasure

Right of access, correction and erasure -
Web Service

Or. en

Amendment 761

Péter Niedermüller, Josef Weidenholzer, Tanja Fajon, Ana Gomes, Monika Beňová, Emilian Pavel

on behalf of the S&D Group

Proposal for a regulation

Article 47 – paragraph 1

Text proposed by the Commission

Amendment

1. In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 **and** Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, any person shall have the right to address him or herself to the Member State responsible for the manual verification of different identities or of any Member State, who shall examine and reply to the request.

1. In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001, Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, **and Articles 14 and 16 of Directive (EU) 2016/680**, any person shall have the right to address him or herself to the Member State responsible for the manual verification of different identities or of any Member State, who shall examine and reply to the request.

Or. en

Justification

As the Police Directive also applies to certain processing of information through interoperability components, the rights of data subjects as laid down in that Directive should be referred to here.

Amendment 762

Cornelia Ernst

Proposal for a regulation

Article 47 – paragraph 1

Text proposed by the Commission

Amendment

1. In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, any person shall have the right to address him or herself to ***the Member State responsible for the manual verification of different identities or of any Member State, who shall examine and reply to the request.***

1. In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, ***as well as under Articles 14 and 16 of Directive (EU) 2016/689***, any person shall have the right to address him or herself to ***any controller in accordance with Article 40.***

Or. en

Justification

This reflects the provisions on joint controllership in both GDPR and 45/2001.

Amendment 763 Sophia in 't Veld

Proposal for a regulation Article 47 – paragraph 1

Text proposed by the Commission

1. In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 ***and*** Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, any person shall have the right to address him or herself to the Member State responsible for the manual verification of different identities or of any Member State, who shall examine and reply to the request.

Amendment

1. In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001, Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, ***and Articles 14 and 16 of Directive 2016/680*** any person shall have the right to address him or herself to the Member State responsible for the manual verification of different identities or of any Member State, who shall examine and reply to the request.

Or. en

Amendment 764 Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation Article 47 – paragraph 1

Text proposed by the Commission

1. In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, any person shall have the right to address him or herself to the Member State responsible for the manual verification of different identities or of any Member State, who shall examine and reply to the request.

Amendment

1. In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, any person shall have the right to address him or herself to the Member State responsible for the manual verification of different identities **stored in the MID** or of any Member State, who shall examine and reply to the request.

Or. en

Justification

Extending the right for manual verification to the CIR and SBMS as proposed in the draft report contradicts the rationale behind the interoperability components according to which data stored in the CIR and sBMS continue to belong to the underlying information system and the respective legal regime.

Amendment 765

Péter Niedermüller, Josef Weidenholzer, Tanja Fajon, Birgit Sippel, Ana Gomes, Emilian Pavel, Monika Beňová
on behalf of the S&D Group

Proposal for a regulation

Article 47 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Without prejudice to paragraph 1, and in order to facilitate and better enable the effective exercise of the rights of data subjects as described in paragraph 1 to access, rectify, erase or restrict the processing of their personal data under interoperability components, in particular for those third country nationals who may be outside the territory of the Member States, eu-LISA shall establish a web service, hosted in its technical site, which shall enable data subjects to make a request for access, correction, erasure or rectification of their personal data. The

web service shall act as a single point of contact for those third country nationals outside the territory of the Member States.

On the basis of such a request, the web service shall immediately transmit the request to the Member State responsible for manual verification of different identities in accordance with Article 29, or, where appropriate, to the Member State responsible for the entry of the data in the underlying information system which is the subject of the request.

Or. en

Justification

It is important that third country nationals and other data subjects whose sensitive personal data will be processed through interoperability components can effectively exercise the rights granted to them under EU data protection rules. In that regard, as interoperability provides a one-stop shop for national authorities seeking to identify an individual or to clarify the existence of more than one identity for an individual, third country nationals - especially those not present on EU territory - should have a one-stop shop for launching requests for access, correction, erasure or rectification of their personal data. This should be without prejudice to their right to address themselves directly to the Member State responsible.

Amendment 766

Péter Niedermüller, Josef Weidenholzer, Tanja Fajon, Ana Gomes, Emilian Pavel, Monika Beňová

on behalf of the S&D Group

Proposal for a regulation

Article 47 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The Commission shall adopt implementing acts concerning the detailed rules on the conditions for the operation of the web service and the data protection and security rules applicable. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64.

Or. en

Justification

In line with the text of the Regulation on establishing an Entry-Exit System, detailed rules for the functioning of the web service to be developed by eu.LISA, including on its operation, the data protection rules and security rules, should be laid down in implementing acts.

Amendment 767

Péter Niedermüller, Josef Weidenholzer, Tanja Fajon, Ana Gomes, Emilian Pavel, Monika Beňová

on behalf of the S&D Group

Proposal for a regulation

Article 47 – paragraph 2

Text proposed by the Commission

2. The Member State responsible for the manual verification of different identities as referred to in Article 29 or the Member State to which the request has been made shall reply to such requests within **45** days of receipt of the request.

Amendment

2. The Member State responsible for the manual verification of different identities as referred to in Article 29 or the Member State to which the request has been made, ***either directly from the data subject in accordance with paragraph 1 or via the web service established by eu-LISA in accordance with paragraph 2,*** shall reply to such requests ***at the latest*** within **14** days of receipt of the request.

Or. en

Justification

Since the retention of incorrect data can have serious consequences for the data subject, 14 days should be ample time to allow a Member State to verify and/or correct data held about that data subject in one of the EU information systems. The remainder of the amendment is tabled for consistency purposes.

Amendment 768

Bodil Valero

Proposal for a regulation

Article 47 – paragraph 2

Text proposed by the Commission

2. The Member State responsible for

Amendment

2. The Member State responsible for

the manual verification of different identities as referred to in Article 29 or the Member State to which the request has been made shall reply to such requests within **45** days of receipt of the request.

the manual verification of different identities as referred to in Article 29 or the Member State to which the request has been made shall reply to such requests within **15** days of receipt of the request.

Or. en

Amendment 769

Cecilia Wikström, Gérard Deprez, Louis Michel, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck, Morten Helveg Petersen

Proposal for a regulation Article 47 – paragraph 2

Text proposed by the Commission

2. The Member State responsible for the manual verification of different identities as referred to in Article 29 or the Member State to which the request has been made shall reply to such requests *within* 45 days *of* receipt of the request.

Amendment

2. The Member State responsible for the manual verification of different identities as referred to in Article 29 or the Member State to which the request has been made shall reply to such requests *without undue delay and no longer than* 45 days *with in the* receipt of the request.

Or. en

Amendment 770

Péter Niedermüller, Josef Weidenholzer, Tanja Fajon, Ana Gomes, Emilian Pavel, Monika Beňová
on behalf of the S&D Group

Proposal for a regulation Article 47 – paragraph 3

Text proposed by the Commission

3. If a request for correction or erasure of personal data is made to a Member State other than the Member State responsible, the Member State to which the request has been made shall contact the authorities of the Member State responsible within seven days and the Member State responsible shall check the accuracy of the data and the

Amendment

3. If a request for correction or erasure of personal data is made to a Member State other than the Member State responsible, the Member State to which the request has been made shall contact the authorities of the Member State responsible within seven days and the Member State responsible shall check the accuracy of the data and the

lawfulness of the data processing within **30** days of such contact.

lawfulness of the data processing within **14** days of such contact. ***The person concerned shall be informed by the Member State which contacted the authority of the Member State responsible that his or her request was forwarded about the further procedure.***

Or. en

Justification

Since the retention of incorrect data can have serious consequences for the data subject, 14 days should be ample time to allow a Member State to verify and/or correct data held about that data subject in one of the EU information systems.

Amendment 771

Bodil Valero

Proposal for a regulation

Article 47 – paragraph 3

Text proposed by the Commission

3. If a request for correction or erasure of personal data is made to a Member State other than the Member State responsible, the Member State to which the request has been made shall contact the authorities of the Member State responsible within seven days and the Member State responsible shall check the accuracy of the data and the lawfulness of the data processing within **30** days of such contact.

Amendment

3. If a request for correction or erasure of personal data is made to a Member State other than the Member State responsible, the Member State to which the request has been made shall contact the authorities of the Member State responsible within seven days and the Member State responsible shall check the accuracy of the data and the lawfulness of the data processing within **15** days of such contact.

Or. en

Amendment 772

Cornelia Ernst

Proposal for a regulation

Article 47 – paragraph 3

Text proposed by the Commission

3. If a request for correction or erasure of personal data is made to a Member State other than the Member State responsible, the Member State to which the request has been made shall contact the authorities of the Member State responsible within seven days and the Member State responsible shall check the accuracy of the data and the lawfulness of the data processing within **30** days of such contact.

Amendment

3. If a request for correction, **restriction of processing** or erasure of personal data is made to a Member State other than the Member State responsible, the Member State to which the request has been made shall contact the authorities of the Member State responsible within seven days and the Member State responsible shall check the accuracy of the data and the lawfulness of the data processing within **21** days of such contact.

Or. en

Amendment 773
Sophia in 't Veld

Proposal for a regulation
Article 47 – paragraph 3

Text proposed by the Commission

3. If a request for correction **or** erasure of personal data is made to a Member State other than the Member State responsible, the Member State to which the request has been made shall contact the authorities of the Member State responsible within seven days and the Member State responsible shall check the accuracy of the data and the lawfulness of the data processing within 30 days of such contact.

Amendment

3. If a request for correction, erasure **or restriction** of personal data is made to a Member State other than the Member State responsible, the Member State to which the request has been made shall contact the authorities of the Member State responsible **in writing** within seven days and the Member State responsible shall check the accuracy of the data and the lawfulness of the data processing within 30 days of such contact.

Or. en

Amendment 774
Bodil Valero

Proposal for a regulation
Article 47 – paragraph 4

Text proposed by the Commission

Amendment

4. *Where, following an examination, it is found that the data stored in the multiple-identity detector (MID) are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data.* **deleted**

Or. en

Amendment 775

Péter Niedermüller, Josef Weidenholzer, Tanja Fajon, Ana Gomes, Emilian Pavel, Monika Beňová
on behalf of the S&D Group

Proposal for a regulation Article 47 – paragraph 4

Text proposed by the Commission

Amendment

4. Where, following an examination, it is found that the data stored in the multiple-identity detector (MID) are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data.

4. Where, following an examination, it is found that the data stored in the multiple-identity detector (MID) are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data. ***The person concerned shall be informed that his or her data was corrected or deleted.***

Or. en

Justification

The person concerned should naturally be informed when his or her personal data is corrected or deleted in an EU information system.

Amendment 776

Cornelia Ernst

Proposal for a regulation
Article 47 – paragraph 4

Text proposed by the Commission

4. Where, following an examination, it is found that the data stored in the multiple-identity detector (MID) are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data.

Amendment

4. Where, following an examination, it is found that the data stored in the multiple-identity detector (MID) are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data. ***The Member State to which the request has been made shall inform the data subject about the correction or deletion without delay.***

Or. en

Amendment 777

Cecilia Wikström, Gérard Deprez, Louis Michel, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck, Morten Helveg Petersen

Proposal for a regulation
Article 47 – paragraph 4

Text proposed by the Commission

4. Where, following an examination, it is found that the data stored in the multiple-identity detector (MID) are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data.

Amendment

4. Where, following an examination, it is found that the data stored in the multiple-identity detector (MID) are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data. ***The Member State shall send a written confirmation to the data subject.***

Or. en

Amendment 778
Sophia in 't Veld

Proposal for a regulation
Article 47 – paragraph 4

Text proposed by the Commission

4. Where, following an examination, it is found that the data stored in the multiple-identity detector (MID) are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data.

Amendment

4. Where, following an examination, it is found that the data stored in the ***common identity repository (CIR) or*** multiple-identity detector (MID) are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data.

Or. en

Amendment 779
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 47 – paragraph 4

Text proposed by the Commission

4. Where, following an examination, it is found that the data stored in the ***multiple-identity detector (MID)*** are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data.

Amendment

4. Where, following an examination, it is found that the data stored in the ***MID*** are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data.

Or. en

Justification

Extending the right for manual verification to the CIR and sBMS as proposed in the draft report contradicts the rationale behind the interoperability components according to which the data stored in the CIR and the sBMS continue to belong to the underlying information system and the respective legal regime.

Amendment 780

Cecilia Wikström, Gérard Deprez, Louis Michel, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck, Morten Helveg Petersen

Proposal for a regulation

Article 47 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Any person shall have the right to lodge a complaint and the right to a legal remedy in the Member State which refused the right of access to or the right of correction or deletion of data relating to him or her, in accordance with national or Union law;

Or. en