AMENDMENTS
195 - 468

Draft report
Jeroen Lenaers
(PE622.263v02-00)


Proposal for a regulation
Proposal for rejection

The European Parliament rejects the Commission proposal.

Or. en

Justification

“Interoperability is not primarily a technical choice, it is first and foremost a political choice to be made, with significant legal and societal implications in the years to come. Against the backdrop of the clear trend to mix distinct EU law and policy objectives, as well as granting law enforcement routine access to non-law enforcement databases, the decision of the EU legislator to make large-scale IT systems interoperable would not only permanently and profoundly affect their structure and their way of operating, but would also change the way legal principles have been interpreted in this area so far and would as such mark a ‘point of no return’.” (from Paragraph 143 of EDPS opinion, 2018/C 233/07)

Amendment 196
Cornelia Ernst

Proposal for a regulation
Title 1

Text proposed by the Commission

Proposal for a
{SWD(2017) 473} {SWD(2017) 474}

Amendment

Proposal for a
{SWD(2017) 473} {SWD(2017) 474}

(The change from ‘interoperability’ to ‘interconnectivity’ applies throughout the
Amendment 197
Bodil Valero

Proposal for a regulation
Title 1

Text proposed by the Commission


Amendment


(2a) The Austrian and Italian governments have demonstrated to be very effective in protecting their national borders against illegal migrants.

Amendment 198
Auke Zijlstra, Harald Vilimsky, Giancarlo Scottà, Nicolas Bay, Gilles Lebreton

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

(2a) The Austrian and Italian governments have demonstrated to be very effective in protecting their national borders against illegal migrants.

Amendment
Proposal for a regulation

Recital 3

*Text proposed by the Commission*

(3) In its Resolution of 6 July 2016 on the strategic priorities for the Commission Work Programme 2017\(^47\), the European Parliament called for proposals to improve and develop existing EU information systems, address information gaps and move towards their interoperability, as well as proposals for compulsory information sharing at EU level, accompanied by the necessary data protection safeguards.

\(^47\) European Parliament resolution of 6 July 2016 on the strategic priorities for the Commission Work Programme 2017 (2016/2773(RSP)).

*Amendment*

(3) In its Resolution of 6 July 2016 on the strategic priorities for the Commission Work Programme 2017\(^47\), the European Parliament called for proposals to improve and develop existing EU information systems, address information gaps and move towards their interoperability, as well as proposals for compulsory information sharing at EU level, accompanied by the necessary data protection safeguards. **Such safeguards should include the prevention of unauthorized access and sharing of data with unauthorized authorities, logging access and usage by authorized users, the implementation of minimum quality standards, ensuring the right to effective remedy and the practical possibility to rebut false assumptions and inaccurate data held by the relevant authorities.**

\(^47\) European Parliament resolution of 6 July 2016 on the strategic priorities for the Commission Work Programme 2017 (2016/2773(RSP)).
In its final report of 11 May 2017, the high-level expert group on information systems and interoperability concluded that it is necessary and technically feasible to work towards practical solutions for interoperability and that they can, in principle, both deliver operational gains and be established in compliance with data protection requirements.

In his Opinion 4/2018 of 16 April 2018, the European Data Protection Supervisor emphasised that the decision to make large-scale IT systems interoperable would not only permanently and profoundly affect their structure and their way of operating, but would also change the way legal principles have been interpreted in this area so far and would as such mark a ‘point of no return’.
Amendment 202
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 8 b (new)

Text proposed by the Commission

(8b) In its Opinion of 11 April 2018, the Article 29 Data Protection Working Party reiterated that the process towards interoperability of systems raises fundamental questions regarding the purpose, necessity, proportionality of the data processing as well as concerns regarding the principles of purpose limitation, data minimization, data retention and clear identification of a data controller.


Amendment 203
Cornelia Ernst

Proposal for a regulation
Recital 9

Text proposed by the Commission
(9) With a view to improve the management of the external borders, to contribute to preventing and combating irregular migration and to contribute to a high level of security within the area of freedom, security and justice of the Union, including the maintenance of public security and public policy and safeguarding the security in the territories of the Member States, interoperability between EU information systems, namely [the Entry/Exit System (EES)], the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen Information System (SIS), and the [European Criminal Records Information System for third-country nationals (ECRIS-TCN)] should be established in order for these EU information systems and their data to supplement each other. To achieve this, a European search portal (ESP), a shared biometric matching service (shared BMS), a common identity repository (CIR) and a multiple-identity detector (MID) should be established as interoperability components.

(9) With a view to the management of the external borders, interaction between EU information systems, namely [the Entry/Exit System (EES)], the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], the Schengen Information System (SIS), should be established in order for these EU information systems and their data to supplement each other. To achieve this, a European search portal (ESP) should be established maintaining all the requirements of the existing legal instruments, namely access rights and purpose limitation.

(The deletion of references to EURODAC and ECRIS-TCN applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Amendment 204
Bodil Valero

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) With a view to improve the management of the external borders, to contribute to preventing and combating irregular migration and to contribute to a...
high level of security within the area of freedom, security and justice of the Union, including the maintenance of public security and public policy and safeguarding the security in the territories of the Member States, interoperability between EU information systems, namely [the Entry/Exit System (EES)], the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen Information System (SIS), and the [European Criminal Records Information System for third-country nationals (ECRIS-TCN)] should be established in order for these EU information systems and their data to supplement each other. To achieve this, a European search portal (ESP), a shared biometric matching service (shared BMS), a common identity repository (CIR) and a multiple-identity detector (MID) should be established as interoperability components.

Amendment 205
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) With a view to improve the management of the external borders, to contribute to preventing and combating irregular migration and to contribute to a high level of security within the area of freedom, security and justice of the Union, including the maintenance of public security and public policy and safeguarding the security in the territories of the Member States, interoperability between EU information systems, namely [the Entry/Exit System (EES)], the Visa

Amendment

(9) With a view to improve the management of the external borders, to facilitating regular border crossings, to contribute to preventing and combating irregular migration, and to assist in the prevention, detection and investigation of terrorist offences or other serious criminal offences, interoperability between EU information systems, namely [the Entry/Exit System (EES)], the Visa Information System (VIS), [the European Travel Information and Authorisation
Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen Information System (SIS), and the [European Criminal Records Information System for third-country nationals (ECRIS-TCN)] should be established in order for these EU information systems and their data to supplement each other. To achieve this, a European search portal (ESP), a shared biometric matching service (shared BMS), a common identity repository (CIR) and a multiple-identity detector (MID) should be established as interoperability components.

Amendment 206
Cornelia Ernst

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The interoperability between the EU information systems should allow said systems to supplement each other in order to facilitate the correct identification of persons, contribute to fighting identity fraud, improve and harmonise data quality requirements of the respective EU information systems, facilitate the technical and operational implementation by Member States of existing and future EU information systems, strengthen and simplify the data security and data protection safeguards that govern the respective EU information systems, streamline the law enforcement access to the EES, the VIS, the [ETIAS] and Eurodac, and support the purposes of the EES, the VIS, the [ETIAS], Eurodac, the SIS and the [ECRIS-TCN system].

Amendment

(10) The interconnectivity between the EU information systems should allow said systems to crosscheck each other in order to contribute to fighting identity fraud, improve and harmonise data quality requirements of the respective EU information systems, facilitate the technical and operational implementation by Member States of existing and future EU information systems, strengthen the data security and data protection safeguards that govern the respective EU information systems.
Justification

The term “interoperability” should be replaced horizontally by the term “interconnectivity”.

Amendment 207
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 10

Text proposed by the Commission
(10) The interoperability between the EU information systems should allow said systems to supplement each other in order to facilitate the correct identification of persons, contribute to fighting identity fraud, improve and harmonise data quality requirements of the respective EU information systems, facilitate the technical and operational implementation by Member States of existing and future EU information systems, strengthen and simplify the data security and data protection safeguards that govern the respective EU information systems, streamline the law enforcement access to the EES, the VIS, the [ETIAS] and Eurodac, and support the purposes of the EES, the VIS, the [ETIAS], Eurodac, the SIS and the [ECRIS-TCN system].

Amendment
(10) The interoperability between the EU information systems should allow said systems to communicate with one another in order to facilitate the correct identification of persons at external borders, for the purpose of applications of international protection, or in the context of the prevention, detection and investigation of serious criminal offences - including terrorist offences, to contribute to fighting identity fraud, to improve and harmonise data quality requirements of the respective EU information systems, to facilitate the technical and operational implementation by Member States of existing and future EU information systems, to strengthen data security and data protection safeguards that govern the respective EU information systems, in particular by ensuring that all Union data protection rules are applicable to all the information systems, and to streamline the law enforcement access to the EES, the VIS, the [ETIAS] and Eurodac, and support the purposes of the EES, the VIS, the [ETIAS], Eurodac, the SIS and the [ECRIS-TCN system].

Or. en

Amendment 208
Monika Hohlmeier, Heinz K. Becker
Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The interoperability between the EU information systems should allow said systems to supplement each other in order to facilitate the correct identification of persons, contribute to fighting identity fraud, improve and harmonise data quality requirements of the respective EU information systems, facilitate the technical and operational implementation by Member States of existing and future EU information systems, strengthen and simplify the data security and data protection safeguards that govern the respective EU information systems, streamline the law enforcement access to the EES, the VIS, the [ETIAS] and Eurodac, and support the purposes of the EES, the VIS, the [ETIAS], Eurodac, the SIS and the [ECRIS-TCN system].

Amendment

(10) The interoperability between the EU information systems should allow said systems to supplement each other in order to facilitate the correct identification of persons, contribute to fighting identity fraud, improve and harmonise data quality requirements of the respective EU information systems, facilitate the technical and operational implementation by Member States of existing and future EU information systems, strengthen and simplify the data security and data protection safeguards that govern the respective EU information systems, streamline the designated authorities’ access to the EES, the VIS, the [ETIAS] and Eurodac, and support the purposes of the EES, the VIS, the [ETIAS], Eurodac, the SIS and the [ECRIS-TCN system].

Or. en

Justification

The term ‘designated authorities’ instead of ‘law enforcement authorities’ copes better with the specific structures of security authorities in Member States.

Amendment 209
Bodil Valero

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The interoperability between the EU information systems should allow said systems to supplement each other in order to facilitate the correct identification of persons, contribute to fighting identity

Amendment

(10) The interoperability between the EU information systems should allow said systems to supplement each other in order to facilitate the correct identification of persons, contribute to fighting identity
fraud, improve and harmonise data quality requirements of the respective EU information systems, facilitate the technical and operational implementation by Member States of existing and future EU information systems, strengthen and simplify the data security and data protection safeguards that govern the respective EU information systems, streamline the law enforcement access to the EES, the VIS, the [ETIAS] and Eurodac, and support the purposes of the EES, the VIS, the [ETIAS], Eurodac, the SIS and the [ECRIS-TCN system].

Amendment 210
Cornelia Ernst

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The interoperability components should cover the EES, the VIS, the [ETIAS], Eurodac, the SIS, and the [ECRIS-TCN system]. They should also cover the Europol data to the extent of enabling it to be queried simultaneously with these EU information systems.

Amendment

(11) The interconnectivity components should cover the EES, the VIS, the [ETIAS] and the SIS.

Amendment 211
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The interoperability components

Amendment

(11) The interoperability components
should cover the EES, the VIS, the [ETIAS], Eurodac, the SIS, and the [ECRIS-TCN system]. They should also cover the Europol data to the extent of enabling it to be queried simultaneously with these EU information systems.

should cover the EES, the VIS, the [ETIAS], Eurodac, the SIS, and the [ECRIS-TCN system]. They should also cover the Europol data only to the extent of enabling that data to be queried simultaneously with these EU information systems.

Or. en

Amendment 212
Cornelia Ernst

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) The interoperability components should concern persons in respect of whom personal data may be processed in the EU information systems and by Europol, namely third-country nationals whose personal data is processed in the EU information systems and by Europol, and to EU citizens whose personal data is processed in the SIS and by Europol.

Amendment

deleted

Or. en

Amendment 213
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) The interoperability components should concern persons in respect of whom personal data may be processed in the EU information systems and by Europol, namely third-country nationals whose personal data is processed in the EU

Amendment

(12) The interoperability components should concern persons in respect of whom personal data may be processed in the EU information systems and by Europol, namely third-country nationals whose personal data is processed in the EU
information systems and by Europol, and to EU citizens whose personal data is processed in the SIS and by Europol. Interoperability should not concern EU citizens.

Amendment 214
Cecilia Wikström, Gérard Deprez, Louis Michel, Maïte Pagazaurtundúa Ruiz, Angelika Mlinar, Nathalie Griesbeck, Morten Helveg Petersen

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission Amendment

(12a) Children and vulnerable persons merit specific protection with regard to their personal data, as they may be less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data. The interoperability components should pay particular attention to the protection of children and ensure that their rights and integrity are being fully respected.

Or. en

Amendment 215
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission Amendment

(12a) The proposal at hand constitutes a first step in creating a comprehensive framework of interoperable Union information systems. Additional information systems, including decentralised European and national systems, should be included in the future.
Amendment 216
Cornelia Ernst

Proposal for a regulation
Recital 13

*Text proposed by the Commission*

(13) The European search portal (ESP) should be established to facilitate technically the ability of Member State authorities and EU bodies to have fast, seamless, efficient, systematic and controlled access to the EU information systems, **the Europol data and the Interpol databases needed to perform their tasks**, in accordance with their access rights, and to support the objectives of the EES, the VIS, the [ETIAS], Eurodac, the SIS, the [ECRIS-TCN system] and the Europol data. Enabling the simultaneous querying of all relevant EU information systems in parallel, **as well as of the Europol data and the Interpol databases**, the ESP should act as a single window or ‘message broker’ to search various central systems and retrieve the necessary information seamlessly **and in full respect of the access control and data protection requirements of the underlying systems**.

*Amendment*

(13) The European search portal (ESP) should be established to facilitate technically the ability of Member State authorities and EU bodies to have fast, seamless, efficient, systematic and controlled access to the **relevant** EU information systems, **always** in accordance with their access rights **and purpose limitations**. Enabling the simultaneous querying of all relevant EU information systems in parallel, **in full respect** of the access control and data protection requirements of the underlying systems, the ESP should act as a single window or ‘message broker’ to search various central systems and retrieve the necessary information seamlessly.

Amendment 217
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 13

*Text proposed by the Commission*

(13) The European search portal (ESP) should be established to facilitate technically the ability of Member State authorities and EU bodies to have fast, seamless, efficient, systematic and controlled access to the Europol data and the Interpol databases needed to perform their tasks, in accordance with their access rights, and to support the objectives of the EES, the VIS, the [ETIAS], Eurodac, the SIS, the [ECRIS-TCN system] and the Europol data. Enabling the simultaneous querying of all relevant EU information systems in parallel, **as well as of the Europol data and the Interpol databases**, the ESP should act as a single window or ‘message broker’ to search various central systems and retrieve the necessary information seamlessly **and in full respect of the access control and data protection requirements of the underlying systems**.

*Amendment*

(13) The European search portal (ESP) should be established to facilitate technically the ability of Member State authorities and EU bodies to have fast, seamless, efficient, systematic and controlled access to the **relevant** EU information systems, **always** in accordance with their access rights **and purpose limitations**. Enabling the simultaneous querying of all relevant EU information systems in parallel, **in full respect** of the access control and data protection requirements of the underlying systems, the ESP should act as a single window or ‘message broker’ to search various central systems and retrieve the necessary information seamlessly.
should be established to facilitate technically the ability of Member State authorities and EU bodies to have fast, seamless, efficient, systematic and controlled access to the EU information systems, the Europol data and the Interpol databases needed to perform their tasks, in accordance with their access rights, and to support the objectives of the EES, the VIS, the [ETIAS], Eurodac, the SIS, the [ECRIS-TCN system] and the Europol data. Enabling the simultaneous querying of all relevant EU information systems in parallel, as well as of the Europol data and the Interpol databases, the ESP should act as a single window or ‘message broker’ to search various central systems and retrieve the necessary information seamlessly and in full respect of the access control and data protection requirements of the underlying systems.

Amendment 218
Bodil Valero

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) The European search portal (ESP) should be established to facilitate technically the ability of Member State authorities and EU bodies to have fast, seamless, efficient, systematic and controlled access to the EU information systems, the Europol data and the Interpol databases needed to perform their tasks, in accordance with their access rights, and to support the objectives of the EES, the VIS, the [ETIAS], Eurodac, the SIS, the [ECRIS-TCN system] and the Europol data. Enabling the simultaneous querying of all relevant EU information systems in parallel, as well as of the Europol data and the Interpol databases, the ESP should act as a single window or ‘message broker’ to search various central systems and retrieve the necessary information seamlessly and in full respect of the access control and data protection requirements of the underlying systems.

Amendment

(13) The European search portal (ESP) should be established to facilitate technically the access of Member State authorities and EU bodies, in specific cases and under specific conditions, to the EU information systems, the Europol data and the Interpol databases needed to perform their tasks, in accordance with their access rights, and to support the objectives and purposes of the EES, the VIS, the [ETIAS], Eurodac, the SIS, the [ECRIS-TCN system] and the Europol data. Enabling the simultaneous querying of all relevant EU information systems in parallel, as well as of the Europol data and the Interpol databases, the ESP should act as a single window or ‘message broker’ to search various central systems and retrieve the necessary information seamlessly and in full respect of the access control and data protection requirements of the underlying systems.
parallel, as well as of the Europol data and the Interpol databases, the ESP should act as a single window or ‘message broker’ to search various central systems and retrieve the necessary information seamlessly and in full respect of the access control and data protection requirements of the underlying systems.

Amendment 219
Cornelia Ernst
Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The International Criminal Police Organisation (Interpol) database of Stolen and Lost Travel Documents (SLTD) enables authorised law enforcement entities in Member States, including immigration and border control officers, to establish the validity of a travel document. The [ETIAS] queries the SLTD and Interpol’s Travel Documents Associated with Notices (TDAWN) database in the context of assessing whether a person applying for a travel authorisation is likely for instance to migrate irregularly or could pose a threat to security. The centralised European search portal (ESP) should enable the query against the SLTD and TDAWN databases using an individual’s identity data. Where personal data are transferred from the Union to Interpol through the ESP, the provisions on international transfers in Chapter V of Regulation (EU) 2016/679 of the European Parliament and of the Council53, or the national provisions transposing Chapter V of Directive (EU) 2016/680 of the European Parliament and of the Council54 should apply. This should be without prejudice to

Or. en
the specific rules laid down in Council Common Position 2005/69/JHA\textsuperscript{55} and Council Decision 2007/533/JHA\textsuperscript{56}.


Amendment 220
Cornelia Ernst

Proposal for a regulation
Recital 15
The European search portal (ESP) should be developed and configured in such a way that it does not allow the use of fields of data for the query that are not related to persons or travel documents or that are not present in an EU information system, in the Europol data or in the Interpol database.

Amendment 221
Cornelia Ernst
Proposal for a regulation
Recital 16

To ensure fast and systematic use of all EU information systems, the European search portal (ESP) should be used to query the common identity repository, the EES, the VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system]. However, the national connection to the different EU information systems should remain in order to provide a technical fall back. The ESP should also be used by Union bodies to query the Central SIS in accordance with their access rights and in order to perform their tasks. The ESP should be an additional means to query the Central SIS, the Europol data and the Interpol systems, complementing the existing dedicated interfaces.

Amendment 222
Bodil Valero
Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) To ensure fast and systematic use of all EU information systems, the European search portal (ESP) should be used to query the common identity repository, the EES, the VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system]. However, the national connection to the different EU information systems should remain in order to provide a technical fall back. The ESP should also be used by Union bodies to query the Central SIS in accordance with their access rights and in order to perform their tasks. The ESP should be an additional means to query the Central SIS, the Europol data and the Interpol systems, complementing the existing dedicated interfaces.

Amendment

(16) To ensure fast and systematic use of all EU information systems, the European search portal (ESP) should be used to query the EES, the VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system]. However, the national connection to the different EU information systems should remain in order to provide a technical fall back. The ESP should also be used by Union bodies to query the Central SIS in accordance with their access rights and in order to perform their tasks. The ESP should be an additional means to query the Central SIS, the Europol data and the Interpol systems, complementing the existing dedicated interfaces.

Amendment 223
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) To ensure fast and systematic use of all EU information systems, the European search portal (ESP) should be used to query the common identity repository, the EES, the VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system]. However, the national connection to the different EU information systems should remain in order to provide a technical fall back. The ESP should also be used by Union bodies to query the Central SIS in accordance with their access rights and in order to perform their tasks. The ESP should be an additional means to query the

Amendment

(16) To ensure fast and seamless use of all EU information systems, the European search portal (ESP) should be used to query the EES, the VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system]. However, the national connection to the different EU information systems should remain in order to provide a technical fall back. The ESP should also be used by Union bodies to query the Central SIS in accordance with their access rights and in order to perform their tasks. The ESP should be an additional means to query the Central SIS, the Europol data and the Interpol systems, complementing the existing dedicated interfaces.
Central SIS, the Europol data and the Interpol systems, complementing the existing dedicated interfaces. Interpol systems, complementing the existing dedicated interfaces.

Justification

Access to EU information systems should never be systematic. It should be based on purpose limitation and access rights.

Amendment 224
Cornelia Ernst

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) Biometric data, such as fingerprints and facial images, are unique and therefore much more reliable than alphanumeric data for identifying a person. The shared biometric matching service (shared BMS) should be a technical tool to reinforce and facilitate the work of the relevant EU information systems and the other interoperability components. The main purpose of the shared BMS should be to facilitate the identification of an individual who may be registered in different databases, by matching their biometric data across different systems and by relying on one unique technological component instead of five different ones in each of the underlying systems. The shared BMS should contribute to security, as well as financial, maintenance and operational benefits by relying on one unique technological component instead of different ones in each of the underlying systems. All automated fingerprint identification systems, including those currently used for Eurodac, the VIS and the SIS, use biometric templates
comprised of data derived from a feature extraction of actual biometric samples. The shared BMS should regroup and store all these biometric templates in one single location, facilitating cross-system comparisons using biometric data and enabling economies of scale in developing and maintaining the EU central systems.

Amendment 225
Cornelia Ernst

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) Biometric data, such as fingerprints and facial images, are unique and therefore much more reliable than alphanumeric data for identifying a person. The shared biometric matching service (shared BMS) should be a technical tool to reinforce and facilitate the work of the relevant EU information systems and the other interoperability components. The main purpose of the shared BMS should be to facilitate the identification of an individual who may be registered in different databases, by matching their biometric data across different systems and by relying on one unique technological component instead of five different ones in each of the underlying systems. The shared BMS should contribute to security, as well as financial, maintenance and operational benefits by relying on one unique technological component instead of different ones in each of the underlying systems. All automated fingerprint identification systems, including those currently used for Eurodac, the VIS and the SIS, use biometric templates comprised of data derived from a feature extraction of actual biometric samples. The shared BMS

Amendment

(17) Biometric data, such as fingerprints and facial images, are unique and therefore much more reliable than alphanumeric data for identifying a person. The shared biometric matching service (shared BMS) should be a technical tool to reinforce and facilitate the work of the relevant EU information systems and the other interoperability components. The main purpose of the shared BMS should be to facilitate the identification of an individual who may be registered in different databases, by matching their biometric data across different systems and by relying on one unique technological component instead of five different ones in each of the underlying systems. All automated fingerprint identification systems, including those currently used for the VIS and the SIS, use biometric templates comprised of data derived from a feature extraction of actual biometric samples.
should regroup and store all these biometric templates in one single location, facilitating cross-system comparisons using biometric data and enabling economies of scale in developing and maintaining the EU central systems.

Or. en

Amendment 226
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) Biometric data, such as fingerprints and facial images, are unique and therefore much more reliable than alphanumeric data for identifying a person. The shared biometric matching service (shared BMS) should be a technical tool to reinforce and facilitate the work of the relevant EU information systems and the other interoperability components. The main purpose of the shared BMS should be to facilitate the identification of an individual who may be registered in different databases, by matching their biometric data across different systems and by relying on one unique technological component instead of five different ones in each of the underlying systems. The shared BMS should contribute to security, as well as financial, maintenance and operational benefits by relying on one unique technological component instead of five different ones in each of the underlying systems. All automated fingerprint identification systems, including those currently used for Eurodac, the VIS and the SIS, use biometric templates comprised of data derived from a feature extraction of actual biometric samples. The shared BMS should regroup and store all these

Amendment

(17) Biometric data, such as fingerprints and facial images, are unique and therefore more reliable than alphanumeric data for identifying a person. However, biometric data constitute sensitive personal data. This regulation should therefore lay down the basis for and the safeguards for processing of such data for the purpose of uniquely identifying the persons concerned. The shared biometric matching service (shared BMS) should be a technical tool to reinforce and facilitate the work of the relevant EU information systems and the other interoperability components, without duplicating either the storage of the biometric or the storage of biometric templates. The main purpose of the shared BMS should be to facilitate the identification of an individual who may be registered in different databases, by matching their biometric data across different systems and by relying on one unique technological component instead of five different ones in each of the underlying systems. The shared BMS should contribute to security, as well as financial, maintenance and operational benefits by relying on one unique technological component instead of
Biometric templates in one single location, facilitating cross-system comparisons using biometric data and enabling economies of scale in developing and maintaining the EU central systems.

Amendment 227
Bodil Valero

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) Biometric data, such as fingerprints and facial images, are unique and therefore much more reliable than alphanumeric data for identifying a person. The shared biometric matching service (shared BMS) should be a technical tool to reinforce and facilitate the work of the relevant EU information systems and the other interoperability components. The main purpose of the shared BMS should be to facilitate the identification of an individual who may be registered in different databases, by matching their biometric data across different systems and by relying on one unique technological component instead of five different ones in each of the underlying systems. The shared BMS should contribute to security, as well as financial, maintenance and operational benefits by relying on one unique technological component instead of different ones in each of the underlying systems. All automated fingerprint identification systems, including those currently used for Eurodac, the VIS and the SIS, use biometric templates comprised of

Amendment

(17) Biometric data, such as fingerprints and facial images, are unique and therefore much more reliable than alphanumeric data for identifying a person. The shared biometric matching service (shared BMS) should be a technical tool to reinforce and facilitate the work of the relevant EU information systems and the other interoperability components. The main purpose of the shared BMS should be to facilitate the identification of an individual who may be registered in different databases, by matching their biometric data across different systems and by relying on one unique technological component instead of five different ones in each of the underlying systems. The shared BMS should contribute to security, as well as financial, maintenance and operational benefits by relying on one unique technological component instead of different ones in each of the underlying systems. All automated fingerprint identification systems, including those currently used for Eurodac, the VIS and the SIS, use biometric templates comprised of
data derived from a feature extraction of actual biometric samples. The shared BMS should **regroup and store** all these biometric templates in one single location, facilitating cross-system comparisons using biometric data and enabling economies of scale in developing and maintaining the EU central systems.

Amendment 228
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 18

*Text proposed by the Commission*

(18) **Biometric data constitute sensitive personal data. This regulation should lay down the basis for and the safeguards for processing of such data for the purpose of uniquely identifying the persons concerned.**

*Amendment*

deleted

*Justification*

Moved into Recital 17

Amendment 229
Maria Grapini

Proposal for a regulation
Recital 18

*Text proposed by the Commission*

(18) Biometric data constitute sensitive personal data. This regulation should lay down the basis for and the safeguards for processing of such data for the purpose of uniquely identifying the persons concerned.

*Amendment*

(18) Biometric data constitute sensitive personal data. This Regulation should lay down the basis and the safeguards for the
processing of such data for the purpose of uniquely identifying the persons concerned, as well as the manner in which the multiple identity detector could automatically provide responses as to a person’s identity and the manner of accessing the European search portal.

Or. ro

Amendment 230
Cornelia Ernst

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) Biometric data constitute sensitive personal data. This regulation should lay down the basis for and the safeguards for processing of such data for the purpose of uniquely identifying the persons concerned.

Amendment

(18) Biometric data and biometric templates constitute sensitive personal data. This regulation should lay down the basis for and the safeguards for processing of such data and templates for the purpose of uniquely identifying the persons concerned.

Or. en

Amendment 231
Cornelia Ernst

Proposal for a regulation
Recital 19

Text proposed by the Commission


Amendment

international protection and combat irregular migration, and the system established by [the ECRIS-TCN system Regulation] require in order to be effective to rely on the accurate identification of the third-country nationals whose personal data are stored therein.


Justification

ETIAS is not necessary nor enough in order to allow for the identification of a person and the ECRIS-TCN is not in the scope, as not a necessary database to check for border crossing.

Amendment 232
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 19
(19) The systems established by Regulation (EU) 2017/2226 of the European Parliament and of the Council\(^{57}\), Regulation (EC) No 767/2008 of the European Parliament and of the Council\(^{58}\), [the ETIAS Regulation] for the management of the borders of the Union, the system established by [the Eurodac Regulation] to identify the applicants for international protection and combat irregular migration, and the system established by [the ECRIS-TCN system Regulation] require in order to be effective to rely on the accurate identification of the third-country nationals whose personal data are stored therein.

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Or. en

Justification

Linguistic change
Amendment 233
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes, Birgit Sippel

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) The common identity repository (CIR) should therefore facilitate and assist in the correct identification of persons registered in the EES, the VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system].

Amendment

deleted

Or. en

Justification

The Common Identity Repository requires an unnecessary collating of data that is stored in the individual databases in any event.

Amendment 234
Bodil Valero

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) The common identity repository (CIR) should therefore facilitate and assist in the correct identification of persons registered in the EES, the VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system].

Amendment

deleted

Or. en

Amendment 235
Cornelia Ernst
Proposal for a regulation
Recital 20

(*Text proposed by the Commission*)

(20) The common identity repository (CIR) should therefore facilitate and assist in the correct identification of persons registered in the EES, the VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system].

(21) Personal data stored in these EU information systems may relate to the same persons but under different or incomplete identities. Member States dispose of efficient ways to identify their citizens or registered permanent residents in their territory, but the same is not true for third-country nationals. The interoperability between EU information systems should contribute to the correct identification of third-country nationals. The common identity repository (CIR) should store the personal data concerning third-country nationals present in the systems that are necessary to enable the more accurate identification of those individuals, therefore including their identity, travel document and biometric data, regardless of the system in which the data was originally collected. Only the personal data strictly necessary to perform an accurate identity check should be stored in the CIR. The personal data recorded in the CIR should be kept for no longer than is strictly necessary for the...
purposes of the underlying systems and should be automatically deleted when the data is deleted in the underlying systems in accordance with their logical separation.

Amendment 237
Bodil Valero

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) Personal data stored in these EU information systems may relate to the same persons but under different or incomplete identities. Member States dispose of efficient ways to identify their citizens or registered permanent residents in their territory, but the same is not true for third-country nationals. The interoperability between EU information systems should contribute to the correct identification of third-country nationals. The common identity repository (CIR) should store the personal data concerning third-country nationals present in the systems that are necessary to enable the more accurate identification of those individuals, therefore including their identity, travel document and biometric data, regardless of the system in which the data was originally collected. Only the personal data strictly necessary to perform an accurate identity check should be stored in the CIR. The personal data recorded in the CIR should be kept for no longer than is strictly necessary for the purposes of the underlying systems and should be automatically deleted when the data is deleted in the underlying systems in accordance with their logical separation.

Amendment

(21) Personal data stored in these EU information systems may relate to the same persons but under different or incomplete identities. Member States dispose of efficient ways to identify their citizens or registered permanent residents in their territory, but the same is not true for third-country nationals. The interoperability between EU information systems should contribute to the correct identification of third-country nationals.
Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) Personal data stored in these EU information systems may relate to the same persons but under different or incomplete identities. Member States dispose of efficient ways to identify their citizens or registered permanent residents in their territory, but the same is not true for third-country nationals. The interoperability between EU information systems should contribute to the correct identification of third-country nationals. The common identity repository (CIR) should store the personal data concerning third-country nationals present in the systems that are necessary to enable the more accurate identification of those individuals, therefore including their identity, travel document and biometric data, regardless of the system in which the data was originally collected. Only the personal data strictly necessary to perform an accurate identity check should be stored in the CIR. The personal data recorded in the CIR should be kept for no longer than is strictly necessary for the purposes of the underlying systems and should be automatically deleted when the data is deleted in the underlying systems in accordance with their logical separation.

Amendment

Amendment 239
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Or. en
Recital 21

Text proposed by the Commission

(21) Personal data stored in these EU information systems may relate to the same persons but under different or incomplete identities. Member States dispose of efficient ways to identify their citizens or registered permanent residents in their territory, but the same is not true for third-country nationals. The interoperability between EU information systems should contribute to the correct identification of third-country nationals. The common identity repository (CIR) should store the personal data concerning third-country nationals present in the systems that are necessary to enable the more accurate identification of those individuals, therefore including their identity, travel document and biometric data, regardless of the system in which the data was originally collected. Only the personal data strictly necessary to perform an accurate identity check should be stored in the CIR. The personal data recorded in the CIR should be kept for no longer than is strictly necessary for the purposes of the underlying systems and should be automatically deleted when the data is deleted in the underlying systems in accordance with their logical separation.

Amendment

(21) Personal data stored in these EU information systems may relate to the same persons but under different or incomplete identities. Member States dispose of efficient ways to identify their citizens or registered permanent residents in their territory, but the same is not true for third-country nationals. The interoperability between EU information systems should contribute to the correct identification of third-country nationals. The common identity repository (CIR) should store the personal data concerning persons present in the systems that are necessary to enable the more accurate identification of those individuals, therefore including their identity, travel document and biometric data, regardless of the system in which the data was originally collected. Only the personal data strictly necessary to perform an accurate identity check should be stored in the CIR. The personal data recorded in the CIR should be kept for no longer than is strictly necessary for the purposes of the underlying systems and should be automatically deleted when the data is deleted in the underlying systems in accordance with their logical separation.

Or. en

Amendment 240
Cornelia Ernst

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) The new processing operation consisting in the storage of such data in the common identity repository (CIR)

Amendment

deleted

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instead of the storage in each of the separate systems is necessary to increase the accuracy of the identification that is made possible by the automated comparison and matching of such data. The fact that the identity and biometric data of third-country nationals is stored in the CIR should not hinder in any way the processing of data for the purposes of the EES, the VIS, the ETIAS, Eurodac or the ECRIS-TCN system Regulations, as the CIR should be a new shared component of those underlying systems.

Amendment 241
Bodil Valero

Proposal for a regulation
Recital 22

Text proposed by the Commission

Amendment

(22) The new processing operation consisting in the storage of such data in the common identity repository (CIR) instead of the storage in each of the separate systems is necessary to increase the accuracy of the identification that is made possible by the automated comparison and matching of such data. The fact that the identity and biometric data of third-country nationals is stored in the CIR should not hinder in any way the processing of data for the purposes of the EES, the VIS, the ETIAS, Eurodac or the ECRIS-TCN system Regulations, as the CIR should be a new shared component of those underlying systems.

Amendment 242
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef
Recital 22

Text proposed by the Commission

(22) The new processing operation consisting in the storage of such data in the common identity repository (CIR) instead of the storage in each of the separate systems is necessary to increase the accuracy of the identification that is made possible by the automated comparison and matching of such data. The fact that the identity and biometric data of third-country nationals is stored in the CIR should not hinder in any way the processing of data for the purposes of the EES, the VIS, the ETIAS, Eurodac or the ECRIS-TCN system Regulations, as the CIR should be a new shared component of those underlying systems.

Amendment

(22) In order to ensure respect for the principles of purpose limitation and of data minimisation, it is neither necessary nor proportionate to store the data in an additional repository above and beyond the information systems which are to be made interoperable.

Or. en

Justification

The Common Identity Repository is unnecessary to achieve the aims of interoperability and should be deleted. Storing the personal data of hundreds of millions of third country nationals 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 in any case continue to store the personal data and can be queried by the ESP of sBMS as required.

Amendment 243
Cornelia Ernst

Recital 23

Text proposed by the Commission

(23) In that connection, creating an individual file in the common identity repository (CIR) for each person that is recorded in the EES, the VIS, the ETIAS, the ECRIS-TCN system Regulations, is unnecessary to achieve the aims of interoperability and should be deleted.
Eurodac or the ECRIS-TCN system, is necessary to achieve the purpose of correct identification of third-country nationals within the Schengen area, and to support the multiple-identity detector for the dual purpose of facilitating identity checks for bona fide travellers and combating identity fraud. The individual file should store in one single place and make accessible to the duly authorised end-users all the possible identities linked to a person.

Amendment 244
Bodil Valero

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) In that connection, creating an individual file in the common identity repository (CIR) for each person that is recorded in the EES, the VIS, the ETIAS, Eurodac or the ECRIS-TCN system, is necessary to achieve the purpose of correct identification of third-country nationals within the Schengen area, and to support the multiple-identity detector for the dual purpose of facilitating identity checks for bona fide travellers and combating identity fraud. The individual file should store in one single place and make accessible to the duly authorised end-users all the possible identities linked to a person.

Amendment 245
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes
Proposal for a regulation  
Recital 23

Text proposed by the Commission

(23) In that connection, creating an individual file in the common identity repository (CIR) for each person that is recorded in the EES, the VIS, the ETIAS, Eurodac or the ECRIS-TCN system, is necessary to achieve the purpose of correct identification of third-country nationals within the Schengen area, and to support the multiple-identity detector for the dual purpose of facilitating identity checks for bona fide travellers and combating identity fraud. The individual file should store in one single place and make accessible to the duly authorised end-users all the possible identities linked to a person.

Amendment

(23) deleted

Or. en

Justification

The Common Identity Repository is unnecessary to achieve the aims of interoperability and should be deleted. Storing the personal data of hundreds of millions of third country nationals 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 in any case continue to store the personal data and can be queried by the ESP of sBMS as required.

Amendment 246
Bodil Valero

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) The common identity repository (CIR) should thus support the functioning of the multiple-identity detector and to facilitate and streamline access by law enforcement authorities to the EU

Amendment

(24) deleted
information systems that are not established exclusively for purposes of prevention, investigation, detection or prosecution of serious crime.

Amendment 247
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 24

Text proposed by the Commission
Amendment

(24) The common identity repository (CIR) should thus support the functioning of the multiple-identity detector and to facilitate and streamline access by law enforcement authorities to the EU information systems that are not established exclusively for purposes of prevention, investigation, detection or prosecution of serious crime.

Justification

The Common Identity Repository is unnecessary to achieve the aims of interoperability and should be deleted. Storing the personal data of hundreds of millions of third country nationals 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 in any case continue to store the personal data and can be queried by the ESP of SbMS as required.

Amendment 248
Cornelia Ernst

Proposal for a regulation
Recital 24

Text proposed by the Commission
Amendment
(24) The common identity repository (CIR) should thus support the functioning of the multiple-identity detector and to facilitate and streamline access by law enforcement authorities to the EU information systems that are not established exclusively for purposes of prevention, investigation, detection or prosecution of serious crime.

Amendment 249
Monika Hohlmeier, Heinz K. Becker
Proposal for a regulation
Recital 24

Text proposed by the Commission
(24) The common identity repository (CIR) should thus support the functioning of the multiple-identity detector and to facilitate and streamline access by law enforcement authorities to the EU information systems that are not established exclusively for purposes of prevention, investigation, detection or prosecution of serious crime.

Amendment
(24) The common identity repository (CIR) should thus support the functioning of the multiple-identity detector and to facilitate and streamline access by designated authorities to the EU information systems that are not established exclusively for purposes of prevention, investigation, detection or prosecution of serious crime.

Or. en

Amendment 250
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes
Proposal for a regulation
Recital 25

Text proposed by the Commission
(25) The common identity repository (CIR) should provide for a shared container for identity and biometric data of third-country nationals registered in

Amendment
deleted
the EES, the VIS, [the ETIAS], Eurodac and the [ECRIS-TCN system], serving as the shared component between these systems for storage of this data, and to allow its querying.

Or. en

Justification

The Common Identity Repository is unnecessary to achieve the aims of interoperability and should be deleted. Storing the personal data of hundreds of millions of third country nationals 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 in any case continue to store the personal data and can be queried by the ESP of sBMS as required.

Amendment 251
Bodil Valero

Proposal for a regulation
Recital 25

Text proposed by the Commission
Amendment

(25) The common identity repository (CIR) should provide for a shared container for identity and biometric data of third-country nationals registered in the EES, the VIS, [the ETIAS], Eurodac and the [ECRIS-TCN system], serving as the shared component between these systems for storage of this data, and to allow its querying.

Or. en

Amendment 252
Cornelia Ernst

Proposal for a regulation
Recital 25

Text proposed by the Commission
Amendment
The common identity repository (CIR) should provide for a shared container for identity and biometric data of third-country nationals registered in the EES, the VIS, [the ETIAS], Eurodac and the [ECRIS-TCN system], serving as the shared component between these systems for storage of this data, and to allow its querying.

Amendment 253
Bodil Valero
Proposal for a regulation
Recital 26

Text proposed by the Commission

Amendment

(26) All records in the common identity repository (CIR) should be logically separated by automatically tagging each record with the underlying system owning that record. The access control of the CIR should use these tags to allow the record to be accessible or not.

Amendment 254
Cornelia Ernst
Proposal for a regulation
Recital 26

Text proposed by the Commission

Amendment

(26) All records in the common identity repository (CIR) should be logically separated by automatically tagging each record with the underlying system owning that record. The access control of the CIR should use these tags to allow the record to be accessible or not.
Amendment 255  
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation  
Recital 26

Text proposed by the Commission  
Amendment

(26)  All records in the common identity repository (CIR) should be logically separated by automatically tagging each record with the underlying system owning that record. The access control of the CIR should use these tags to allow the record to be accessible or not.

Justification

The Common Identity Repository is unnecessary to achieve the aims of interoperability and should be deleted. Storing the personal data of hundreds of millions of third country nationals 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 in any case continue to store the personal data and can be queried by the ESP of sBMS as required.

Amendment 256  
Cornelia Ernst

Proposal for a regulation  
Recital 27

Text proposed by the Commission  
Amendment

(27) In order to ensure the correct identification of a person, Member State authorities competent for preventing and combating irregular migration and competent authorities within the meaning of Article 3(7) of Directive 2016/680 should be allowed to query the common identity repository (CIR) with the
biometric data of that person taken during an identity check.

Amendment 257
Bodil Valero

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) In order to ensure the correct identification of a person, Member State authorities competent for preventing and combating irregular migration and competent authorities within the meaning of Article 3(7) of Directive 2016/680 should be allowed to query the common identity repository (CIR) with the biometric data of that person taken during an identity check.

Amendment (27)

(27) In order to assist in the correct identification of a person, where a travel document or other identity document proves insufficient or is unavailable, Member State competent authorities within the meaning of Article 3(7) of Directive 2016/680 should be allowed to query the European Search Portal (ESP) or the shared Biometric Matching Service (sBMS) and the underlying Union...
information systems with the biographical or biometric data of that person taken during an identity check provided always that individual concerned is physically present during such a check.

Amendment 259
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) In order to ensure the correct identification of a person, Member State authorities competent for preventing and combating irregular migration and competent authorities within the meaning of Article 3(7) of Directive 2016/680 should be allowed to query the common identity repository (CIR) with the biometric data of that person taken during an identity check.

Amendment

(27) In order to streamline and ensure the correct identification of a person, Member State authorities competent for preventing and combating irregular migration and competent authorities within the meaning of Article 3(7) of Directive 2016/680 should be allowed to query the common identity repository (CIR) with the biometric data of that person taken during an identity check.

Or. en

Amendment 260
Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) In order to ensure the correct identification of a person, Member State authorities competent for preventing and combating irregular migration and competent authorities within the meaning of Article 3(7) of Directive 2016/680 should be allowed to query the common identity repository (CIR) with the biometric data of that person taken during an identity check.

Amendment

(27) In order to ensure the correct identification of a person, Member State authorities competent for preventing and combating irregular migration and competent authorities within the meaning of Article 3(7) of Directive 2016/680 should be allowed to query the common identity repository (CIR) with the biometric data of that person taken during an identity check.

Or. en
identity repository (CIR) with the biometric data of that person taken during an identity check. Such query should 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 refuses 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 should not be allowed against minors under the age of 12 years old.

Amendment 261
Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Recital 27 a (new)

Text proposed by the Commission

(27a) In order to identify unknown persons who are not able to identify themselves or unidentified human remains, in the event of a disaster or an accident, Member States should be allowed to query the CIR with the biometric data of those persons.

Amendment 262
Cornelia Ernst

Proposal for a regulation
Recital 28

*Text proposed by the Commission*

(28) **Where the biometric data of the person cannot be used or if the query with that data fails, the query should be carried out with identity data of that person in combination with travel document data. Where the query indicates that data on that person are stored in the common identity repository (CIR), Member State authorities should have access to consult the identity data of that person stored in the CIR, without providing any indication as to which EU information system the data belongs to.**

*Amendment*

Or. en

Amendment 263
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation

Recital 28

*Text proposed by the Commission*

(28) **Where the biometric data of the person cannot be used or if the query with that data fails, the query should be carried out with identity data of that person in combination with travel document data. Where the query indicates that data on that person are stored in the common identity repository (CIR), Member State authorities should have access to consult the identity data of that person stored in the CIR, without providing any indication as to which EU information system the data belongs to.**

*Amendment*

Or. en
Justification

Member State authorities should be entitled to choose whether they wish to use biographical or biometric data to establish the identity of someone during an identity check.

Amendment 264
Bodil Valero

Proposal for a regulation
Recital 28

Text proposed by the Commission
Amendment

(28) Where the biometric data of the person cannot be used or if the query with that data fails, the query should be carried out with identity data of that person in combination with travel document data. Where the query indicates that data on that person are stored in the common identity repository (CIR), Member State authorities should have access to consult the identity data of that person stored in the CIR, without providing any indication as to which EU information system the data belongs to.

Or. en

Amendment 265
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Recital 28

Text proposed by the Commission
Amendment

(28) Where the biometric data of the person cannot be used or if the query with that data fails, the query should be carried out with identity data of that person in combination with travel document data. Where the query indicates that data on that person are stored in the common identity repository (CIR), Member State authorities
should have access to consult the identity data of that person stored in the CIR, without providing any indication as to which EU information system the data belongs to.

Or. en

Amendment 266
Bodil Valero

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) Member States should adopt national legislative measures designating the authorities competent to perform identity checks with the use of the common identity repository (CIR) and laying down the procedures, conditions and criteria of such checks in line with the principle of proportionality. In particular, the power to collect biometric data during an identity check of a person present before the member of those authorities should be provided for by national legislative measures.

Or. en

Amendment 267
Cornelia Ernst

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) Member States should adopt national legislative measures designating the authorities competent to perform identity checks with the use of the common identity repository (CIR) and
laying down the procedures, conditions and criteria of such checks in line with the principle of proportionality. In particular, the power to collect biometric data during an identity check of a person present before the member of those authorities should be provided for by national legislative measures.

Amendment 268
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) Member States should adopt national legislative measures designating the authorities competent to perform identity checks with the use of the common identity repository (CIR) and laying down the procedures, conditions and criteria of such checks in line with the principle of proportionality. In particular, the power to collect biometric data during an identity check of a person present before the member of those authorities should be provided for by national legislative measures.

Amendment

(29) Member States should adopt national legislative measures designating the authorities competent to perform identity checks with the use of the ESP or the sBMS, subject to the physical presence of the individual concerned, and laying down the procedures, conditions and criteria of such identity checks in line with the principle of proportionality. Such an identity check in respect of third-country nationals should be permitted only where comparable procedures under equivalent conditions exist in the Member State concerned for Union citizens.

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. 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 269  
Monika Hohlmeier, Heinz K. Becker  
Proposal for a regulation  
Recital 30  

Text proposed by the Commission

(30) This Regulation should also introduces a new possibility for streamlined access to data beyond identity data present in the EES, the VIS, [the ETIAS] or Eurodac by Member State designated law enforcement authorities and Europol. Data, including data other than identity data contained in those systems, may be necessary for the prevention, detection, investigation and prosecution of terrorist offences or serious criminal offences in a specific case.

Amendment

(30) This Regulation should also introduces a new possibility for streamlined access to data beyond identity data present in the EES, the VIS, [the ETIAS] or Eurodac by Member State designated authorities and Europol. Data, including data other than identity data contained in those systems, may be necessary for the prevention, detection, investigation and prosecution of terrorist offences or serious criminal offences in a specific case.

Or. en

Amendment 270  
Maria Grapini  
Proposal for a regulation  
Recital 30  

Text proposed by the Commission

(30) This Regulation should also introduces a new possibility for streamlined access to data beyond identity data present in the EES, the VIS, [the ETIAS] or Eurodac by Member State designated law enforcement authorities and Europol. Data, including data other than identity data contained in those systems, may be necessary for the prevention, detection, investigation and prosecution of terrorist offences or serious criminal offences in a specific case.

Amendment

(30) This Regulation should also introduces a new possibility for streamlined access to data beyond identity data present in the EES, the VIS, [the ETIAS] or Eurodac by Member State designated law enforcement authorities and Europol. Data, including data other than identity data contained in those systems, may be necessary for the prevention, detection, investigation and prosecution of terrorist offences or serious criminal offences.

Or. ro
Amendment 271
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) This Regulation should also introduces a new possibility for streamlined access to data beyond identity data present in the EES, the VIS, [the ETIAS] or Eurodac by Member State designated law enforcement authorities and Europol. Data, including data other than identity data contained in those systems, may be necessary for the prevention, detection, investigation and prosecution of terrorist offences or serious criminal offences in a specific case.

Amendment

(30) This Regulation should also introduces a new possibility for streamlined access to data beyond identity data present in the EES, the VIS, [the ETIAS] or Eurodac by Member State designated law enforcement authorities and Europol. Data, including data other than identity data contained in those systems, may be necessary for the prevention, detection, investigation and prosecution of terrorist offences or serious criminal offences in a specific case where there are reasonable grounds to consider that consultation will substantially contribute to the prevention, detection or investigation of the criminal offences in question; 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. Such streamlined access will be provided 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

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 272
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) Full access to the necessary data contained in the EU information systems necessary for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences, beyond the relevant identity data covered under common identity repository (CIR) obtained using biometric data of that person taken during an identity check, should continue to be governed by the provisions in the respective legal instruments. The designated law enforcement authorities and Europol do not know in advance which of the EU information systems contains data of the persons they need to inquire upon. This results in delays and inefficiencies in the conduct of their tasks. The end-user authorised by the designated authority should therefore be allowed to see in which of the EU information systems the data corresponding to the query introduced are recorded. The concerned system would thus be flagged following the automated verification of the presence of a hit in the system (a so-called hit-flag functionality).

Amendment

(31) Full access to the data contained in the EU information systems necessary for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences, should continue to be governed by the provisions in the respective legal instruments. The designated law enforcement authorities and Europol do not always know in advance which of the EU information systems contains data of the persons they need to inquire upon. Therefore, following the necessary checks in national databases and where a query of the automated fingerprint identification system of the other Member States under Decision 2008/615/JHA has been launched, the end-user authorised by the designated authority should therefore be allowed to see in which of the EU information systems the data corresponding to the query introduced are recorded. The concerned system would thus be flagged following the automated verification of the presence of a hit in the system (a so-called hit-flag functionality).

Or. en

Amendment 273
Bodil Valero

Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) Full access to the necessary data contained in the EU information systems necessary for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences, beyond the relevant identity data covered under common identity repository (CIR) obtained using biometric data of that person taken during an identity check, should continue to be governed by the provisions in the respective legal instruments. The designated law enforcement authorities and Europol do not know in advance which of the EU information systems contains data of the persons they need to inquire upon. This results in delays and inefficiencies in the conduct of their tasks. The end-user authorised by the designated authority should therefore be allowed to see in which of the EU information systems the data corresponding to the query introduced are recorded. The concerned system would thus be flagged following the automated verification of the presence of a hit in the system (a so-called hit-flag functionality).

Amendment

(31) Full access to the necessary data contained in the EU information systems necessary for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences, beyond the relevant identity data obtained

Amendment 274
Cornelia Ernst

Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) Full access to the necessary data contained in the EU information systems necessary for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences, beyond the relevant identity data covered

Amendment

(31) Full access to the necessary data contained in the EU information systems necessary for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences, beyond the relevant identity data obtained
under common identity repository (CIR) obtained using biometric data of that person taken during an identity check, should continue to be governed by the provisions in the respective legal instruments. The designated law enforcement authorities and Europol do not know in advance which of the EU information systems contains data of the persons they need to inquire upon. This results in delays and inefficiencies in the conduct of their tasks. The end-user authorised by the designated authority should therefore be allowed to see in which of the EU information systems the data corresponding to the query introduced are recorded. The concerned system would thus be flagged following the automated verification of the presence of a hit in the system (a so-called hit-flag functionality).

Amendment 275
Monika Hohlmeier, Heinz K. Becker
Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) Full access to the necessary data contained in the EU information systems necessary for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences, beyond the relevant identity data covered under common identity repository (CIR) obtained using biometric data of that person taken during an identity check, should continue to be governed by the provisions in the respective legal instruments. The designated law enforcement authorities and Europol do not know in advance which of the EU information systems contains data of the persons they need to inquire upon. This results in delays and inefficiencies in

Amendment

(31) Full access to the necessary data contained in the EU information systems necessary for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences, beyond the relevant identity data covered under common identity repository (CIR) obtained using biometric data of that person taken during an identity check, should continue to be governed by the provisions in the respective legal instruments. The designated authorities and Europol do not know in advance which of the EU information systems contains data of the persons they need to inquire upon. This results in delays and inefficiencies in
results in delays and inefficiencies in the conduct of their tasks. The end-user authorised by the designated authority should therefore be allowed to see in which of the EU information systems the data corresponding to the query introduced are recorded. The concerned system would thus be flagged following the automated verification of the presence of a hit in the system (a so-called hit-flag functionality).

Amendment 276
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 31 a (new)

Text proposed by the Commission

(31a) Where such a search is carried out, a hit should not be interpreted as a ground or reason to draw conclusions about or undertake measures towards a person, but may be used only for the purpose of submitting an access request to the underlying EU information systems, subject to the conditions and procedures laid down in the respective legislative instruments governing such access. Any such act will be subject to the provisions measures set out in Chapter VII and the safeguards provided for in Regulation EU 2016/679, Directive 2016/680 or Regulation EC45/2001.

Justification

The existence of a hit in an EU information system on a person of interest in a criminal investigation should not be used as a ground or reason to draw conclusions about that person. It should be used purely to enable the law enforcement authority to launch the appropriate request for access to the information in accordance with the rules governing the
flagged underlying information system.

Amendment 277
Bodil Valero

Proposal for a regulation
Recital 32

Text proposed by the Commission  Amendment

(32) The logs of the queries of the common identity repository should indicate the purpose of the query. Where such a query was performed using the two-step data consultation approach, the logs should include a reference to the national file of the investigation or case, therefore indicating that such query was launched for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences.

Or. en

Amendment 278
Cornelia Ernst

Proposal for a regulation
Recital 32

Text proposed by the Commission  Amendment

(32) The logs of the queries of the common identity repository should indicate the purpose of the query. Where such a query was performed using the two-step data consultation approach, the logs should include a reference to the national file of the investigation or case, therefore indicating that such query was launched for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences.
Amendment 279
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) The logs of the queries of the common identity repository should indicate the purpose of the query. Where such a query was performed using the two-step data consultation approach, the logs should include a reference to the national file of the investigation or case, therefore indicating that such query was launched for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences.

Amendment

(32) The logs of the queries of the EU information systems should indicate the purpose of the query. Where such a query was performed using the two-step data consultation approach, the logs should include a reference to the national file of the investigation or case, therefore indicating that such query was launched for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences.

Or. en

Amendment 280
Bodil Valero

Proposal for a regulation
Recital 33

Text proposed by the Commission

(33) The query of the common identity repository (CIR) by Member State designated authorities and Europol in order to obtain a hit-flag type of response indicating the data is recorded in the EES, the VIS, [the ETIAS] or Eurodac requires automated processing of personal data. A hit-flag would not reveal personal data of the concerned individual other than an indication that some of his or her data are stored in one of the systems. No adverse decision for the

deleted

Or. en
concerned individual should be made by the authorised end-user solely on the basis of the simple occurrence of a hit-flag. Access by the end-user of a hit-flag would therefore realise a very limited interference with the right to protection of personal data of the concerned individual, while it would be necessary to allow the designated authority and Europol to address its request for access for personal data more effectively directly to the system that was flagged as containing it.

Amendment 281
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 33

Text proposed by the Commission

(33) The query of the common identity repository (CIR) by Member State designated authorities and Europol in order to obtain a hit-flag type of response indicating the data is recorded in the EES, the VIS, [the ETIAS] or Eurodac requires automated processing of personal data. A hit-flag would not reveal personal data of the concerned individual other than an indication that some of his or her data are stored in one of the systems. No adverse decision for the concerned individual should be made by the authorised end-user solely on the basis of the simple occurrence of a hit-flag. Access by the end-user of a hit-flag would therefore realise a very limited interference with the right to protection of personal data of the concerned individual, while it would be necessary to allow the designated authority and Europol to address its request for access for personal data more effectively directly to the system that was flagged as containing it.

Amendment

(33) The query of the EU information systems by Member State designated authorities and Europol in order to obtain a hit-flag type of response indicating the data is recorded in the EES, the VIS, [the ETIAS] or Eurodac requires automated processing of personal data. A hit-flag should reveal only an indication that some of his or her data are stored in one of the systems, provided the authority making the search has access to that system. No adverse decision for the concerned individual should be made by the authorised end-user solely on the basis of the simple occurrence of a hit-flag, and the hit-flag should be used by the relevant authorities only for the purpose of deciding which database to query. Access by the end-user of a hit-flag would therefore constitute an interference with the right to protection of personal data of the concerned individual and therefore should comply with the
flagged as containing it. principles of necessity and proportionality.

Or. en

Amendment 282
Cornelia Ernst
Proposal for a regulation
Recital 33

Text proposed by the Commission

(33) The query of the common identity repository (CIR) by Member State designated authorities and Europol in order to obtain a hit-flag type of response indicating the data is recorded in the EES, the VIS, [the ETIAS] or Eurodac requires automated processing of personal data. A hit-flag would not reveal personal data of the concerned individual other than an indication that some of his or her data are stored in one of the systems. No adverse decision for the concerned individual should be made by the authorised end-user solely on the basis of the simple occurrence of a hit-flag. Access by the end-user of a hit-flag would therefore realise a very limited interference with the right to protection of personal data of the concerned individual, while it would be necessary to allow the designated authority and Europol to address its request for access for personal data more effectively directly to the system that was flagged as containing it.

Or. en

Amendment 283
Bodil Valero
Proposal for a regulation
Recital 34

Text proposed by the Commission

(34) The two-step data consultation approach is particularly valuable in cases where the suspect, perpetrator or suspected victim of a terrorist offence or other serious criminal offence is unknown. In those cases the common identity repository (CIR) should enable identifying the information system that knows the person in one single search. By creating the obligation to use this new law enforcement access approach in these cases, access to the personal data stored in the EES, the VIS, [the ETIAS] and Eurodac should take place without the requirements of a prior search in national databases and the launch of a prior search in the automated fingerprint identification system of other Member States under Decision 2008/615/JHA. The principle of prior search effectively limits the possibility of Member State’s authorities to consult systems for justified law enforcement purposes and could thereby result in missed opportunities to uncover necessary information. The requirements of a prior search in national databases and the launch of a prior search in the automated fingerprint identification system of other Member States under Decision 2008/615/JHA should only cease to apply once the alternative safeguard of the two-step approach to law enforcement access through the CIR has become operational.

Amendment 284
Cornelia Ernst

Proposal for a regulation
Recital 34
The two-step data consultation approach is particularly valuable in cases where the suspect, perpetrator or suspected victim of a terrorist offence or other serious criminal offence is unknown. In those cases the common identity repository (CIR) should enable identifying the information system that knows the person in one single search. By creating the obligation to use this new law enforcement access approach in these cases, access to the personal data stored in the EES, the VIS, [the ETIAS] and Eurodac should take place without the requirements of a prior search in national databases and the launch of a prior search in the automated fingerprint identification system of other Member States under Decision 2008/615/JHA. The principle of prior search effectively limits the possibility of Member State’s authorities to consult systems for justified law enforcement purposes and could thereby result in missed opportunities to uncover necessary information. The requirements of a prior search in national databases and the launch of a prior search in the automated fingerprint identification system of other Member States under Decision 2008/615/JHA should only cease to apply once the alternative safeguard of the two-step approach to law enforcement access through the CIR has become operational.

Amendment 285
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 34
Text proposed by the Commission

(34) The two-step data consultation approach is particularly valuable in cases where the suspect, perpetrator or suspected victim of a terrorist offence or other serious criminal offence is unknown. In those cases **the common identity repository (CIR)** should enable **identifying** the information system that knows the **person** in one single search. By creating the obligation to use this new law enforcement access approach in these cases, access to the personal data stored in the EES, the VIS, [the ETIAS] and Eurodac should take place without the requirements of a prior search in national databases and the launch of a prior search in the automated fingerprint identification system of other Member States under Decision 2008/615/JHA. The principle of prior search **effectively limits the possibility of Member State’ authorities to consult systems for justified law enforcement purposes and could thereby result in missed opportunities to uncover necessary information. The requirements of a prior search in national databases and the launch of a prior search in the automated fingerprint identification system of other Member States under Decision 2008/615/JHA should only cease to apply once the alternative safeguard of the two-step approach to law enforcement access through the CIR has become operational.**

Amendment

(34) The two-step data consultation approach is particularly valuable in cases where the suspect, perpetrator or suspected victim of a terrorist offence or other serious criminal offence is unknown. In those cases, **using the European Search Portal or the shared Biometric Matching Service** should enable **the relevant authority to identify** the information system that knows the **suspect, perpetrator or suspected victim** in one single search, **following the necessary checks in national databases and once a query of the automated fingerprint identification system of other Member States under Decision 2008/615/JHA has been launched.** By creating the obligation to use this new law enforcement access approach in these cases, access to the personal data stored in the EES, the VIS, [the ETIAS] and Eurodac should take place without the requirements of a prior search in national databases and the launch of a prior search in the automated fingerprint identification system (‘AFIS’) of other Member States under Decision 2008/615/JHA. The principle of prior search in national databases and **AFIS which were designed specifically for preventing, detecting and investigating terrorist offences or other serious criminal offences before searching in other EU information systems which do not have that as their primary purpose helps to ensure the necessity and proportionality for such a search.**

Or. en

**Justification**

The argument for removing the cascade approach entirely is based only on efficiency. There is no significant time loss attributable to checking national databases and the AFIS has been in force for over ten years now.
(34) The two-step data consultation approach is particularly valuable in cases where the suspect, perpetrator or suspected victim of a terrorist offence or other serious criminal offence is unknown. In those cases the common identity repository (CIR) should enable identifying the information system that knows the person in one single search. By creating the obligation to use this new law enforcement access approach in these cases, access to the personal data stored in the EES, the VIS, [the ETIAS] and Eurodac should take place without the requirements of a prior search in national databases and the launch of a prior search in the automated fingerprint identification system of other Member States under Decision 2008/615/JHA. The principle of prior search effectively limits the possibility of Member State’s authorities to consult systems for justified purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences and could thereby result in missed opportunities to uncover necessary information. The requirements of a prior search in national databases and the launch of a prior search in the automated fingerprint identification system of other Member States under Decision 2008/615/JHA should only cease to apply once the alternative safeguard of the two-step approach to law enforcement access through the CIR has become operational.
Amendment 287
Bodil Valero

Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) The multiple-identity detector (MID) should be established to support the functioning of the common identity repository and to support the objectives of the EES, the VIS, [the ETIAS], Eurodac, the SIS and [the ECRIS-TCN system]. In order to be effective in fulfilling their respective objectives, all of these EU information systems require the accurate identification of the persons whose personal data are stored therein.

Amendment

Or. en

Amendment 288
Cornelia Ernst

Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) The multiple-identity detector (MID) should be established to support the functioning of the common identity repository and to support the objectives of the EES, the VIS, [the ETIAS], Eurodac, the SIS and [the ECRIS-TCN system]. In order to be effective in fulfilling their respective objectives, all of these EU information systems require the accurate identification of the persons whose personal data are stored therein.

Amendment

Or. en

Amendment 289
The multiple-identity detector (MID) should be established to support the functioning of the common identity repository and to support the objectives of the EES, the VIS, [the ETIAS], Eurodac, the SIS and [the ECRIS-TCN system]. In order to be effective in fulfilling their respective objectives, all of these EU information systems require the accurate identification of the persons whose personal data are stored therein.

Amendment tabled for consistency with the deletion of the CIR.
that there is currently no possibility to detect such fraudulent, incorrect or incomplete identity data by way of comparison with data stored in another system. To remedy this situation it is necessary to have a technical instrument at Union level allowing accurate identification of third-country nationals for these purposes.

Justification

The statistics on fraudulent identity data in EU information systems is, in itself, incomplete. However, the problems of incorrect and incomplete data is well known as set out in the Opinion of the EU Agency for Fundamental Rights on Interoperability (page 49).

Amendment 291
Cornelia Ernst

Proposal for a regulation
Recital 36

Text proposed by the Commission

(36) The possibility to achieve the objectives of the EU information systems is undermined by the current inability for the authorities using these systems to conduct sufficiently reliable verifications of the identities of the third-country nationals whose data are stored in different systems. That inability is determined by the fact that the set of identity data stored in a given individual system may be fraudulent, incorrect, or incomplete, and that there is currently no possibility to detect such fraudulent, incorrect or incomplete identity data by way of comparison with data stored in another system. To remedy this situation it is necessary to have a technical instrument at Union level allowing accurate identification of third-country nationals for these purposes.

Amendment

(36) The possibility to achieve the objectives of the EU information systems is undermined by the current difficulty for the authorities using these systems to conduct sufficiently reliable verifications of the identities of the third-country nationals whose data are stored in different systems. That difficulty is determined by the fact that the set of identity data stored in a given individual system may be fraudulent, incorrect, or incomplete, and that there is currently no possibility to detect such fraudulent, incorrect or incomplete identity data by way of comparison with data stored in another system. To remedy this situation it is necessary to have a technical instrument at Union level allowing accurate identification of third-country nationals for these purposes.
nationals for these purposes.

Or. en

Amendment 292
Bodil Valero

Proposal for a regulation
Recital 37

Text proposed by the Commission

(37) The multiple-identity detector (MID) should create and store links between data in the different EU information systems in order to detect multiple identities, with the dual purpose of facilitating identity checks for bona fide travellers and combating identity fraud. The MID should only contain the links between individuals present in more than one EU information system, strictly limited to the data necessary to verify that a person is recorded lawfully or unlawfully under different biographical identities in different systems, or to clarify that two persons having similar biographical data may not be the same person. Data processing through the European search portal (ESP) and the shared biometric matching service (shared BMS) in order to link individual files across individual systems should be kept to an absolute minimum and therefore is limited to a multiple-identity detection at the time new data is added to one of the information systems included in the common identity repository and in the SIS. The MID should include safeguards against potential discrimination or unfavourable decisions for persons with multiple lawful identities.

Or. en
Amendment 293
Cornelia Ernst

Proposal for a regulation
Recital 37

Text proposed by the Commission

(37) The multiple-identity detector (MID) should create and store links between data in the different EU information systems in order to detect multiple identities, with the dual purpose of facilitating identity checks for bona fide travellers and combating identity fraud. The MID should only contain the links between individuals present in more than one EU information system, strictly limited to the data necessary to verify that a person is recorded lawfully or unlawfully under different biographical identities in different systems, or to clarify that two persons having similar biographical data may not be the same person. Data processing through the European search portal (ESP) and the shared biometric matching service (shared BMS) in order to link individual files across individual systems should be kept to an absolute minimum and therefore is limited to a multiple-identity detection at the time new data is added to one of the information systems included in the common identity repository and in the SIS. The MID should include safeguards against potential discrimination or unfavourable decisions for persons with multiple lawful identities.

Or. en

Amendment 294
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 37
(37) The multiple-identity detector (MID) should create and store links between data in the different EU information systems in order to detect multiple identities, with the dual purpose of facilitating identity checks for bona fide travellers and combating identity fraud. The MID should only contain the links between individuals present in more than one EU information system, strictly limited to the data necessary to verify that a person is recorded lawfully or unlawfully under different biographical identities in different systems, or to clarify that two persons having similar biographical data may not be the same person. Data processing through the European search portal (ESP) and the shared biometric matching service (shared BMS) in order to link individual files across individual systems should be kept to an absolute minimum and therefore is limited to a multiple-identity detection at the time new data is added to one of the information systems included in the common identity repository and in the SIS. The MID should include safeguards against potential discrimination or unfavourable decisions for persons with multiple lawful identities.

Justification

In line with the recommendations of the European Data Protection Supervisor (para 88).
Amendment 295
Cornelia Ernst

Proposal for a regulation
Recital 38

Text proposed by the Commission

(38) This Regulation provides for new data processing operations aimed at identifying the persons concerned correctly. This constitutes an interference with their fundamental rights as protected by Articles 7 and 8 of the Charter of Fundamental Rights. Since the effective implementation of the EU information systems is dependent upon correct identification of the individuals concerned, such interference is justified by the same objectives for which each of those systems have been established, the effective management of the Union’s borders, the internal security of the Union, the effective implementation of the Union’s asylum and visa policies and the fight against irregular migration.

Amendment

(38) This Regulation provides for new data processing operations aimed at identifying the persons concerned correctly. This constitutes an interference with their fundamental rights as protected by Articles 7 and 8 of the Charter of Fundamental Rights.

Or. en

Amendment 296
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 38

Text proposed by the Commission

(38) This Regulation provides for new data processing operations aimed at identifying the persons concerned correctly. This constitutes an interference with their fundamental rights as protected by Articles 7 and 8 of the Charter of Fundamental Rights. Since the effective implementation of the EU information systems is dependent upon correct identification of the persons concerned. This constitutes an interference with their fundamental rights as protected by Articles 7 and 8 of the Charter of Fundamental Rights. Since it is necessary to correctly identify those persons in order to fully realise the
identification of the individuals concerned, such interference is justified by the same objectives for which each of those systems have been established, the effective management of the Union’s borders, the internal security of the Union, the effective implementation of the Union’s asylum and visa policies and the fight against irregular migration.

objectives of those EU information systems, such interference is justified by those same objectives of effectively managing the Union’s borders, providing internal security in the Union, effectively implementing the Union’s asylum and visa policies and combating irregular migration.

Or. en

Justification

The Commission proposal makes it sound as if it is currently not possible to identify persons correctly. That is clearly not the case.

Amendment 297
Bodil Valero

Proposal for a regulation
Recital 39

Text proposed by the Commission

(39) The European search portal (ESP) and shared biometric matching service (shared BMS) should compare data in common identity repository (CIR) and SIS on persons when new records are created by a national authority or an EU body. Such comparison should be automated. The CIR and the SIS should use the shared BMS to detect possible links on the basis of biometric data. The CIR and the SIS should use the ESP to detect possible links on the basis of alphanumeric data. The CIR and the SIS should be able to identify identical or similar data on the third-country national stored across several systems. Where such is the case, a link indicating that it is the same person should be established. The CIR and the SIS should be configured in such a way that small transliteration or spelling mistakes are detected in such a way as not

Amendment
to create any unjustified hindrance to the concerned third-country national.

Or. en

Amendment 298
Cornelia Ernst

Proposal for a regulation
Recital 39

Text proposed by the Commission

(39) The European search portal (ESP) and shared biometric matching service (shared BMS) should compare data in common identity repository (CIR) and SIS on persons when new records are created by a national authority or an EU body. Such comparison should be automated. The CIR and the SIS should use the shared BMS to detect possible links on the basis of biometric data. The CIR and the SIS should use the ESP to detect possible links on the basis of alphanumeric data. The CIR and the SIS should be able to identify identical or similar data on the third-country national stored across several systems. Where such is the case, a link indicating that it is the same person should be established. The CIR and the SIS should be configured in such a way that small transliteration or spelling mistakes are detected in such a way as not to create any unjustified hindrance to the concerned third-country national.

Or. en

Amendment 299
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 39
The European search portal (ESP) and shared biometric matching service (shared BMS) should compare data in the common identity repository (CIR) and SIS on persons when new records are created by a national authority or an EU body. Such comparison should be automated. The CIR and the SIS should use the shared BMS to detect possible links on the basis of biometric data. The CIR and the SIS should use the ESP to detect possible links on the basis of alphanumeric data. The CIR and the SIS should be able to identify identical or similar data on the third-country national stored across several systems. Where such is the case, a link indicating that it is the same person should be established. The CIR and the SIS should be configured in such a way that small transliteration or spelling mistakes are detected in such a way as not to create any unjustified hindrance to the concerned third-country national.

Amendment tabled for consistency with the deletion of the CIR.

Amendment 300
Cornelia Ernst

Proposal for a regulation
Recital 40

Text proposed by the Commission

(40) The national authority or EU body that recorded the data in the respective EU information system should confirm or

Amendment

deleted
change these links. This authority should have access to the data stored in the common identity repository (CIR) or the SIS and in the multiple-identity detector (MID) for the purpose of the manual identity verification.

Or. en

Amendment 301
Bodil Valero

Proposal for a regulation
Recital 40

Text proposed by the Commission

(40) The national authority or EU body that recorded the data in the respective EU information system should confirm or change these links. This authority should have access to the data stored in the common identity repository (CIR) or the SIS and in the multiple-identity detector (MID) for the purpose of the manual identity verification.

Amendment

deleted

Or. en

Amendment 302
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 40

Text proposed by the Commission

(40) The national authority or EU body that recorded the data in the respective EU information system should confirm or change these links. This authority should have access to the data stored in the common identity repository (CIR) or the SIS and in the multiple-identity detector

Amendment

(40) The national authority or EU body that recorded the new data in the respective EU information system should confirm or change these links. This authority should have access to the identity data stored in those EU information systems for the purpose of the manual identity verification.
(MID) for the purpose of the manual identity verification.

Amendment 303
Cornelia Ernst

Proposal for a regulation
Recital 41

Text proposed by the Commission

Amendment

(41) Access to the multiple-identity detector (MID) by Member State authorities and EU bodies having access to at least one EU information system included in the common identity repository (CIR) or to the SIS should be limited to so called red links where 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, or where 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. Where the linked identity data is not similar, a yellow link should be established and a manual verification should take place in order to confirm the link or change its colour accordingly.

Amendment 304
Bodil Valero

Proposal for a regulation
Recital 41

Text proposed by the Commission

Amendment
(41) Access to the multiple-identity detector (MID) by Member State authorities and EU bodies having access to at least one EU information system included in the common identity repository (CIR) or to the SIS should be limited to so called red links where 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, or where 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. Where the linked identity data is not similar, a yellow link should be established and a manual verification should take place in order to confirm the link or change its colour accordingly.

Amendment 305
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) Access to the multiple-identity detector (MID) by Member State authorities and EU bodies having access to at least one EU information system included in the common identity repository (CIR) or to the SIS should be limited to so called red links where 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, or where 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 where the linked data has different identity data and the authority responsible for the verification of different identities concluded it refers to the same person.
identities concluded it refers \textit{unlawfully} to the same person. Where the linked identity data \textit{is} not similar, a yellow link should be established and a manual verification should take place in order to confirm the link or change its colour accordingly. \textit{an unjustified manner}. Where the linked identity data \textit{are} not similar, a yellow link should be established and a manual verification should take place in order to confirm the link or change its colour accordingly.

\textbf{Amendment 306}

Bodil Valero

Proposal for a regulation

Recital 42

\textit{Text proposed by the Commission}

\textbf{Amendment}

\begin{itemize}
\item[(42)] \textit{The manual verification of multiple identities should be ensured by the authority creating or updating the data that triggered a hit resulting in a link with data already stored in another EU information system. The authority responsible for the verification of multiple identities should assess whether there are multiple lawful or unlawful identities. 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.}\end{itemize}

\textbf{Amendment 307}

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

Proposal for a regulation

Recital 42
The manual verification of multiple identities should be ensured by the authority creating or updating the data that triggered a hit resulting in a link with data already stored in another EU information system. The authority responsible for the verification of multiple identities should assess whether there are multiple lawful or unlawful identities. 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.

Amendment 308
Bodil Valero
Proposal for a regulation
Recital 43

(42) The manual verification of multiple identities should be ensured by the authority creating or updating the data that triggered a hit resulting in a link with data already stored in another EU information system as described in this Regulation in full respect of access rights granted under Union and national law. The authority responsible for the verification of multiple identities should assess whether there are multiple lawful or unlawful identities. Such assessment should be performed only 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

(43) For the links obtained in relation to the Schengen Information System (SIS) related to the alerts in respect of persons wanted for arrest or for surrender or extradition purposes, on missing or vulnerable persons, on persons sought to assist with a judicial procedure, on persons for discreet checks or specific checks or on unknown wanted persons, the authority responsible for the verification of multiple identities should be the SIRENE Bureau of the Member State that created the alert. Indeed those categories of SIS alerts are sensitive and should not necessarily be shared with the
authorities creating or updating the data in one of the other EU information systems. The creation of a link with SIS data should be without prejudice to the actions to be taken in accordance with the [SIS Regulations].

Amendment 309
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 43

Text proposed by the Commission

(43) For the links obtained in relation to the Schengen Information System (SIS) related to the alerts in respect of persons wanted for arrest or for surrender or extradition purposes, on missing or vulnerable persons, on persons sought to assist with a judicial procedure, on persons for discreet checks or specific checks or on unknown wanted persons, the authority responsible for the verification of multiple identities should be the SIRENE Bureau of the Member State that created the alert. Indeed those categories of SIS alerts are sensitive and should not necessarily be shared with the authorities creating or updating the data in one of the other EU information systems. The creation of a link with SIS data should be without prejudice to the actions to be taken in accordance with the [SIS Regulations].

Amendment

(43) By way of derogation, for the links obtained in relation to the SIS related to the alerts in respect of persons wanted for arrest or for surrender or extradition purposes, on missing or vulnerable persons, on persons sought to assist with a judicial procedure, on persons for discreet checks or specific checks or on unknown wanted persons, the authority responsible for the verification of multiple identities should be the SIRENE Bureau of the Member State that created the alert. Indeed those categories of SIS alerts are sensitive and should not necessarily be shared with the authorities creating or updating the data in one of the other EU information systems. The creation of a link with SIS data should be without prejudice to the actions to be taken in accordance with the [SIS Regulations].

Justification

As this is a derogation to the main rule, it should be described as such. In addition, there are multiple references to SIS earlier in the recitals.
Proposal for a regulation
Recital 43

Text proposed by the Commission

(43) For the links obtained in relation to the Schengen Information System (SIS) related to the alerts in respect of persons wanted for arrest or for surrender or extradition purposes, on missing or vulnerable persons, on persons sought to assist with a judicial procedure, on persons for discreet checks or specific checks or on unknown wanted persons, the authority responsible for the verification of multiple identities should be the SIRENE Bureau of the Member State that created the alert. Indeed those categories of SIS alerts are sensitive and should not necessarily be shared with the authorities creating or updating the data in one of the other EU information systems. The creation of a link with SIS data should be without prejudice to the actions to be taken in accordance with the [SIS Regulations].

Amendment

(43) For the links obtained in relation to the Schengen Information System (SIS) related to the alerts in respect of persons wanted for arrest or for surrender or extradition purposes, on missing or vulnerable persons, on persons sought to assist with a judicial procedure, on persons for discreet checks or specific checks or on unknown wanted persons, the authority responsible for the verification of multiple identities should be the SIRENE Bureau of the Member State that created the alert. Indeed those categories of SIS alerts are sensitive and should not necessarily be shared with the authorities creating or updating the data in one of the other EU information systems. The creation of a link with SIS data should be without prejudice to the actions to be taken in accordance with the [SIS Regulations]. **A link should only be created for types of alerts relating to serious criminal offences as defined in Article 4 (25) and (26) of the current Regulation and cannot be created for types of alerts that concern EU or dual citizens.**

Or. en
eu-LISA should establish automated data quality control mechanisms and common data quality indicators. eu-LISA should be responsible to develop a central monitoring capacity for data quality and to produce regular data analysis reports to improve the control of implementation and application by Member States of EU information systems. The common quality indicators should include the minimum quality standards to store data in the EU information systems or the interoperability components. The goal of such a data quality standards should be for the EU information systems and interoperability components to automatically identify apparently incorrect or inconsistent data submissions so that the originating Member State is able to verify the data and carry out any necessary remedial actions.

Or.

Justification

Linguistic amendment

Amendment 312
Cornelia Ernst
Proposal for a regulation
Recital 44
information systems. The common quality indicators should include the minimum quality standards to store data in the EU information systems or the interoperability components. The goal of such a data quality standards should be for the EU information systems and interoperability components to automatically identify apparently incorrect or inconsistent data submissions so that the originating Member State is able to verify the data and carry out any necessary remedial actions.

Amendment 313
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Recital 44

Text proposed by the Commission

(44) eu-LISA should establish automated data quality control mechanisms and common data quality indicators. eu-LISA should be responsible to develop a central monitoring capacity for data quality and to produce regular data analysis reports to improve the control of implementation and application by Member States of EU information systems. The common quality indicators should include the minimum quality standards to store data in the EU information systems or the interoperability components. The goal of such a data quality standards should be for the EU information systems and interoperability components to automatically identify apparently incorrect or inconsistent data submissions so that the originating Member State is able to verify the data and carry out any necessary remedial actions.

Amendment

(44) eu-LISA should establish automated data quality control mechanisms and common data quality indicators. eu-LISA should send out automatic and immediate warnings to the authority entering data if minimum data quality standards are not met. eu-LISA should be responsible to develop a central monitoring capacity for data quality and to produce regular data analysis reports to improve the control of implementation and application by Member States of EU information systems. The common quality indicators should include the minimum quality standards to store data in the EU information systems or the interoperability components. The goal of such a data quality standards should be for the EU information systems and interoperability components to automatically identify apparently incorrect or inconsistent data submissions so that the originating Member State is able to verify the data and carry out any necessary remedial actions.
carry out any necessary remedial actions.

Or. en

Amendment 314
Cornelia Ernst
Proposal for a regulation
Recital 45

Text proposed by the Commission

(45) The Commission should evaluate eu-LISA quality reports and should issue recommendations to Member States where appropriate. Member States should be responsible for preparing an action plan describing actions to remedy any deficiencies in data quality and should report on its progress regularly.

Amendment

(45) The Commission should evaluate eu-LISA quality reports and should issue recommendations to Member States where appropriate. Member States should be responsible for preparing an action plan describing actions to remedy any deficiencies in data quality and fundamental rights and should report on its progress regularly.

Or. en

Amendment 315
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes
Proposal for a regulation
Recital 46

Text proposed by the Commission

(46) The Universal Message Format (UMF) should establish a standard for structured, cross-border information exchange between information systems, authorities and/or organisations in the field of Justice and Home affairs. UMF should define a common vocabulary and logical structures for commonly exchanged information with the objective to facilitate interoperability by enabling the creation and reading of the contents of the exchange in a consistent and semantically equivalent

Amendment

(46) The Universal Message Format (UMF) should establish a standard for structured, cross-border information exchange between information systems, authorities and/or organisations in the field of Justice and Home affairs. UMF should define a common vocabulary and logical structures for commonly exchanged information with the objective of facilitating interoperability by enabling the creation and reading of the contents of the exchange in a consistent and semantically equivalent
 Amendment 316
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Recital 46

Text proposed by the Commission

(46) The Universal Message Format (UMF) should establish a standard for structured, cross-border information exchange between information systems, authorities and/or organisations in the field of Justice and Home affairs. UMF should define a common vocabulary and logical structures for commonly exchanged information with the objective to facilitate interoperability by enabling the creation and reading of the contents of the exchange in a consistent and semantically equivalent manner.

Amendment

(46) The Universal Message Format (UMF) should establish a standard for structured, cross-border information exchange between information systems, authorities and/or organisations in the field of Justice and Home affairs, including SIS. UMF should define a common vocabulary and logical structures for commonly exchanged information with the objective to facilitate interoperability by enabling the creation and reading of the contents of the exchange in a consistent and semantically equivalent manner.

Or. en

Amendment 317
Cornelia Ernst

Proposal for a regulation
Recital 47

Text proposed by the Commission

(47) A central repository for reporting and statistics (CRRS) should be established to generate cross-system statistical data and analytical reporting for policy, operational and data quality purposes. eu-LISA should establish, implement and host the CRRS in its technical sites containing anonymous statistical data from the above-mentioned

Amendment

deleted

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systems, the common identity repository, the multiple-identity detector and the shared biometric matching service. The data contained in the CRRS should not enable the identification of individuals. eu-LISA should render the data anonymous and should record such anonymous data in the CRRS. The process for rendering the data anonymous should be automated and no direct access by eu-LISA staff should be granted to any personal data stored in the EU information systems or in the interoperability components.

Amendment 318
Bodil Valero

Proposal for a regulation
Recital 47

Text proposed by the Commission

(47) A central repository for reporting and statistics (CRRS) should be established to generate cross-system statistical data and analytical reporting for policy, operational and data quality purposes. eu-LISA should establish, implement and host the CRRS in its technical sites containing anonymous statistical data from the above-mentioned systems, the common identity repository, the multiple-identity detector and the shared biometric matching service. The data contained in the CRRS should not enable the identification of individuals. eu-LISA should render the data anonymous and should record such anonymous data in the CRRS. The process for rendering the data anonymous should be automated and no direct access by eu-LISA staff should be granted to any personal data stored in the EU information systems or in the interoperability components.

Amendment

(47) Functionalities for reporting and statistics should be established to generate cross-system statistical data and analytical reporting for policy, operational and data quality purposes. eu-LISA should develop these functionalities to extract anonymous statistical data from the above-mentioned systems, and the shared biometric matching service (shared BMS). eu-LISA should render the data anonymous. The process for rendering the data anonymous should be automated and no direct access by eu-LISA staff should be granted to any personal data stored in the EU information systems or in the interoperability components.
(47) A central repository for reporting and statistics (CRRS) should be established to generate cross-system statistical data and analytical reporting for policy, operational and data quality purposes. eu-LISA should establish, implement and host the CRRS in its technical sites containing anonymous statistical data from the above-mentioned systems, the common identity repository, the multiple-identity detector and the shared biometric matching service. The data contained in the CRRS should not enable the identification of individuals. eu-LISA should render the data anonymous and should record such anonymous data in the CRRS. The process for rendering the data anonymous should be automated and no direct access by eu-LISA staff should be granted to any personal data stored in the EU information systems or in the interoperability components.

Or. en

Justification

The statistical reporting of the CRRS must be limited to the objectives of the individual systems. Anonymisation of the data should be immediate. No data should be stored in the CRRS unless it has been anonymised.
Amendment 320
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 48

*Text proposed by the Commission*

(48) Regulation (EU) 2016/679 should apply to the processing of personal data under this Regulation by national authorities unless such processing is carried out by the designated authorities or central access points of the Member States for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences, when Directive (EU) 2016/680 of the European Parliament and of the Council should apply.

*Amendment*

(48) Regulation (EU) 2016/679 should apply to the processing of personal data under this Regulation by national authorities unless such processing is carried out by the designated authorities or central access points of the Member States for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences, in which case Directive (EU) 2016/680 of the European Parliament and of the Council should apply.

Or. en

Amendment 321
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 49

*Text proposed by the Commission*

(49) The specific provisions on data protection of [the EES Regulation], Regulation (EC) No 767/2008, [the ETIAS Regulation] and [the Regulation on SIS in the field of border checks] should apply to the processing of personal data in those respective systems.

*Amendment*

deleted

Or. en
Justification

This recital is misleading as this Regulation does not seek to govern the processing of information in those systems. Recital 48 lays down the data protection regime applicable for the purposes of interoperability.

Amendment 322
Cornelia Ernst

Proposal for a regulation
Recital 51

Text proposed by the Commission

(51) The national supervisory authorities established in accordance with Regulation (EU) 2016/679 should monitor the lawfulness of the processing of personal data by the Member States, whilst the European Data Protection Supervisor as established by Regulation (EC) No 45/2001 should monitor the activities of the Union institutions and bodies in relation to the processing of personal data. The European Data Protection Supervisor and the supervisory authorities should cooperate with each other in the monitoring of the processing of personal data by interoperability components.

Amendment

(51) The national supervisory authorities established in accordance with Regulation (EU) 2016/679 or Directive (EU) 2016/680 should monitor the lawfulness of the processing of personal data by the Member States, whilst the European Data Protection Supervisor as established by Regulation (EC) No 45/2001 should monitor the activities of the Union institutions and bodies in relation to the processing of personal data. The European Data Protection Supervisor and the supervisory authorities should cooperate with each other in the monitoring of the processing of personal data.

Or. en

Amendment 323
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 52

Text proposed by the Commission

(52) “(...) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No

Amendment

(52) “The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No
45/2001 and delivered an opinion on “ 45/2001 and delivered an opinion on 16 April 2018 “

Amendment 324
Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maïté Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Recital 55

Text proposed by the Commission

(55) The implementation of the interoperability components provided for in this Regulation will have an impact on the way checks are carried out at border crossing points. These impacts will result from a combined application of the existing rules of the Regulation (EU) 2016/399 of the European Parliament and of the Council60 and the rules on interoperability provided for in this Regulation.

Amendment

(55) The implementation of the interoperability components provided for in this Regulation and the integration of the existing national systems and infrastructures with those components will have an impact on the way checks are carried out at border crossing points. These impacts will result from a combined application of the existing rules of the Regulation (EU) 2016/399 of the European Parliament and of the Council60 and the rules on interoperability provided for in this Regulation.


Amendment 325
Cornelia Ernst

Proposal for a regulation
Recital 56

Text proposed by the Commission

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Amendment

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(56) As a consequence of this combined application of the rules, the European search portal (ESP) should constitute the main access point for the compulsory systematic consultation of databases for third-country nationals at border crossing points provided for by the Schengen Borders Code. In addition, the identity data that led to the classification of a link in the multiple-identity detector (MID) as a red link should be taken into account by the border guards for assessing whether or not the person fulfils the conditions of entry defined in the Schengen Borders Code. However the presence of a red link should not in itself constitute a ground for refusal of entry and the existing grounds for refusal of entry listed in the Schengen Borders Code should therefore not be amended.

Amendment 326
Bodil Valero

Proposal for a regulation
Recital 56

Text proposed by the Commission

(56) As a consequence of this combined application of the rules, the European search portal (ESP) should constitute the main access point for the compulsory systematic consultation of databases for third-country nationals at border crossing points provided for by the Schengen Borders Code. In addition, the identity data that led to the classification of a link in the multiple-identity detector (MID) as a red link should be taken into account by the border guards for assessing whether or not the person fulfils the conditions of entry defined in the Schengen Borders Code. However the presence of a red link should not in itself constitute a ground for refusal of entry and the existing grounds for refusal of entry listed in the Schengen Borders Code should therefore not be amended.

Amendment

(56) As a consequence of this combined application of the rules, the European search portal (ESP) should constitute the main access point for the compulsory systematic consultation of databases for third-country nationals at border crossing points provided for by the Schengen Borders Code.
refusal of entry and the existing grounds for refusal of entry listed in the Schengen Borders Code should therefore not be amended.

Amendment 327
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 56

Text proposed by the Commission

(56) As a consequence of this combined application of the rules, the European search portal (ESP) should constitute the main access point for the compulsory systematic consultation of databases for third-country nationals at border crossing points provided for by the Schengen Borders Code. **In addition, the identity data that led to the classification of a link in the multiple-identity detector (MID) as a red link should be taken into account by the border guards for assessing whether or not the person fulfils the conditions of entry defined in the Schengen Borders Code. However the presence of a red link should not in itself constitute a ground for refusal of entry and the existing grounds for refusal of entry listed in the Schengen Borders Code should therefore not be amended.**

Amendment

(56) As a consequence of this combined application of the rules, the European search portal (ESP) should constitute the main access point for the compulsory systematic consultation of databases for third-country nationals at border crossing points provided for by the Schengen Borders Code. **Where a red link exists in respect of a third-country national seeking to cross an external border into the Schengen Area, that red link should be taken into account by the border guards for assessing whether or not the person fulfils the conditions of entry defined in the Schengen Borders Code. However the presence of a red link should not in itself constitute a ground for refusal of entry and the existing grounds for refusal of entry listed in the Schengen Borders Code should therefore not be amended.**

Amendment 328
Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Recital 57 a (new)
It would be appropriate that, during the development phase of the interoperability components, the Commission assess the necessity of further harmonisation of national systems and infrastructures of Member States at external borders. Those recommendations should also include an impact assessment and an assessment on their cost for the EU budget.

Amendment 329
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 58

However, an amendment of Regulation (EU) 2016/399 would be required in order to add the obligation for the border guard to refer a third-country national to second-line check in case the consultation of the multiple-identity detector (MID) through the European search portal (ESP) would indicate the existence of a yellow link or a red link, in view of not prolonging the waiting time in the first-line checks.

Justification

There is no need to stipulate how a border guard should carry out his/her actions with regard to interoperability components.
Amendment 330
Cornelia Ernst

Proposal for a regulation
Recital 58

Text proposed by the Commission
(58) However, an amendment of Regulation (EU) 2016/399 would be required in order to add the obligation for the border guard to refer a third-country national to second-line check in case the consultation of the multiple-identity detector (MID) through the European search portal (ESP) would indicate the existence of a yellow link or a red link, in view of not prolonging the waiting time in the first-line checks.

Amendment
deleted

Or. en

Amendment 331
Bodil Valero

Proposal for a regulation
Recital 58

Text proposed by the Commission
(58) However, an amendment of Regulation (EU) 2016/399 would be required in order to add the obligation for the border guard to refer a third-country national to second-line check in case the consultation of the multiple-identity detector (MID) through the European search portal (ESP) would indicate the existence of a yellow link or a red link, in view of not prolonging the waiting time in the first-line checks.

Amendment
deleted

Or. en

Amendment 332
Cornelia Ernst

Proposal for a regulation
Recital 59

Text proposed by the Commission

(59) Should the query of the multiple-identity detector (MID) through the European search portal (ESP) result in a yellow link or detect a red link, the border guard on second line should consult the common identity repository or the Schengen Information System or both in order to assess the information on the person being checked, to manually verify his/her different identity and to adapt the colour of the link if required.

Amendment

Or. en

Amendment 333
Bodil Valero

Proposal for a regulation
Recital 59

Text proposed by the Commission

(59) Should the query of the multiple-identity detector (MID) through the European search portal (ESP) result in a yellow link or detect a red link, the border guard on second line should consult the common identity repository or the Schengen Information System or both in order to assess the information on the person being checked, to manually verify his/her different identity and to adapt the colour of the link if required.

Amendment

Or. en

Amendment 334
Péter Niedermüller, Miriam Dalli, Cécile Kashedu Kyenge, Tanja Fajon, Josef
Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 59

Text proposed by the Commission

(59) Should the query of the multiple-identity detector (MID) through the European search portal (ESP) result in a yellow link or detect a red link, the border guard on second line should consult the common identity repository or the Schengen Information System or both in order to assess the information on the person being checked, to manually verify his/her different identity and to adapt the colour of the link if required.

Amendment

(59) Should the query of the multiple-identity detector (MID) through the European search portal (ESP) result in a yellow link or detect a red link, the border guard on second line should consult the relevant EU information systems in order to assess the information on the person being checked, to manually verify his/her different identity and to adapt the colour of the link if required.

Or. en

Amendment 335
Cornelia Ernst

Proposal for a regulation
Recital 60

Text proposed by the Commission

(60) To support the purposes of statistics and reporting, it is necessary to grant access to authorised staff of the competent authorities, institutions and bodies identified in this Regulation to consult certain data related to certain interoperability components without enabling individual identification.

Amendment

(60) To support the purposes of statistics and reporting on possible negative impact on fundamental rights, it is necessary to grant access to authorised staff of the competent authorities, institutions and bodies identified in this Regulation to consult certain data related to certain interoperability components without enabling individual identification.

Or. en

Amendment 336
Bodil Valero
Proposal for a regulation
Recital 61

Text proposed by the Commission

(61) In order to allow competent authorities and the EU bodies to adapt to the new requirements on the use of the European search portal (ESP), it is necessary to provide for a transitional period. Similarly, in order to allow for the coherent and optimal functioning of the multiple-identity detector (MID), transitional measures should be established for the start of its operations.

Amendment

(61) In order to allow competent authorities and the EU bodies to adapt to the new requirements on the use of the European search portal (ESP), it is necessary to provide for a transitional period.

Or. en

Amendment 337
Cornelia Ernst

Proposal for a regulation
Recital 61

Text proposed by the Commission

(61) In order to allow competent authorities and the EU bodies to adapt to the new requirements on the use of the European search portal (ESP), it is necessary to provide for a transitional period. Similarly, in order to allow for the coherent and optimal functioning of the multiple-identity detector (MID), transitional measures should be established for the start of its operations.

Amendment

(61) In order to allow competent authorities and the EU bodies to adapt to the new requirements on the use of the European search portal (ESP), it is necessary to provide for a transitional period.

Or. en

Amendment 338
Maria Grapini

Proposal for a regulation
Recital 61

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(61) In order to allow competent authorities and the EU bodies to adapt to the new requirements on the use of the European search portal (ESP), it is necessary to provide for a transitional period. Similarly, in order to allow for the coherent and optimal functioning of the multiple-identity detector (MID), transitional measures should be established for the start of its operations.

Or. ro

Amendment 339
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 62

(62) The costs for the development of the interoperability components projected under the current Multiannual Financial Framework are lower than the remaining amount on the budget earmarked for Smart Borders in Regulation (EU) No 515/2014 of the European Parliament and the Council. Accordingly, this Regulation, pursuant to Article 5(5)(b) of Regulation (EU) No 515/2014, should reallocate the amount currently attributed for developing IT systems supporting the management of migration flows across the external borders.

61 Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing as part of the Internal Security Fund, the Instrument for...

Or. en

Justification

Projected costs often do not reflect actual costs. All that can be said with certainty at this stage is that the remaining amount available under Regulation 515/2014 should be reallocated to this Regulation.

Amendment 340
Daniel Dalton

Proposal for a regulation
Recital 62

Text proposed by the Commission

(62) The costs for the development of the interoperability components projected under the current Multiannual Financial Framework are lower than the remaining amount on the budget earmarked for Smart Borders in Regulation (EU) No 515/2014 of the European Parliament and the Council. Accordingly, this Regulation, pursuant to Article 5(5)(b) of Regulation (EU) No 515/2014, should reallocate the amount currently attributed for developing IT systems supporting the management of migration flows across the external borders.

Amendment

(62) The costs for the development of the interoperability components projected under the current Multiannual Financial Framework are lower than the remaining amount on the budget earmarked for Smart Borders in Regulation (EU) No 515/2014 of the European Parliament and the Council. Accordingly, this Regulation, pursuant to Article 5(5)(b) of Regulation (EU) No 515/2014, should reallocate the amount currently attributed for developing IT systems supporting the management of migration flows across the external borders. In addition, eu-LISA shall use best endeavours to keep costs to a minimum and to identify and implement the most cost-effective technical solutions.

Justification

This provides an objective for eu-LISA to keep costs to a minimum and identify and implement the most cost-effective technical solutions.

Amendment 341
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 63

Text proposed by the Commission

(63) In order to supplement certain detailed technical aspects of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the profiles for the users of the European search portal (ESP) and the content and format of the ESP replies. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member State experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment

(63) In order to supplement certain detailed technical aspects of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. In particular, power should be delegated to the Commission in respect of the profiles for the users of the European search portal (ESP), the content and format of the ESP replies, the procedures to determine the cases where identity data can be considered as identical or similar, and the rules on the operation of the Central Repository for Reporting and Statistics, including specific safeguards for processing of personal data and security rules applicable to the repository. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in
the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member State experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

_________________  
_________________


Or. en

Justification

The additional elements on procedures for identity data and in respect of the CRRS constitute the supplementing of certain non-essential elements of this Regulation and, as such, should be the subject of a delegated act.

Amendment 342  
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 64

Text proposed by the Commission

(64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt detailed rules on: automated data quality control mechanisms, procedures and indicators; development of the UMF standard; procedures for determining cases of similarity of identities; the operation of the central repository for reporting and statistics; and cooperation procedure in case of security incidents. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and

Amendment

(64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt detailed rules on: automated data quality control mechanisms, procedures and indicators; development of the UMF standard; and cooperation procedure in case of security incidents. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.
of the Council\textsuperscript{63}.


\textit{Justification}

This amendment is tabled for consistency with the previous amendment.

**Amendment 343**  
Bodil Valero

**Proposal for a regulation**  
Recital 64

\textit{Text proposed by the Commission}

(64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt detailed rules on: automated data quality control mechanisms, procedures and indicators; development of the UMF standard; procedures for determining cases of similarity of identities; the operation of the central repository for reporting and statistics; and cooperation procedure in case of security incidents. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council\textsuperscript{63}.


\textit{Amendment}

(64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt detailed rules on: automated data quality control mechanisms, procedures and indicators; development of the UMF standard; procedures for determining cases of similarity of identities; and cooperation procedure in case of security incidents. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council\textsuperscript{63}.


Amendment 344
Cornelia Ernst

Proposal for a regulation
Recital 64

**Text proposed by the Commission**

(64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt detailed rules on: automated data quality control mechanisms, procedures and indicators; development of the UMF standard; procedures for determining cases of similarity of identities; the operation of the central repository for reporting and statistics; and cooperation procedure in case of security incidents. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.

**Amendment**

(64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt detailed rules on: automated data quality control mechanisms, procedures and indicators; development of the UMF standard; procedures for determining cases of similarity of identities; and cooperation procedure in case of security incidents. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.

________________________


Amendment 345
Bodil Valero

Amendment (64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt detailed rules on: automated data quality control mechanisms, procedures and indicators; development of the UMF standard; procedures for determining cases of similarity of identities; and cooperation procedure in case of security incidents. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.

________________________

Proposal for a regulation
Recital 65

Text proposed by the Commission

(65) Regulation 2016/794 shall apply for any processing of Europol data for the purposes of this Regulation.

Amendment

deleted

Or. en

Amendment 346
Péter Niedermüller
on behalf of the S&D Group

Proposal for a regulation
Recital 65 a (new)

Text proposed by the Commission

(65a) As interoperability components will involve the processing of significant amounts of sensitive personal data, it is important that persons whose data is processed through those components can effectively exercise their rights as data subjects as laid down in Regulation (EU) 2016/679, Directive (EU) 680/2016 and Regulation (EC) No 45/2001. In that regard, in the same way as Member State authorities have been provided with a single portal to carry out searches of EU information systems, so data subjects should be provided with a single web service through which they can exercise their rights to access, rectification, erasure and restriction. eu.LISA should establish such a web service and host it in its technical site. As eu.LISA is not responsible for the entry of personal data or the verification of identities, the request should be transmitted via the web service to either the Member State responsible for the manual verification of different identities or the Member State responsible for the entry of the data into the
underlying information system.

Justification

It is important that third country nationals and other data subjects whose sensitive personal data will be processed through interoperability components can effective 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 347
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 65 a (new)

Text proposed by the Commission

Amendment

(65a) This Regulation should contain clear provisions on liability and right to compensation for unlawful processing of personal data or from any other act incompatible with it, without prejudice to the right to compensation from, and liability of the controller or processor under Regulation (EU) 2016/679, Directive EU 2016/680 and Regulation EU 45/2001. With regard to the role of eu-LISA as a data processor, this latter should be responsible for the damage it provoked where it has not complied with the specific obligations of this Regulation directed to it.

Justification

This recital is misleading as this Regulation does not seek to govern the processing of
information by Europol. Recital 48 lays down the data protection regime applicable for the purposes of interoperability.

Amendment 348
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 65 b (new)

Text proposed by the Commission

Amendment

(65b) Article 8 (2) of the European Convention on Human Rights states that any interference with the right to respect for private life, must pursue a legitimate aim and must be both necessary and proportionate except in such cases when, in accordance with the law such an action is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Or en

Justification

The right to the protection of personal data and the right to respect for private life are enshrined both within EU law (GDPR) and within EU’s highest human rights instruments. As this legislation deals with both personal data and privacy of persons, it is essential that both instruments are reflected within the recitals of the law.

Amendment 349
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 65 c (new)

Text proposed by the Commission

Amendment
Article 52(1) of the Charter of Fundamental Rights states that any limitation on the exercise of rights and freedoms recognised by the Charter must be provided for by law and respect the essence of those rights and freedoms and be subject to the principle of proportionality. Limitations may be made only if they are necessary if they genuinely meet the objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others.

Or. en

Justification

The right to the protection of personal data and the right to respect for private life are enshrined both within EU law (GDPR) and within EU’s highest human rights instruments. As this legislation deals with both personal data and privacy of persons, it is essential that both instruments are reflected within the recitals of the law.

Amendment 350
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 65 d (new)

Text proposed by the Commission

(65d) One of the core principles of data protection is data minimisation as highlighted in Article 5 (1)(c) of the GDPR which states that the processing of personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

1a REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016 on the protection of natural persons with...
regard to the processing of personal data
and on the free movement of such data,
and repealing Directive 95/46/EC
(General Data Protection Regulation)

Or. en

Justification

The right to the protection of personal data and the right to respect for private life are
enshrined both within EU law (GDPR) and within EU’s highest human rights instruments. As
this legislation deals with both personal data and privacy of persons, it is essential that both
instruments are reflected within the recitals of the law.

Amendment 351
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef
Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 65 e (new)

Text proposed by the Commission

Amendment

(65e) Article 5 (1)(b) of the GDPR\(^{2a}\) states that personal data must be collected
for specified, explicit and legitimate
purposes and not further processed in a
manner that is incompatible with those
purposes. Furthermore, further
processing for archiving purposes in the
public interest, scientific or historical
research purposes or statistical purposes
must respect the principle of purpose
limitation.

\(^{2a}\) “Collected for specified, explicit and
legitimate purposes and not further
processed in a manner that is
incompatible with those purposes; further
processing for archiving purposes in the
public interest, scientific or historical
research purposes or statistical purposes
shall, in accordance with Article 89(1),
not be considered to be incompatible with
the initial purposes (‘purpose
Justification

The right to the protection of personal data and the right to respect for private life are enshrined both within EU law (GDPR) and within EU’s highest human rights instruments. As this legislation deals with both personal data and privacy of persons, it is essential that both instruments are reflected within the recitals of the law.

Amendment 352
Cornelia Ernst

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation, together with [Regulation 2018/xx on interoperability police and judicial cooperation, asylum and migration], establishes a framework to ensure the interoperability between the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen Information System (SIS), and [the European Criminal Records Information System for third-country nationals (ECRIS-TCN)] in order for those systems and data to supplement each other.

Amendment

1. This Regulation, together with [Regulation 2018/xx on interoperability police and judicial cooperation, asylum and migration], establishes a framework to ensure the interoperability between the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)] and the Schengen Information System (SIS) in order for those systems and data to supplement each other.

Amendment 353
Bodil Valero

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

Amendment

AM\1159834EN.docx 109/159 PE625.529v02-00
1. This Regulation, together with [Regulation 2018/xx on interoperability police and judicial cooperation, asylum and migration], establishes a framework to ensure the interoperability between the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen Information System (SIS), and [the European Criminal Records Information System for third-country nationals (ECRIS-TCN)] in order for those systems to be interoperable.

Amendment 354
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation, together with [Regulation 2018/xx on interoperability police and judicial cooperation, asylum and migration], establishes a framework to ensure the interoperability between the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen Information System (SIS), and [the European Criminal Records Information System for third-country nationals (ECRIS-TCN)] in order for those systems and data to supplement each other.

Amendment

1. This Regulation, together with [Regulation 2018/xx on interoperability police and judicial cooperation, asylum and migration], establishes a framework to ensure the interoperability between the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, and the Schengen Information System (SIS), and [the European Criminal Records Information System for third-country nationals (ECRIS-TCN)] in order for those systems to be interoperable.

Or. en
Justification

The purpose of the Regulation should be to support the existing and recently agreed upon EU information systems and to render them interoperable.

Amendment 355
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation, together with [Regulation 2018/xx on interoperability police and judicial cooperation, asylum and migration], establishes a framework to ensure the interoperability between the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen Information System (SIS), and [the European Criminal Records Information System for third-country nationals (ECRIS-TCN)] in order for those systems and data to supplement each other.

Amendment

1. This Regulation, together with [Regulation 2018/xx on interoperability police and judicial cooperation, asylum and migration], establishes a framework to ensure the interoperability between the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen Information System (SIS), and [the European Criminal Records Information System for third-country nationals (ECRIS-TCN)] in order for those systems and data to add significant value in the identification of terrorist and international criminal networks by bringing together relevant information.

Or. en

Amendment 356
Cecilia Wikström, Gérard Deprez, Louis Michel, Maïté Pagazaurtundúa Ruiz, Angelika Mlinar, Nathalie Griesbeck, Morten Helveg Petersen

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation, together with [Regulation 2018/xx on interoperability police and judicial cooperation, asylum and migration], establishes a framework to ensure the interoperability between the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen Information System (SIS), and [the European Criminal Records Information System for third-country nationals (ECRIS-TCN)] in order for those systems and data to supplement each other.

Amendment

1. This Regulation, together with [Regulation 2018/xx on interoperability police and judicial cooperation, asylum and migration], establishes a framework to ensure the interoperability between the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen Information System (SIS), and [the European Criminal Records Information System for third-country nationals (ECRIS-TCN)] in order for those systems and data to add significant value in the identification of terrorist and international criminal networks by bringing together relevant information.
migration], establishes a framework to ensure the interoperability between the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen Information System (SIS), and [the European Criminal Records Information System for third-country nationals (ECRIS-TCN)] in order for those systems and data contained in those systems to supplement each other.

Amendment 357
Cornelia Ernst

Proposal for a regulation
Article 1 – paragraph 2 – point c

Text proposed by the Commission

(c) a common identity repository (CIR);

Amendment

deleted

Or. en

Amendment 358
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes, Birgit Sippel

Proposal for a regulation
Article 1 – paragraph 2 – point c

Text proposed by the Commission

(c) a common identity repository (CIR);

Amendment

deleted

Or. en
Justification

The Common Identity Repository is not needed to achieve the objectives of interoperability. The grounds of efficiency do not justify undermining the data protection principles of purpose limitation and data minimisation. For those reasons, the CIR should be deleted from the text.

Amendment 359
Bodil Valero

Proposal for a regulation
Article 1 – paragraph 2 – point c

Text proposed by the Commission

(c) a common identity repository (CIR); deleted

Amendment

Or. en

Amendment 360
Bodil Valero

Proposal for a regulation
Article 1 – paragraph 2 – point d

Text proposed by the Commission

(d) a multiple-identity detector (MID). deleted

Or. en

Amendment 361
Cornelia Ernst

Proposal for a regulation
Article 1 – paragraph 2 – point d

Text proposed by the Commission

(d) a multiple-identity detector (MID). deleted

Or. en
Amendment 362
Bodil Valero

Proposal for a regulation
Article 1 – paragraph 3

_text proposed by the Commission_

3. This Regulation also lays down provisions on data quality requirements, on a Universal Message Format (UMF), on a central repository for reporting and statistics (CRRS) and lays down the responsibilities of the Member States and of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), with respect to the design and operation of the interoperability components.

_amendment_

3. This Regulation also lays down provisions on data quality requirements, on a Universal Message Format (UMF) and lays down the responsibilities of the Member States and of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), with respect to the design, development and operation of the accessibility components.

Or. en

Amendment 363
Cornelia Ernst

Proposal for a regulation
Article 1 – paragraph 3

_text proposed by the Commission_

3. This Regulation also lays down provisions on data quality requirements, on a Universal Message Format (UMF), on a central repository for reporting and statistics (CRRS) and lays down the responsibilities of the Member States and of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), with respect to the design and operation of the interoperability components.

_amendment_

3. This Regulation also lays down provisions on data quality requirements _and_ on a Universal Message Format (UMF) and lays down the responsibilities of the Member States and of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), with respect to the design and operation of the interoperability components.

Or. en
Amendment 364  
Cornelia Ernst  
Proposal for a regulation  
Article 1 – paragraph 3

_text proposed by the Commission_

3. This Regulation also lays down provisions on data quality requirements, on a Universal Message Format (UMF), on a central repository for reporting and statistics (CRRS) and lays down the responsibilities of the Member States and of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), with respect to the design and operation of the interoperability components.

 Amend 364  
Cornelia Ernst  
Proposal for a regulation  
Article 1 – paragraph 3

_text proposed by the Commission_

3. This Regulation also lays down provisions on data quality requirements and on a Universal Message Format (UMF) and lays down the responsibilities of the Member States and of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), with respect to the design and operation of the interoperability components.

Or. en

Amendment 365  
Monika Hohlmeier, Heinz K. Becker  
Proposal for a regulation  
Article 1 – paragraph 4

_text proposed by the Commission_

4. This Regulation also adapts the procedures and conditions for Member State law enforcement authorities and for the European Union Agency for Law Enforcement Cooperation (Europol) access to the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS),] and Eurodac for the purposes of the prevention, detection and investigation of terrorist offences or of other serious criminal offences falling under their competence.

 Amend 365  
Monika Hohlmeier, Heinz K. Becker  
Proposal for a regulation  
Article 1 – paragraph 4

_text proposed by the Commission_

4. This Regulation also adapts the procedures and conditions for Member State designated authorities and for the European Union Agency for Law Enforcement Cooperation (Europol) access to the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS),] and Eurodac for the purposes of the prevention, detection and investigation of terrorist offences or of other serious criminal offences falling under their competence.
Amendment 366
Bodil Valero

Proposal for a regulation
Article 1 – paragraph 4

Text proposed by the Commission

4. This Regulation also adapts the procedures and conditions for Member State law enforcement authorities and for the European Union Agency for Law Enforcement Cooperation (Europol) access to the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS),] and Eurodac for the purposes of the prevention, detection and investigation of terrorist offences or of other serious criminal offences falling under their competence.

Amendment

4. This Regulation also adapts the procedures and conditions for Member State law enforcement authorities and for the European Union Agency for Law Enforcement Cooperation (Europol) access in specific cases and under specific conditions to the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS),] and Eurodac for the purposes of the prevention, detection and investigation of terrorist offences or of other serious criminal offences falling under their competence.

Amendment 367
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 1 – paragraph 4 a (new)

Text proposed by the Commission

4a. This Regulation also provides the option for Member States to use national legislative measures to empower police authorities to query the CIR for the purpose of identifying a person as well as to prevent and fight illegal migration and to preserve public security.

Amendment

4a. This Regulation also provides the option for Member States to use national legislative measures to empower police authorities to query the CIR for the purpose of identifying a person as well as to prevent and fight illegal migration and to preserve public security.
## Amendment 368
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

### Proposal for a regulation

**Article 2 – paragraph 1 – introductory part**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. By ensuring interoperability, this Regulation shall <strong>have the following</strong> objectives:</td>
<td>1. By ensuring interoperability, the purpose of this Regulation shall <strong>be to support the</strong> objectives referred to respectively in Article 6 of Regulation (EU) 2017/226; Articles 2 and 3 of Regulation (EC) No 767/2008; Article 4 of Regulation (EU) 2018/xxx [ETIAS Regulation]; Article 1 of Regulation(UE) No 603/2013; Article 1 of Regulation (EU) 2018/xxx [on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation]; Article 1 of Regulation (EU) 2018/xxx [on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks]; Article 3 of Regulation (EU) 2018/xxx [on the use of the Schengen Information System for the return of illegally-staying third-country nationals], and Article 2 of [the ECRIS-TCN] Regulation; and in particular:</td>
</tr>
</tbody>
</table>

**Or. en**

### Justification

Interoperability should have the objectives only of the systems that it seeks to make interoperable.

## Amendment 369
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes
Proposal for a regulation
Article 2 – paragraph 1 – point a

_text proposed by the Commission_  
(a) to **improve the management of** the external borders;  

_amendment_  
(a) to **enhance the effectiveness and efficiency of border checks at** the external borders;

Or. en

_amendment 370_  
Bodil Valero

Proposal for a regulation
Article 2 – paragraph 1 – point a

_text proposed by the Commission_  
(a) to improve the **management of** the external borders;  

_amendment_  
(a) to improve the **effectiveness and efficiency of checks at** the external borders;

Or. en

_amendment 371_  
Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 1 – point b

_text proposed by the Commission_  
(b) to contribute to preventing and combating irregular migration;  

_amendment_  
deleted

Or. en

_amendment 372_  
Bodil Valero

Proposal for a regulation
Article 2 – paragraph 1 – point b

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(b) to contribute to preventing and **combating** irregular migration;  

Amendment

**Amendment 373**  
Bodil Valero

Proposal for a regulation  
**Article 2 – paragraph 1 – point c**

**Text proposed by the Commission**  
(c) to contribute to a high level of security within the area of freedom, security and justice of the Union including the maintenance of public security and public policy and safeguarding the security in the territories of the Member States;  

**Amendment**

**deleted**

Or. en

**Amendment 374**  
Cornelia Ernst

Proposal for a regulation  
**Article 2 – paragraph 1 – point c**

**Text proposed by the Commission**  
(c) to contribute to a high level of security within the area of freedom, security and justice of the Union including the maintenance of public security and public policy and safeguarding the security in the territories of the Member States;  

**Amendment**

(c) to contribute to a high level of security within the area of freedom, security and justice of the Union including the maintenance of public security and safeguarding the security in the territories of the Member States;

Or. en
Amendment 375
Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 1 – point e

Text proposed by the Commission Amendment

(e) to assist in examining application deleted for international protection.

Or. en

Amendment 376
Bodil Valero

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

Text proposed by the Commission Amendment

(ea) to assist Member States law enforcement authorities and Europol in the prevention, detection and investigation of terrorist offences or of other serious criminal offences falling under their competence.

Or. en

Amendment 377
Gérard Deprez, Cecilia Wikström, Louis Michel, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Morten Helveg Petersen

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

Text proposed by the Commission Amendment

(ea) contribute to the prevention, detection and investigation of terrorist offences or of other serious criminal offences.

Or. en

PE625.529v02-00 120/159 AM\1159834EN.docx
Amendment 378
Monika Hohlmeier, Heinz K. Becker

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

Text proposed by the Commission

Amendment

(ea) to aid in the identification of
unknown persons who are unable to
identify themselves or unidentified human
remains in cases of natural disasters,
accidents or terrorist attacks.

Or. en

Amendment 379
Bodil Valero

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

Text proposed by the Commission

Amendment

(eb) in the event of a natural disaster or
an accident, for humanitarian reasons, to
assist in the identification of unknown
persons who are not able to identify
themselves or unidentified human
remains.

Or. en

Amendment 380
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef
Weidenholzer, Ana Gomes

Proposal for a regulation
Article 2 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The objectives of ensuring

2. Those objectives shall be achieved
**interoperability** shall be achieved by:

Or. en

Amendment 381
Cornelia Ernst

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

Text proposed by the Commission

Amendment

(a) ensuring the correct identification of persons;

deleted

Or. en

Amendment 382
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

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

Text proposed by the Commission

Amendment

(a) ensuring the correct identification of persons;

(a) ensuring the correct identification of third country nationals;

Or. en

Amendment 383
Monika Hohlmeier, Heinz K. Becker

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

Text proposed by the Commission

Amendment

(a) ensuring the correct identification of persons;

(a) ensuring and streamlining the correct identification of persons;

Or. en

PE625.529v02-00 122/159 AM\1159834EN.docx
Amendment 384  
Cornelia Ernst  
Proposal for a regulation  
Article 2 – paragraph 2 – point b  

Text proposed by the Commission  
Amendment  
(b) contributing to fighting identity fraud;  
deleted

Or. en  

Amendment 385  
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes  
Proposal for a regulation  
Article 2 – paragraph 2 – point b  

Text proposed by the Commission  
Amendment  
(b) contributing to fighting identity fraud;  
(b) contributing to combating identity fraud;  

Or. en  

Amendment 386  
Bodil Valero  
Proposal for a regulation  
Article 2 – paragraph 2 – point c  

Text proposed by the Commission  
Amendment  
(c) improving and harmonising data quality requirements of the respective EU information systems;  
(c) improving and harmonising data quality requirements of the respective EU information systems while respecting the data processing requirements of the legal bases of the individual systems, data protection standards and principles;  

Or. en
Amendment 387
Cecilia Wikström, Gérard Deprez, Louis Michel, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Nathalie Griesbeck, Morten Helveg Petersen

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

Text proposed by the Commission
Amendment

(c) improving judicial cooperation in the areas of freedom, security and justice;

Or. en

Amendment 388
Bodil Valero

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

Text proposed by the Commission
Amendment

(d) facilitating the technical and operational implementation by Member States of existing and future EU information systems;

(d) contributing to ensuring the effective use of the Union information systems, Europol data and the Interpol databases by facilitating the access to them in specific cases and under specific conditions by the authorities in accordance with their access rights and the objectives and purposes as laid down in the legal instruments governing the respective systems;

Or. en

Amendment 389
Sophia in 't Veld

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

Text proposed by the Commission
Amendment

PE625.529v02-00 124/159 AM\1159834EN.docx
(e) strengthening and simplifying and making more uniform the data security and data protection conditions that govern the respective EU information systems;

(e) strengthening and simplifying and making more uniform the data security and data protection conditions that govern the respective EU information systems, without prejudice to the special protection and safeguards afforded to certain categories of data;

Or. en

Amendment 390
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

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

Text proposed by the Commission

(e) strengthening and simplifying and making more uniform the data security and data protection conditions that govern the respective EU information systems;

Amendment

(e) strengthening and simplifying and making more uniform the data security and data protection conditions that govern the respective EU information systems, without prejudice to the special protection and safeguards afforded to certain categories of data in accordance with EU data protection rules;

Or. en

Amendment 391
Bodil Valero

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

Text proposed by the Commission

(e) strengthening and simplifying and making more uniform the data security and data protection conditions that govern the respective EU information systems;

Amendment

(e) strengthening and making more uniform the data security and data protection conditions that govern the respective EU information systems without prejudice to the special protection and safeguards afforded to certain categories of data;
Amendment 392
Cornelia Ernst

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

Text proposed by the Commission
(e) strengthening and simplifying and making more uniform the data security and data protection conditions that govern the respective EU information systems;

Amendment
(e) strengthening and making more uniform the data security and data protection conditions that govern the respective EU information systems;

Or. en

Amendment 393
Cornelia Ernst

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

Text proposed by the Commission
(f) streamlining the conditions for law enforcement access to the EES, the VIS, [the ETIAS] and Eurodac;

Amendment
deleted

Or. en

Amendment 394
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

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

Text proposed by the Commission
(f) streamlining the conditions for law enforcement access to the EES, the VIS, [the ETIAS] and Eurodac;

Amendment
(f) ensuring the necessary and proportionate conditions for law enforcement access to the EES, the VIS,
[the ETIAS] and Eurodac;

Or. en

Amendment 395
Monika Hohlmeier, Heinz K. Becker

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

_text proposed by the Commission_  
-Amendment-

(f) streamlining the conditions for _law enforcement_ access to the EES, the VIS, [the ETIAS] and Eurodac;

(f) streamlining the conditions for designated authorities’ access to the EES, the VIS, [the ETIAS] and Eurodac;

Or. en

Amendment 396
Bodil Valero

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

_text proposed by the Commission_  
-Amendment-

(f) streamlining the conditions for law enforcement access to the EES, the VIS, [the ETIAS] and Eurodac;

(f) streamlining the conditions for law enforcement access _in specific cases_ to the EES, the VIS, [the ETIAS] and Eurodac;

Or. en

Amendment 397
Cornelia Ernst

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

_text proposed by the Commission_  
-Amendment-

(g) supporting the purposes of the EES, the VIS, [the ETIAS], _Eurodac_, the SIS and [the ECRIS-TCN system].

(g) supporting the purposes of the EES, the VIS, [the ETIAS] _and_ the SIS.
Amendment 398
Monika Hohlmeier, Heinz K. Becker

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

Text proposed by the Commission

Amendment

(ga) supporting eu-LISA and Member States in providing training and education to experts and users of interoperability components.

Or. en

Amendment 399
Cornelia Ernst

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. This Regulation applies to persons in respect of whom personal data may be processed in the EU information systems referred to in paragraph 1.

deleted

Or. en

Justification

This Regulation does not confer any obligations or rights to natural persons. This paragraph is therefore superfluous.

Amendment 400
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 3 – paragraph 2
2. This Regulation applies to persons in respect of whom personal data may be processed in the EU information systems referred to in paragraph 1.

2. This Regulation applies to persons in respect of whom personal data may be processed in the EU information systems referred to in paragraph 1, only for the purposes as defined in the underlying legal basis for those information systems.

Or. en

Justification

The processing of personal data through interoperability should only serve to achieve the purposes of the underlying systems.

Amendment 401
Cornelia Ernst

Proposal for a regulation
Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. This Regulation shall not apply to personal data relating to an identified or identifiable citizen of the EU.

Or. en

Amendment 402
Cornelia Ernst

Proposal for a regulation
Article 4 – paragraph 1 – point 7

Text proposed by the Commission

Amendment

(7) ‘third-country national’ means a person who is not a citizen of the Union within the meaning of Article 20(1) of the Treaty, or a stateless person or a person whose nationality is unknown;

(7) ‘third-country national’ means a person who is not a citizen of the Union within the meaning of Article 20(1) of the Treaty, or a stateless person not residing in the EU or a person whose nationality is unknown;
Amendment 403
Bodil Valero

Proposal for a regulation
Article 4 – paragraph 1 – point 9

Text proposed by the Commission

(9) ‘identity data’ means the data referred to in Article 27(3)(a) to (h); deleted

Amendment

Or. en

Amendment 404
Cornelia Ernst

Proposal for a regulation
Article 4 – paragraph 1 – point 9

Text proposed by the Commission

(9) ‘identity data’ means the data referred to in Article 27(3)(a) to (h);

(9) ‘identity data’ means the data: names, nationality, date and place of birth.

Amendment

Or. en

Amendment 405
Bodil Valero

Proposal for a regulation
Article 4 – paragraph 1 – point 11

Text proposed by the Commission

(11) ‘facial image’ means digital images of the face;

Amendment

deleted

Or. en
Proposal for a regulation
Article 4 – paragraph 1 – point 18

Text proposed by the Commission

(18) ‘EU information systems’ means the large-scale IT systems managed by eu-LISA;

Amendment

(18) ‘Union information systems’ means the EES, VIS, [ETIAS], Eurodac, SIS and [ECRIS-TCN] operationally managed by eu-LISA;

Or. en

Proposal for a regulation
Article 4 – paragraph 1 – point 18

Text proposed by the Commission

(18) ‘EU information systems’ means the large-scale IT systems managed by eu-LISA;

Amendment

(18) ‘EU information systems’ means the large-scale IT systems operationally managed by eu-LISA;

Or. en

Justification

An open formulation is preferable in that regard as it underlines the aspirations to make potential future information systems interoperable as well.

Proposal for a regulation
Article 4 – paragraph 1 – point 19

Text proposed by the Commission

AM\1159834EN.docx 131/159 PE625.529v02-00
‘Europol data’ means personal data provided to the Europol for the purpose referred to in Article 18(2)(a) of Regulation (EU) 2016/794;

‘Europol data’ means personal data processed by the Europol for the purpose referred to in Article 18(2)(a) of Regulation (EU) 2016/794;

Justification

This reflects the language used in Art 18(1) and Art 18(2) of the Europol Regulation

Amendment 409
Cornelia Ernst

Proposal for a regulation
Article 4 – paragraph 1 – point 20

Text proposed by the Commission

‘Interpol databases’ means the Interpol Stolen and Lost Travel Document database (SLTD) and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN);

Amendment

‘Interpol databases’ means the Interpol Stolen and Lost Travel Document database (SLTD);

Amendment 410
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 4 – paragraph 1 – point 21

Text proposed by the Commission

‘match’ means the existence of a correspondence established by comparing two or more occurrences of personal data recorded or being recorded in an information system or database;

Amendment

‘match’ means the existence of an exact correspondence established by comparing two or more occurrences of personal data recorded or being recorded in an information system or database;
Amendment 411
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 4 – paragraph 1 – point 25

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(25) ‘terrorist offence’ means an offence under national law which corresponds or is equivalent to one of the offences referred to in Directive (EU) 2017/541;</td>
<td>(25) ‘terrorist offence’ means an offence referred to in Directive (EU) 2017/541;</td>
</tr>
</tbody>
</table>

Or. en

Amendment 412
Bodil Valero

Proposal for a regulation
Article 4 – paragraph 1 – point 25

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(25) ‘terrorist offence’ means an offence under national law which corresponds or is equivalent to one of the offences referred to in Directive (EU) 2017/541;</td>
<td>(25) ‘terrorist offence’ means an offence referred to in Directive (EU) 2017/541;</td>
</tr>
</tbody>
</table>

Or. en

Amendment 413
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 4 – paragraph 1 – point 35

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(35) ‘CIR’ means the common identity repository as referred to in Article 17;</td>
<td>deleted</td>
</tr>
</tbody>
</table>

AM\1159834EN.docx 133/159 PE625.529v02-00
Justification

The Common Identity Repository is not needed to achieve the objectives of interoperability. The grounds of efficiency do not justify undermining the data protection principles of purpose limitation and data minimisation. For those reasons, the CIR should be deleted from the text.

Amendment 414
Cornelia Ernst

Proposal for a regulation
Article 4 – paragraph 1 – point 35

Text proposed by the Commission

Amendment

(35) ‘CIR’ means the common identity repository as referred to in Article 17; deleted

Or. en

Amendment 415
Bodil Valero

Proposal for a regulation
Article 4 – paragraph 1 – point 35

Text proposed by the Commission

Amendment

(35) ‘CIR’ means the common identity repository as referred to in Article 17; deleted

Or. en

Amendment 416
Cornelia Ernst

Proposal for a regulation
Article 4 – paragraph 1 – point 36

Text proposed by the Commission

Amendment
(36) ‘MID’ means the multiple-identity detector as referred to in Article 25; deleted

Or. en

Amendment 417
Bodil Valero

Proposal for a regulation
Article 4 – paragraph 1 – point 36

Text proposed by the Commission Amendment
(36) ‘MID’ means the multiple-identity detector as referred to in Article 25; deleted

Or. en

Amendment 418
Cornelia Ernst

Proposal for a regulation
Article 4 – paragraph 1 – point 37

Text proposed by the Commission Amendment
(37) ‘CRRS’ means the central repository for reporting and statistics as referred to in Article 39. deleted

Or. en

Amendment 419
Bodil Valero

Proposal for a regulation
Article 4 – paragraph 1 – point 37

Text proposed by the Commission Amendment
(37) ‘CRRS’ means the central repository for reporting and statistics as referred to in Article 39. deleted
Amendment 420
Bodil Valero

Proposal for a regulation
Article 5 – title

Text proposed by the Commission  Amendment
Non-discrimination  Fundamental Rights

Or. en

Amendment 421
Sophia in ’t Veld

Proposal for a regulation
Article 5 – title

Text proposed by the Commission  Amendment
Non-discrimination  Fundamental rights

Or. en

Amendment 422
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 5 – title

Text proposed by the Commission  Amendment
5  Non-discrimination  5  Fundamental Rights and Non-discrimination

Or. en

Amendment 423
Proposal for a regulation
Article 5 – title

Text proposed by the Commission

Non-discrimination

Amendment

Non-discrimination and fundamental rights

Or. en

Amendment 424
Bodil Valero

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

Processing of personal data for the purposes of this Regulation shall not result in discrimination against persons on any grounds such as sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. It shall fully respect human dignity and integrity. Particular attention shall be paid to children, the elderly and persons with a disability.

Amendment

This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and shall be applied in accordance with those rights and principles.

Processing of personal data for the purposes of this Regulation shall not result in discrimination against persons on any grounds such as sex, race, colour, ethnic or social origin, religion or belief, disability, age or sexual orientation. It shall fully respect human dignity and integrity. Particular attention shall be paid to children, persons in need of international protection, the elderly and persons with a disability.

Or. en

Amendment 425

AM\1159834EN.docx 137/159 PE625.529v02-00
Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

Processing of personal data for the purposes of this Regulation shall not result in discrimination against persons on any grounds such as sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. It shall fully respect human dignity and integrity. Particular attention shall be paid to children, the elderly and persons with a disability.

Amendment

The protection of natural persons in relation to the processing of personal data is a fundamental right. Article 8(1) of the Charter of Fundamental Rights of the European Union (the ‘Charter’) and Article 16(1) of the Treaty on the Functioning of the European Union (TFEU) provide that everyone has the right to the protection of personal data concerning him or her. Processing of personal data for the purposes of this Regulation by any user shall not result in discrimination against persons on any grounds such as sex, colour, social, racial or ethnic origin, religion or belief, political or any other opinion, membership of a national minority, property, birth, genetic features, language, disability, age or sexual orientation. It shall fully respect human dignity and integrity and fundamental rights, including the right to respect for one’s private life and to the protection of personal data. Particular attention shall be paid to children, the elderly and persons with a disability. The best interests of the child shall be a primary consideration.
Processing of personal data for the purposes of this Regulation shall not result in discrimination against persons on any grounds such as sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. It shall fully respect human dignity and integrity. Particular attention shall be paid to children, the elderly and persons with a disability.

This Regulation shall ensure respect of the fundamental rights and the observation of the principles recognized in the Charter of Fundamental Rights of the European Union and shall be applied in accordance with those rights and principles.

Processing of personal data for the purposes of this Regulation shall not result, either directly or indirectly, in undue interference with the right to respect for private and family life and the right to protection of personal data.

Processing of personal data for the purposes of this Regulation shall not result in discrimination against persons on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. It shall fully respect human dignity and integrity. Particular attention shall be paid to children, the elderly, persons with a disability and persons in need of international protection.

Or. en

Justification

The Commission fully acknowledge that the processing of personal data required for interoperability will involve an interference with the fundamental right to protection of data of the individuals concerned, therefore it is important to ensure that all interferences with fundamental rights brought about by this Regulation are fully justified and don’t lead to unjustified interference with the private and family life of the individual or to his or her right to protection of personal data.

Amendment 427
Sophia in ‘t Veld

Proposal for a regulation

AM\1159834EN.docx 139/159 PE625.529v02-00
Article 5 – paragraph 1

*Text proposed by the Commission*

Processing of personal data for the purposes of this Regulation shall not result in discrimination against persons on any grounds such as sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. It shall fully respect human dignity and integrity. Particular attention shall be paid to children, the elderly and persons with a disability.

*Amendment*

This Regulation respects the fundamental rights and observes the principles recognized in particular by the Charter of Fundamental Rights of the European Union and shall be applied in accordance with those rights and principles.

Processing of personal data for the purposes of this Regulation shall not result, either directly or indirectly, in undue interferences with the right to respect for private and family life, and the right to protection of personal data.

Processing of personal data for the purposes of this Regulation shall not result in discrimination against persons on any grounds such as sex, racial, ethnic or social origin, colour, religion or belief, disability, age or sexual orientation. It shall fully respect human dignity and integrity. Particular attention shall be paid to children, the elderly, persons with a disability and persons in need of international protection.

Or. en
orientation. It shall fully respect human dignity and integrity. Particular attention shall be paid to children, the elderly and persons with a disability.

sexual orientation. It shall fully respect human dignity and integrity. Particular attention shall be paid to children, the elderly and persons with a disability.

Amendment 429
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>One year after to the date of entry into force of this legislation, the Commission shall conduct an ex-post evaluation which aims at assessing the impact of interoperability on the right to non-discrimination</td>
<td></td>
</tr>
</tbody>
</table>

Justification

Currently, it is not possible to as certain that the principle of non-discrimination will be fully applied—especially in reference to the Multiple Identity Detector. For example, it is still unclear whether or not the proposal may negatively affect women, in comparison with men, due to the fact that women are more likely to change their last name.

Amendment 430
Cornelia Ernst

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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>To this end, no biometric data of children, elderly and persons with disabilities shall be processed.</td>
<td></td>
</tr>
</tbody>
</table>
Amendment 431
Péter Niedermüller

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

Text proposed by the Commission

The Commission should be empowered, through a delegated act, to task EU-LISA with the development of pop-up alerts within the system which would help end-users identify when matches have a higher risk of being false, and would thus require manual verification to ascertain if the match is correct or not.

Justification

Such a safeguard would allow end users to have more information about potential false matches, such as in the case of when fingerprints are taken when the data subject is a child and then compared with their same fingerprints as an adult.

Amendment 432
Bodil Valero

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. A European search portal (ESP) is established for the purposes of ensuring that Member State authorities and EU bodies have fast, seamless, efficient, systematic and controlled access to the EU information systems, the Europol data and the Interpol databases that they need to perform their tasks in accordance with their access rights and of supporting the objectives of the EES, the VIS, [the

1. A European search portal (ESP) is established for the purposes of facilitating the access in specific cases and under specific conditions of Member State authorities and of Union agencies to the Union information systems, the Europol data and the Interpol databases in the performance of their tasks and in accordance with their access rights and the objectives and purposes of the EES, the
ETIAS], Eurodac, the SIS, [the ECRIS-TCN system] and the Europol data. VIS,[the ETIAS], Eurodac, the SIS, [the ECRIS-TCN system] and the Europol data.

Amendment 433
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 6 – paragraph 1

*Text proposed by the Commission*

1. A European search portal (ESP) is established for the purposes of ensuring that Member State authorities and EU bodies have fast, seamless, efficient, systematic and controlled access to the EU information systems, the Europol data and the Interpol databases that they need to perform their tasks in accordance with their access rights and of supporting the objectives of the EES, the VIS, [the ETIAS], Eurodac, the SIS, [the ECRIS-TCN system] and the Europol data.

*Amendment*

1. A European search portal (ESP) is established for the purposes of ensuring that Member State authorities and EU bodies have fast, seamless, efficient and controlled access to the EU information systems, the Europol data and the Interpol databases that they need to perform their tasks in accordance with the objectives of those EU information systems and of the SIS and with their access rights under the relevant legal basis.

*Justification*

Access to EU information systems should never be systematic. It should be based on purpose limitation and access rights.

Amendment 434
Cecilia Wikström, Gérard Deprez, Louis Michel, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Nathalie Griesbeck, Morten Helveg Petersen

Proposal for a regulation
Article 6 – paragraph 1

*Text proposed by the Commission*

1. A European search portal (ESP) is

*Amendment*

1. A European search portal (ESP) is

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established for the purposes of ensuring that Member State authorities and EU bodies have fast, seamless, efficient, systematic and controlled access to the EU information systems, the Europol data and the Interpol databases that they need to perform their tasks in accordance with their access rights and of supporting the objectives of the EES, the VIS, [the ETIAS], Eurodac, the SIS, [the ECRIS-TCN system] and the Europol data.

Or. en

Amendment 435
Cornelia Ernst

Proposal for a regulation
Article 6 – paragraph 2 – point c

Text proposed by the Commission

(c) a secure communication infrastructure between the ESP and the EES, the VIS, [the ETIAS], Eurodac, the Central-SIS, [the ECRIS-TCN system], the Europol data and the Interpol databases as well as between the ESP and the central infrastructures of the common identity repository (CIR) and the multiple-identity detector.

Amendment

(c) a secure communication infrastructure between the ESP and the EES, the VIS, [the ETIAS], Eurodac, the Central-SIS, the Europol data and the Interpol databases.

Or. en

Amendment 436
Bodil Valero

Proposal for a regulation
Article 6 – paragraph 2 – point c

Text proposed by the Commission

(c) a secure communication

Amendment

(c) a secure communication

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infrastructure between the ESP and the EES, the VIS, [the ETIAS], Eurodac, the Central-SIS, [the ECRIS-TCN system], the Europol data and the Interpol databases as well as between the ESP and the central infrastructures of the common identity repository (CIR) and the multiple-identity detector.

Amendment 437
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 6 – paragraph 2 – point c

Text proposed by the Commission
(c) a secure communication infrastructure between the ESP and the EES, the VIS, [the ETIAS], Eurodac, the Central-SIS, [the ECRIS-TCN system], the Europol data and the Interpol databases as well as between the ESP and the central infrastructures of the common identity repository (CIR) and the multiple-identity detector.

Amendment
(c) a secure communication infrastructure between the ESP and the EES, the VIS, [the ETIAS], Eurodac, the Central-SIS, [the ECRIS-TCN system], the Europol data and the Interpol databases as well as between the ESP and the central infrastructures of the multiple-identity detector.

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

Amendment 438
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 6 – paragraph 3
3. eu-LISA shall develop the ESP and ensure its technical management. It shall not, however, have access to any of the personal data processed through the EPS.

Or. en

Justification

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

Amendment 439
Cornelia Ernst

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. The use of the ESP shall be reserved to the Member State authorities and EU bodies having access to the EES, [the ETIAS], the VIS, the SIS, Eurodac and [the ECRIS-TCN system], to the CIR and the multiple-identity detector as well as the Europol data and the Interpol databases in accordance with Union or national law governing such access.

Amendment

1. The use of the ESP shall be reserved to the Member State authorities and EU bodies having access to the EES, [the ETIAS], the VIS and the SIS, as well as the Europol data and the Interpol databases in accordance with Union or national law governing such access.

Or. en

Amendment 440
Bodil Valero

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. The use of the ESP shall be reserved to the Member State authorities and EU bodies having access to the EES,
[the ETIAS], the VIS, the SIS, Eurodac and [the ECRIS-TCN system], **to the CIR and the multiple-identity detector** as well as the Europol data and the Interpol databases in accordance with Union or national law governing such access.

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**Amendment 441**

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

**Proposal for a regulation**

**Article 7 – paragraph 1**

**Text proposed by the Commission**

1. The use of the ESP shall be reserved to the Member State authorities and EU bodies having access to the EES, [the ETIAS], the VIS, the SIS, Eurodac and [the ECRIS-TCN system], to the **CIR and the multiple-identity detector** as well as the Europol data and the Interpol databases in accordance with Union or national law governing such access.

**Amendment**

1. The use of the ESP shall be reserved to the Member State authorities and EU bodies having access to the EES, [the ETIAS], the VIS, the SIS, Eurodac and [the ECRIS-TCN system], to the **multiple-identity detector** as well as the Europol data and the Interpol databases in accordance with Union or national law governing such access.

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**Amendment 442**

Bodil Valero

**Proposal for a regulation**

**Article 7 – paragraph 1 a (new)**

**Text proposed by the Commission**

1a. **Those Member State authorities and Union agencies may make use of the ESP 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 ESP for systematic checks of large groups of persons.

Amendment 443
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. The authorities referred to in paragraph 1 shall use the ESP to search data related to persons or their travel documents in the central systems of the EES, the VIS and [the ETIAS] in accordance with their access rights under Union and national law. They shall also use the ESP to query the CIR in accordance with their access rights under this Regulation for the purposes referred to in Articles 20, 21 and 22.

Amendment

2. Where they are required under Union law to search data related to persons or their travel documents in the EES, the VIS and [the ETIAS], the authorities referred to in paragraph 1 shall use the ESP to search such data in accordance with their access rights under Union and national law.

Justification

Reformulation to clarify that the obligation on MS authorities to use the ESP can arise only in situations where an authority is required under Union law to check a person’s identity or travel document. This is without prejudice to the option for MS authorities of using the ESP for SIS checks laid down in paragraph 3.

Amendment 444
Cornelia Ernst
Proposal for a regulation  
Article 7 – paragraph 2

2. The authorities referred to in paragraph 1 shall use the ESP to search data related to persons or their travel documents in the central systems of the EES, the VIS and [the ETIAS] in accordance with their access rights under Union and national law. They shall also use the ESP to query the CIR in accordance with their access rights under this Regulation for the purposes referred to in Articles 20, 21 and 22.

Amendment 445  
Bodil Valero

Proposal for a regulation  
Article 7 – paragraph 2

2. The authorities referred to in paragraph 1 shall use the ESP to search data related to persons or their travel documents in the central systems of the EES, the VIS and [the ETIAS] in accordance with their access rights under Union and national law. They shall also use the ESP to query the CIR in accordance with their access rights under this Regulation for the purposes referred to in Articles 20, 21 and 22.

Amendment 446  
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes
Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. The EU bodies shall use the ESP to search data related to persons or their travel documents in the Central SIS.

Amendment

4. Where they are so required under Union law, EU Agencies shall use the ESP to search data related to persons or their travel documents in the Central SIS.

Or. en

Justification

Reformulation to clarify that the obligation on EU Agencies to use the ESP arises only where there is an obligation under Union law to check a person’s identity or travel document.

Amendment 447
Bodil Valero

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. The EU bodies shall use the ESP to search data related to persons or their travel documents in the Central SIS.

Amendment

4. The EU agencies shall use the ESP to search data related to persons or their travel documents in the Central SIS.

Or. en

Amendment 448
Sophia in ‘t Veld

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. The EU bodies shall use the ESP to search data related to persons or their travel documents in the Central SIS.

Amendment

4. The EU bodies as referred to in paragraph 1 shall use the ESP to search data related to persons or their travel documents in the Central SIS.
**Amendment 449**

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

**Proposal for a regulation**

**Article 7 – paragraph 5**

**Text proposed by the Commission**

5. The authorities referred to in paragraph 1 may use the ESP to search data related to persons or their travel documents in the Interpol databases in accordance with their access rights under Union and national law.

**Amendment**

5. Where so required under Union or national law, the authorities referred to in paragraph 1 may use the ESP to search data related to persons or their travel documents in the Interpol databases in accordance with their access rights under Union and national law.

**Amendment 450**

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

**Proposal for a regulation**

**Article 7 – paragraph 5 a (new)**

**Text proposed by the Commission**

5a. The data owners referred in this article shall not be notified that a search has taken place.

**Amendment**

5a. The data owners referred in this article shall not be notified that a search has taken place.

**Justification**

*Data Protection Safeguard*

**Amendment 451**

Bodil Valero
Proposal for a regulation
Article 8 – paragraph 1 – point a

Text proposed by the Commission

(a) the fields of data to be used for querying;

Amendment

(a) the fields of data possibly to be used for querying, including a mandatory field for the specific purpose of the query;

Or. en

Amendment 452
Cornelia Ernst

Proposal for a regulation
Article 8 – paragraph 1 – point a a (new)

Text proposed by the Commission

(aa) the purpose for which the EU information systems, the Europol data and the Interpol databases may be accessed;

Amendment

Or. en

Amendment 453
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 8 – paragraph 1 – point b

Text proposed by the Commission

(b) the EU information systems, the Europol data and the Interpol databases that shall and may be consulted and that shall provide a reply to the user; and

Amendment

(b) the EU information systems, the Europol data and the Interpol databases that shall and may be consulted and that shall provide a reply to the user, whereby it shall be ensured that access according to access rights is technically ensured; and

Or. en
Amendment 454
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 8 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the purpose of the use of ESP by this category of user.

Or. en

Justification

Purpose limitation remains a key element of data protection rules. In order to maintain an element of purpose limitation, eu-LISA should define the purpose of the use of the ESP by the category of user for whom each profile is created.

Amendment 455
Sophia in ‘t Veld

Proposal for a regulation
Article 8 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the purpose of the query

Or. en

Amendment 456
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. eu-LISA shall review regularly – and at least once a year after their creation - the user profiles referred to in paragraph one, and shall update and
In accordance with the recommendations of the European Data Protection Supervisor, eu-LISA should not only create profiles but also review and amend them.

Justification

Amendment 457
Sophia in ‘t Veld
Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment 2a. The profiles as referred to in paragraph 1 shall be regularly reviewed and if necessary updated.

Or. en

Amendment 458
Cornelia Ernst
Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. The users of the ESP shall launch a query by introducing data in the ESP in accordance with their user profile and access rights. Where a query has been launched, the ESP shall query simultaneously, with the data introduced by the user of the ESP, the EES, the VIS, the SIS, Eurodac, [the ECRIS-TCN system] and the CIR as well as the Europol data and the Interpol databases.

Amendment

1. The users of the ESP shall launch a query by introducing data in the ESP in accordance with their user profile and access rights. Where a query has been launched, the ESP shall query simultaneously, with the data introduced by the user of the ESP, the EES, the VIS, the SIS, as well as the Europol data and the Interpol databases.

Or. en
**Amendment 459**  
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. The users of the ESP shall launch a query by introducing data in the ESP in accordance with their user profile and access rights. Where a query has been launched, the ESP shall query simultaneously, with the data introduced by the user of the ESP, the EES, [the ETIAS], the VIS, the SIS, Eurodac, [the ECRIS-TCN system] and the CIR as well as the Europol data and the Interpol databases.

*Amendment*

1. The users of the ESP shall launch a query by introducing data in the ESP in accordance with their user profile and access rights. Where a query has been launched, the ESP shall query simultaneously, with the data introduced by the user of the ESP, the EES, [the ETIAS], the VIS, the SIS, Eurodac, [the ECRIS-TCN system] as well as the Europol databases and the Interpol databases.

Or. en

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**Amendment 460**  
Bodil Valero

**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. The users of the ESP shall launch a query by introducing data in the ESP in accordance with their user profile and access rights. Where a query has been launched, the ESP shall query simultaneously, with the data introduced by the user of the ESP, the EES, [the ETIAS], the VIS, the SIS, Eurodac, [the ECRIS-TCN system] and the CIR as well as the Europol data and the Interpol databases.

*Amendment*

1. The users of the ESP shall launch a query by introducing data in the ESP in accordance with their user profile and access rights. Where a query has been launched, the ESP shall query simultaneously, with the data introduced by the user of the ESP, the EES, [the ETIAS], the VIS, the SIS, Eurodac, [the ECRIS-TCN system] as well as the Europol databases and the Interpol databases.

Or. en
Amendment 461
Sophia in 't Veld

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. The users of the ESP shall launch a query by introducing data in the ESP in accordance with their user profile and access rights. Where a query has been launched, the ESP shall query simultaneously, with the data introduced by the user of the ESP, the EES, [the ETIAS], the VIS, the SIS, Eurodac, [the ECRIS-TCN system] and the CIR as well as the Europol data and the Interpol databases.

Amendment

1. The users of the ESP shall launch a query by introducing data in the ESP in accordance with their user profile and access rights. Where a query has been launched, the ESP shall query simultaneously, with the data introduced by the user of the ESP, the EES, [the ETIAS], the VIS, the SIS, Eurodac, [the ECRIS-TCN system] and the CIR as well as the Europol data and the Interpol databases. \textit{A search launched by the user of the ESP shall only query the systems he or she is authorised to access.}

Or. en

Amendment 462
Bodil Valero

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. The fields of data used to launch a query via the ESP shall correspond to the fields of data related to persons or travel documents that may be used to query the various EU information systems, the Europol data and the Interpol databases in accordance with the legal instruments governing them.

Amendment

2. The fields of data used to launch a query via the ESP shall correspond to the fields of data related to persons or travel documents that may be used to query the various EU information systems, the Europol data and the Interpol databases in accordance with the legal instruments governing them. \textit{An additional data field 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.

Amendment 463
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. The fields of data used to launch a query via the ESP shall correspond to the fields of data related to persons or travel documents that may be used to query the various EU information systems, the Europol data and the Interpol databases in accordance with the legal instruments governing them.

Amendment

2. The fields of data used to launch a query via the ESP shall correspond to the fields of data related to persons or travel documents that may be used to query the various EU information systems, the Europol databases and the Interpol databases in accordance with the legal instruments governing them.

Or. en

Amendment 464
Cornelia Ernst

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

4. The EES, [the ETIAS], the VIS, the SIS, Eurodac, [the ECRIS-TCN system], the CIR and the multiple-identity detector, as well as the Europol data and the Interpol databases, shall provide the data that they contain resulting from the query of the ESP.

Amendment

4. The EES, [the ETIAS], the VIS, the SIS, as well as the Europol data and the Interpol databases, shall provide the data that they contain resulting from the query of the ESP.

Or. en
Amendment 465
Bodil Valero

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

4. The EES, [the ETIAS], the VIS, the SIS, Eurodac, [the ECRIS-TCN system], the CIR and the multiple-identity detector, as well as the Europol data and the Interpol databases, shall provide the data that they contain resulting from the query of the ESP.

Amendment

4. The EES, [the ETIAS], the VIS, the SIS, Eurodac, [the ECRIS-TCN system], and the multiple-identity detector, as well as the Europol data and the Interpol databases, shall provide the data that they contain resulting from the query of the ESP.

Or. en

Amendment 466
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

4. The EES, [the ETIAS], the VIS, the SIS, Eurodac, [the ECRIS-TCN system], the CIR and the multiple-identity detector, as well as the Europol data and the Interpol databases, shall provide the data that they contain resulting from the query of the ESP.

Amendment

4. The EES, [the ETIAS], the VIS, the SIS, Eurodac, [the ECRIS-TCN system], and the multiple-identity detector, as well as the Europol data and the Interpol databases, shall provide the data that they contain resulting from the query of the ESP.

Or. en

Amendment 467
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 9 – paragraph 5
5. When querying the Interpol databases, the design of the ESP shall ensure that the data used by the user of the ESP to launch a query is not shared with the owners of Interpol data.

**Justification**

While the current wording concerns the data used for the query, no safeguard exists which would deter a third country from seeing that data was consulted, and by which national authority. In the case of asylum applicants, this could expose them to risks as it could potentially inform the third country of the whereabouts of the person. This is particularly important when it comes to asylum applications relating to political, military, religious or racial reasons.

**Amendment 468**

Bodil Valero

Proposal for a regulation
Article 9 – paragraph 5

5. When querying the Interpol databases, the design of the ESP shall ensure that the data used by the user of the ESP to launch a query is not shared with the owners of Interpol data. Any data from the Interpol databases and originating from a third country shall be marked as such, in order to warn the user about possible misuses of Interpol for political purposes.