



2017/0352(COD)

23.7.2018

AMENDMENTS

468 - 777

Draft report

Nuno Melo

(PE622.253v02-00)

Proposal for a Regulation of the European Parliament and of the Council on establishing a framework for interoperability between EU information systems (police and judicial cooperation, asylum and migration)

Proposal for a regulation

(COM(2018)480 – C8-0003/2018 – 2017/0352(COD))

Amendment 468
Cornelia Ernst

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

Text proposed by the Commission

1. Without prejudice to [Article 39 of the Eurodac Regulation], [Articles 12 and 18 of the Regulation on SIS in the field of law enforcement], [Article 29 of the ECRIS-TCN Regulation] and Article 40 of Regulation (EU) 2016/794, eu-LISA shall keep logs of all data processing operations within the ESP. Those logs shall include, in particular, the following:

Amendment

1. Without prejudice to [Article 39 of the Eurodac Regulation], [Articles 12 and 18 of the Regulation on SIS in the field of law enforcement], [Article 29 of the ECRIS-TCN Regulation] and Article 40 of Regulation (EU) 2016/794, eu-LISA shall keep logs of all data processing operations within the ESP. Those logs shall include *in all cases and* in particular, the following:

Or. en

Amendment 469
Gérard Deprez, Louis Michel, Cecilia Wikström, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Morten Helveg Petersen, Angelika Mlinar

Proposal for a regulation
Article 10 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 470
Cornelia Ernst

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 471

Bodil Valero

Proposal for a regulation

Article 10 – paragraph 1 – point c

Text proposed by the Commission

(c) the EU information systems and the Europol data queried;

Amendment

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

Or. en

Amendment 472

Cornelia Ernst

Proposal for a regulation

Article 10 – paragraph 1 – point d

Text proposed by the Commission

(d) in accordance with national rules or *with Regulation (EU) 2016/794 or*, when applicable, Regulation (EU) 45/2001, the identifying mark of the person who carried out the query.

Amendment

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

Or. en

Amendment 473

Bodil Valero

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(da) *the specific purpose of the query*

and, where applicable, the case reference, pursuant to Article 8(2).

Or. en

Amendment 474

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

Proposal for a regulation

Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 475

Cornelia Ernst

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 476

Bodil Valero

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 477

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

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The logs may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. ***To that end, access to those logs shall be granted as appropriate to the data controllers identified pursuant to Article 40, to national supervisory authorities designated pursuant to Article 51 of Regulation (EU) 2016/679 and Article 41 of Directive (EU) 2016/680, and to the European Data Protection Supervisor.***

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

Or. en

Justification

As the log is only the record of the processing, it does not contain personal data. The log needs to be retained for sufficient time to ensure that unlawful processing can be uncovered or proven. One year does not seem adequate in that respect.

Amendment 478

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

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 479

Maria Grapini

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The logs may be used only for data protection monitoring, including checking the admissibility of a request and the lawfulness of data processing **in accordance with Regulation EU 2016/679**, and for ensuring data security pursuant to Article 42. Those logs shall be protected by appropriate measures against unauthorised access and erased one year after their creation, unless they are required for monitoring procedures that have already begun.

Or. ro

Amendment 480

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

**Proposal for a regulation
Article 11 – paragraph 1**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 481

Bodil Valero

**Proposal for a regulation
Article 11 – paragraph 1**

Text proposed by the Commission

1. Where it is technically impossible

Amendment

1. Where it is technically impossible

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

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

Or. en

Amendment 482

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

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 483

Bodil Valero

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 484

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

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 485

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

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 486

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

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 487

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

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

Amendment 488

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

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 489

Bodil Valero

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 490

Cornelia Ernst

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

1. A shared biometric matching service (shared BMS) **storing biometric templates and** enabling querying with biometric data across **several** EU

Amendment

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

information systems is established *for the purposes of supporting the CIR and the multiple-identity detector and the objectives of the EES, the VIS, Eurodac, the SIS and [the ECRIS-TCN system]*.

Or. en

Amendment 491
Bodil Valero

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Following the recommendations of FRA and WP29: Only facilitating the search in existing databases, not creating a new database with biometric data.

Amendment 492
Miriam Dalli, Péter Niedermüller, Tanja Fajon, Cécile Kashetu Kyenge, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. A shared biometric matching service (shared BMS) *storing biometric*

Amendment

1. A shared biometric matching service (shared BMS) *shall be established*

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

to enable querying with biometric data across several EU information systems, *the SIS*, and the multiple-identity detector and *to support* the objectives of the EES, the VIS, Eurodac, the SIS and [the ECRIS-TCN system].

Or. en

Amendment 493

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

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 494

Cornelia Ernst

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

Text proposed by the Commission

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

Amendment

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

Amendment 495

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

Proposal for a regulation

Article 12 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

(a) a central infrastructure, including a search engine;

Or. en

Amendment 496

Bodil Valero

Proposal for a regulation

Article 12 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 497

Bodil Valero

Proposal for a regulation

Article 12 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Amendment 498

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

Proposal for a regulation

Article 12 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 499

Cornelia Ernst

Proposal for a regulation

Article 12 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 500

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

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 501

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

Proposal for a regulation

Article 13

Text proposed by the Commission

Article 13

Data stored in the shared biometric matching service

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

(a) the data referred to in Article 16(1)(d) and Article 17(1)(b) and (c) of Regulation (EU) 2017/2226;

(b) the data referred to in Article 9(6) of Regulation (EC) No 767/2008;

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

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

Amendment

deleted

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

(f) *[the data referred to in Article 13(a) of the Eurodac Regulation;]*

(g) *[the data referred to in Article 5(1)(b) and Article 5(2) of the ECRIS-TCN Regulation.]*

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

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

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

Or. en

Justification

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

Amendment 502
Bodil Valero

Proposal for a regulation
Article 13 – title

Text proposed by the Commission

Data *stored in* the shared biometric matching service

Amendment

Data *accessed by* the shared biometric matching service

Amendment 503

Bodil Valero

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 504

Cornelia Ernst

Proposal for a regulation

Article 13 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 505

Sophia in 't Veld

Proposal for a regulation

Article 13 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

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

Amendment 506

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

Proposal for a regulation

Article 13 – paragraph 1 – point d

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 507

Sophia in 't Veld

Proposal for a regulation

Article 13 – paragraph 1 – point d

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 508

Cornelia Ernst

Proposal for a regulation

Article 13 – paragraph 1 – point d

Text proposed by the Commission

Amendment

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

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

Amendment 509

Cornelia Ernst

Proposal for a regulation

Article 13 – paragraph 1 – point e

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 510

Sophia in 't Veld

Proposal for a regulation

Article 13 – paragraph 1 – point e

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 511

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 13 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) the biometric data processed by Europol.

Or. en

Amendment 512

Bodil Valero

Proposal for a regulation

Article 13 – paragraph 2

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 513

Cornelia Ernst

Proposal for a regulation

Article 13 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 514

Sophia in 't Veld

Proposal for a regulation

Article 13 – paragraph 2

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 515

Bodil Valero

Proposal for a regulation

Article 13 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 516

Bodil Valero

Proposal for a regulation

Article 13 – paragraph 4

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 517
Cornelia Ernst

Proposal for a regulation
Article 14

Text proposed by the Commission

Amendment

Article 14

deleted

***Searching biometric data with the shared
biometric matching service***

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

Or. en

Amendment 518
Bodil Valero

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

Amendment

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

Queries with biometric data shall take place in accordance with the purposes provided for in this Regulation and in the EES Regulation, the VIS Regulation, the Eurodac Regulation, the [SIS Regulations] and [the ECRIS-TCN Regulation].
Member State authorities and Union agencies may make use of the shared BMS and the data provided by it only for the objectives and purposes laid down in the legal instruments governing those Union information systems and in this Regulation, and only in specific cases

where they have factual indications that a person is registered in one of the systems and the information about this is necessary for solving a specific on-going situation or facilitating a criminal investigation. They shall not use the shared BMS for systematic checks of large groups of persons. Any query of the shared BMS shall require the mandatory entering of the specific purpose of the query. For queries in the context of the prevention, detection or investigation of terrorist offences or other serious criminal offences, the case reference shall be required.

Or. en

Amendment 519

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

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 520

Bodil Valero

Proposal for a regulation

Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where a police authority has been so empowered by national legislative measures, it may, for the purpose of identifying unknown persons who are not able to identify themselves or unidentified human remains, in the event of a natural disaster or an accident, query the shared BMS with the biometric data of those persons. Member States wishing to avail themselves of this possibility shall adopt national legislative measures laying down the procedures, conditions and criteria.

Or. en

Amendment 521

Bodil Valero

Proposal for a regulation

Article 15

Text proposed by the Commission

Amendment

Article 15

deleted

Data retention in the shared biometric matching service

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

Or. en

Justification

Obsolete – only searching existing databases, no duplication in a new biometric database, in line with FRA and WP29 recommendations.

Amendment 522

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

Weidenholzer, Ana Gomes

Proposal for a regulation

Article 15

Text proposed by the Commission

Amendment

Article 15

deleted

Data retention in the shared biometric matching service

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

Or. en

Justification

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

Amendment 523

Cornelia Ernst

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 524

Sophia in 't Veld

Proposal for a regulation

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 525

Bodil Valero

Proposal for a regulation

Article 16 – paragraph 1 – point a

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 526

Bodil Valero

Proposal for a regulation

Article 16 – paragraph 1 – point b

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 527
Cornelia Ernst

Proposal for a regulation
Article 16 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 528
Cornelia Ernst

Proposal for a regulation
Article 16 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) in accordance with national rules *or with Regulation (EU) 2016/794* or, when applicable, Regulation (EU) 45/2001, the identifying mark of the person who carried out the query.

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

Or. en

Amendment 529
Bodil Valero

Proposal for a regulation
Article 16 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 530

Bodil Valero

Proposal for a regulation

Article 16 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 531

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

Proposal for a regulation

Article 16 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The logs may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security pursuant to Article 42. **To that end, access to those logs shall be granted as appropriate to the data controllers identified pursuant to Article 40, to national supervisory authorities designated pursuant to Article 51 of Regulation (EU) 2016/679 and Article 41**

1(a) shall be erased once the data is erased.

of Directive (EU) 2016/680, and to the European Data Protection Supervisor.

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

Or. en

Justification

In accordance with the recommendations of the European Data Protection Supervisor, supervisory authorities should be granted access to logs.

Amendment 532

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

Proposal for a regulation Article 16 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 533 Cornelia Ernst

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 534

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

Proposal for a regulation
Article 17

Text proposed by the Commission

Article 17

Common identity repository

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

Amendment

deleted

streamlining access by law enforcement authorities to non-law enforcement information systems at EU level, where necessary for the prevention, investigation, detection or prosecution of serious crime.

2. The CIR shall be composed of:

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

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

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

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

Or. en

Justification

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

**Amendment 535
Cornelia Ernst**

**Proposal for a regulation
Article 17**

Text proposed by the Commission

Amendment

Article 17

deleted

Common identity repository

- 1. A common identity repository (CIR), creating an individual file for each person that is recorded in the EES, the VIS, [the ETIAS], Eurodac or [the ECRIS-TCN system] containing the data referred to in Article 18, is established for the purpose of facilitating and assisting the correct identification of persons registered in the EES, the VIS, [the ETIAS], the Eurodac and [the ECRIS-TCN system], of supporting the functioning of the multiple-identity detector and of facilitating and streamlining access by law enforcement authorities to non-law enforcement information systems at EU level, where necessary for the prevention, investigation, detection or prosecution of serious crime.***
- 2. The CIR shall be composed of:***
 - (a) a central infrastructure that shall replace the central systems of respectively the EES, the VIS, [the ETIAS], Eurodac and [the ECRIS-TCN system] to the extent that it shall store the data referred to in Article 18;***
 - (b) a secure communication channel between the CIR, Member States and EU bodies that are entitled to use the European search portal (ESP) in accordance with Union law;***
 - (c) a secure communication infrastructure between the CIR and the EES, [the ETIAS], the VIS, Eurodac and [the ECRIS-TCN system] as well as with the central infrastructures of the ESP, the shared BMS and the multiple-identity detector.***
- 3. eu-LISA shall develop the CIR and ensure its technical management.***

Or. en

Amendment 536
Bodil Valero

Proposal for a regulation
Article 17

Text proposed by the Commission

Amendment

Article 17

deleted

Common identity repository

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

2. The CIR shall be composed of:

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

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

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

shared BMS and the multiple-identity detector.

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

Or. en

Amendment 537

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 17 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 538

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

Proposal for a regulation

Article 17 – paragraph 1

Text proposed by the Commission

1. A common identity repository

PE625.532v02-00

Amendment

1. A common identity repository

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

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

Or. en

Amendment 539

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

Proposal for a regulation

Article 17 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 540

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

Proposal for a regulation
Article 18

Text proposed by the Commission

Amendment

Article 18

deleted

The common identity repository data

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

(a) – (not applicable);

(b) – (not applicable);

(c) – (not applicable);

(d) [the data referred to in Article 13(a) to (e), (g) and (h) of the [Eurodac Regulation;]

(e) [the data referred to in Article 5(1)(b) and 5(2) and the following data of Article 5(1)(a) of the ECRIS-TCN Regulation: surname or family name; first name(s) (given name(s)); sex; date of birth; place and country of birth; nationality or nationalities; gender and where applicable previous names, pseudonyms(s) and/or alias name(s).]

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

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

Or. en

Justification

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

Amendment 541
Cornelia Ernst

Proposal for a regulation
Article 18

Text proposed by the Commission

Amendment

Article 18

deleted

The common identity repository data

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

(a) – (not applicable);

(b) – (not applicable);

(c) – (not applicable);

(d) [the data referred to in Article 13(a) to (e), (g) and (h) of the [Eurodac Regulation;]

(e) [the data referred to in Article 5(1)(b) and 5(2) and the following data of Article 5(1)(a) of the ECRIS-TCN Regulation: surname or family name; first name(s) (given name(s)); sex; date of birth; place and country of birth; nationality or nationalities; gender and where applicable previous names, pseudonyms(s) and/or alias name(s).]

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

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

Or. en

Amendment 542
Bodil Valero

Proposal for a regulation
Article 18

Text proposed by the Commission

Amendment

Article 18

deleted

The common identity repository data

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

(a) *– (not applicable);*

(b) *– (not applicable);*

(c) *– (not applicable);*

(d) *[the data referred to in Article 13(a) to (e), (g) and (h) of the [Eurodac Regulation;]*

(e) *[the data referred to in Article 5(1)(b) and 5(2) and the following data of Article 5(1)(a) of the ECRIS-TCN Regulation: surname or family name; first name(s) (given name(s)); sex; date of birth; place and country of birth; nationality or nationalities; gender and where applicable previous names, pseudonyms(s) and/or alias name(s).]*

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

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

Or. en

Amendment 543
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

(e) [the data referred to in Article 5(1)(b) and 5(2) and the following data of Article 5(1)(a) of the ECRIS-TCN Regulation: surname or family name; first name(s) (given name(s)); sex; date of birth; place and country of birth; nationality or nationalities; gender and where applicable previous names, pseudonyms(s) and/or alias name(s).]

deleted

Or. en

Amendment 544

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 18 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) [the data referred to in Article 5(1)(b) and 5(2) and the following data of Article 5(1)(a) of the ECRIS-TCN Regulation: surname or family name; first name(s) (given name(s)); sex; date of birth; place and country of birth; nationality or nationalities; gender and where applicable previous names, pseudonyms(s) and/or alias name(s).]

(e) [the data referred to in Article 5(1)(b) and 5(2) and the following data of Article 5(1)(a) of the ECRIS-TCN Regulation: surname or family name; first name(s) (given name(s)); sex; date of birth; place and country of birth; nationality or nationalities; gender and where applicable previous names, pseudonyms(s) and/or alias name(s) *as well as information on travel documents.*]

Or. en

Justification

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

Amendment 545

Sophia in 't Veld

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 546
Cornelia Ernst

Proposal for a regulation
Article 19

Text proposed by the Commission

Article 19

Adding, amending and deleting data in the common identity repository

1. Where data is added, amended or deleted in Eurodac or [the ECRIS-TCN system], the data referred to in Article 18 stored in the individual file of the CIR shall be added, amended or deleted accordingly in an automated manner.

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

Amendment

deleted

Or. en

Amendment 547

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

Proposal for a regulation
Article 19

Text proposed by the Commission

Amendment

Article 19

deleted

Adding, amending and deleting data in the common identity repository

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

Or. en

Justification

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

Amendment 548
Bodil Valero

Proposal for a regulation
Article 19

Text proposed by the Commission

Amendment

Article 19

deleted

*Adding, amending and deleting data in
the common identity repository*

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

Or. en

Amendment 549
Cornelia Ernst

Proposal for a regulation
Article 20

Text proposed by the Commission

Amendment

Article 20

deleted

*Access to the common identity repository
for identification*

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

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

Where the biometric data of the person cannot be used or where the query with

that data fails, the query shall be carried out with identity data of the person in combination with travel document data, or with the identity data provided by that person.

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

Or. en

Amendment 550

Bodil Valero

Proposal for a regulation

Article 20

Text proposed by the Commission

Amendment

Article 20

deleted

Access to the common identity repository for identification

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

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

Where the biometric data of the person cannot be used or where the query with that data fails, the query shall be carried

out with identity data of the person in combination with travel document data, or with the identity data provided by that person.

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

Or. en

Amendment 551

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

Proposal for a regulation

Article 20 – title

Text proposed by the Commission

Amendment

20 *Access to the common identity repository* for identification

20 *Use of the ESP and shared BMS* for identification

Or. en

Justification

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

Amendment 552

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

Proposal for a regulation
Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 553

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

Proposal for a regulation
Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

data of that person taken during an identity check.

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

Or. en

Amendment 554
Sophia in 't Veld

Proposal for a regulation
Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 555

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 556

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

Proposal for a regulation

Article 20 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where the query indicates that data on that person is stored in the **CIR**, the Member States authority shall have access to

Amendment

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

consult the data referred to in Article 18(1).

consult the *following data*:

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

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

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

Or. en

Justification

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

Amendment 557

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 20 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 558

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

Proposal for a regulation

Article 20 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

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

Amendment 559

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

Proposal for a regulation

Article 20 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 560

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 20 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 561

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 20 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Where a Member State police authority was unable to identify a person on the basis of a travel document or with the identity data provided by that person following rules and procedures provided for in national law or where there are doubts as to the authenticity of the travel document or the identity of its holder or where accessing the CIR may contribute to preventing and fighting irregular migration as well as to combating serious cross-border crime, terrorism, human trafficking and preventing people from being exploited and slaved, the authority shall be able to query the CIR in accordance with the rules provided for in paragraphs 1 and 2.

Or. en

Amendment 562

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Member States wishing to avail themselves of the possibility provided for in this Article shall adopt national legislative measures within the purposes referred to in Article 2(1)(b) and (c), ***especially in cases of fighting irregular migration as well as combating serious cross-border crime, terrorism, human trafficking and preventing people from being exploited and slaved***. They shall designate the police authorities competent and lay down the procedures, conditions and criteria of such checks.

Or. en

Justification

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

Amendment 563

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

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Member States wishing to avail themselves of the possibility provided for in this Article shall adopt national legislative measures. Such legislative measures shall specify the precise purposes of identity checks within the purposes referred to in Article 2(1)(b) and (c). ***Without prejudice to the first***

competent and lay down the procedures, conditions and criteria *of* such checks.

subparagraph of paragraph 1, they shall designate the police authorities competent and lay down the procedures, conditions and criteria *for* such checks.

Or. en

Justification

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

Amendment 564 **Sophia in 't Veld**

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

Text proposed by the Commission

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

Amendment

2. Member States wishing to avail themselves of the possibility provided for in this Article shall adopt national legislative measures. Such legislative measures shall specify the precise purposes of identity checks within the purposes referred to in Article 2(1)(b) and (c). They shall designate the police authorities competent and lay down the procedures, conditions and criteria of such checks.
Access to the CIR to establish the identity of a third country national for purposes of ensuring a high level of security shall only be allowed where access for the same purposes to similar national databases exist and under equivalent conditions.

Or. en

Amendment 565 **Bodil Valero**

Proposal for a regulation **Article 21**

Text proposed by the Commission

Amendment

Article 21

deleted

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

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

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

Or. en

**Amendment 566
Cornelia Ernst**

**Proposal for a regulation
Article 21**

Text proposed by the Commission

Amendment

Article 21

deleted

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

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

stored in the CIR belonging to the various information systems connected to a yellow link.

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

Or. en

Amendment 567

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

Proposal for a regulation Article 21 – title

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

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

Amendment 568

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

Proposal for a regulation Article 21 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

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

Amendment 569

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

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

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

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

grounds of efficiency contravenes the principles of purpose limitation and data minimisation. The underlying databases will retain the personal data in any event.

Amendment 570
Cornelia Ernst

Proposal for a regulation
Article 22

Text proposed by the Commission

Amendment

Article 22

deleted

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

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

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

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

4. Full access to the data contained in the EU information systems for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences remains subject to the conditions and procedures laid down in the respective legislative instruments governing such access.

Amendment 571**Bodil Valero****Proposal for a regulation****Article 22***Text proposed by the Commission**Amendment***Article 22****deleted*****Querying the common identity repository
for law enforcement purposes***

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

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

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

4. Full access to the data contained in the EU information systems for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences remains subject to the conditions and procedures laid down in the respective legislative instruments governing such access.

Amendment 572

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

Proposal for a regulation**Article 22 – title**

Text proposed by the Commission

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

Amendment

22 Querying *EU information systems* for law enforcement purposes

Amendment 573

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

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

Text proposed by the Commission

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

Amendment

1. *Where there are reasonable grounds to believe that consultation of EU information systems will substantially contribute to the prevention, detection or investigation of the terrorist of other serious criminal offences, in particular where there is a substantiated suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence falls under the category of third country nationals whose data are stored in [the EES], the VIS, [the ETIAS] or the Eurodac system, and where a prior search in national databases has been carried out and a query of the automated fingerprint identification system of the other Member States under Decision 2008/615/JHA has been launched, the Member States designated authorities and Europol may use the ESP and the shared BMS* in order

to obtain information on whether data on a specific person is present in *the EES, the VIS and [the ETIAS]*

Or. en

Justification

In line with the opinion of the EDPS, conditions should be attached to law enforcement access to EU information systems as a whole. As the purpose of many of these EU information systems 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 574 **Sophia in 't Veld**

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

Text proposed by the Commission

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

Amendment

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

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

query of the automated fingerprint identification system of the other Member States under Decision 2008/615/JHA has been launched.

Or. en

Amendment 575

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

Proposal for a regulation

Article 22 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 576

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 22 – paragraph 2

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 577

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

Proposal for a regulation Article 22 – paragraph 2

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 578

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

Proposal for a regulation Article 22 – paragraph 3

Text proposed by the Commission

Amendment

3. Where, in reply to a query the **CIR** indicates data on that person is present in Eurodac **the CIR** shall provide to Member

3. Where, in reply to a query the **ESP or the shared BMS** indicates **that** data on that person is present in **the** Eurodac, **the**

States' designated authorities *and* Europol a reply in the form of a reference indicating which of the information systems contains matching data referred to in Article **18(2)**. *The CIR* shall reply in such a way that the security of the data is not compromised.

ESP or shared BMS shall provide to Member States' designated authorities *or to* Europol a reply in the form of a reference indicating which of the information systems contains matching data referred to in *the second subparagraph of* Article **20(1)**. *The ESP or shared BMS* shall reply in such a way that the security of the data is not compromised. *The reply indicating that data on a subject is present in any system may be used only for the purpose of submitting an access request, subject to the conditions and procedures laid down in the respective legislative instruments governing such access.*

Or. en

Amendment 579
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

4a. *The Member State designated authorities and Europol getting a hit shall refer to the national supervisory authorities that shall check whether the conditions of accessing the CIR were complied with. In case the ex post independent verification determines that the consultation of the CIR was not justified, the law enforcement authority shall erase all data originating from the CIR.*

Or. en

Amendment 580
Cornelia Ernst

Proposal for a regulation
Article 23

Text proposed by the Commission

Amendment

Article 23

deleted

Data retention in the common identity repository

1. The data referred to in Article 18(1) and (2) shall be deleted from the CIR in accordance with the data retention provisions of [the Eurodac Regulation] and [the ECRIS-TCN Regulation] respectively.

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

Or. en

Amendment 581

Bodil Valero

Proposal for a regulation

Article 23

Text proposed by the Commission

Amendment

Article 23

deleted

Data retention in the common identity repository

1. The data referred to in Article 18(1) and (2) shall be deleted from the CIR in accordance with the data retention provisions of [the Eurodac Regulation] and [the ECRIS-TCN Regulation] respectively.

2. The individual file shall be stored in the CIR for as long as the corresponding data is stored in at least one of the information systems whose data is contained in the CIR. The creation

of a link shall not affect the retention period of each item of the linked data.

Or. en

Amendment 582

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

Proposal for a regulation

Article 23

Text proposed by the Commission

Amendment

Article 23

deleted

Data retention in the common identity repository

1. The data referred to in Article 18(1) and (2) shall be deleted from the CIR in accordance with the data retention provisions of [the Eurodac Regulation] and [the ECRIS-TCN Regulation] respectively.

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

Or. en

Justification

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

Amendment 583

Sophia in 't Veld

Proposal for a regulation

Article 23 – paragraph 1

Text proposed by the Commission

Amendment

1. The data referred to in Article 18(1) and (2) shall be deleted from the CIR in accordance with the data retention provisions of [the Eurodac Regulation] and [the ECRIS-TCN Regulation] respectively.

1. The data referred to in Article 18(1) and (2) shall be ***automatically*** deleted from the CIR in accordance with the data retention provisions of [the Eurodac Regulation] and [the ECRIS-TCN Regulation] respectively.

Or. en

Amendment 584

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 585

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

Proposal for a regulation

Article 24

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

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

Amendment 586

Cornelia Ernst

Proposal for a regulation

Article 24

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 587

Bodil Valero

Proposal for a regulation

Article 24

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 588

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

Proposal for a regulation

Article 24 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the national *file reference*;

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

Or. en

Amendment 589
Sophia in 't Veld

Proposal for a regulation
Article 24 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the national *file reference*;

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

Or. en

Amendment 590
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 24 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the national file reference;

(a) *only* the national file reference;

Or. en

Justification

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

Amendment 591
Gérard Deprez, Louis Michel, Cecilia Wikström, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Morten Helveg Petersen, Angelika Mlinar

Proposal for a regulation
Article 24 – paragraph 4 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 592

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

Proposal for a regulation

Article 24 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 593

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

Proposal for a regulation

Article 24 – paragraph 6

Text proposed by the Commission

Amendment

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

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

have already begun.

Or. en

Amendment 594

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

Proposal for a regulation

Article 24 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 595

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

Proposal for a regulation

Article 24 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 596

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

Proposal for a regulation

Article 24 – paragraph 7 c (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 597

Cornelia Ernst

Proposal for a regulation

Article 25

Text proposed by the Commission

Amendment

Article 25

deleted

Multiple-identity detector

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

2. The MID shall be composed of:

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

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

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

Or. en

Amendment 598
Bodil Valero

Proposal for a regulation
Article 25

Text proposed by the Commission

Amendment

Article 25

deleted

Multiple-identity detector

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

2. The MID shall be composed of:

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

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

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

Or. en

Amendment 599

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

Proposal for a regulation

Article 25 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 600

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

Proposal for a regulation

Article 25 – paragraph 1

Text proposed by the Commission

1. A multiple-identity detector (MID) creating and storing links between data in the EU information systems included in the common identity repository (CIR) and the SIS and as a consequence detecting multiple identities, with the dual purpose of facilitating identity checks and combating

Amendment

1. A multiple-identity detector (MID) creating and storing links between data in the EU information systems included in the common identity repository (CIR) and the SIS and as a consequence detecting multiple identities, with the dual purpose of facilitating identity checks and combating

identity fraud, is established for the purpose of supporting the functioning of the CIR and the objectives of the EES, the VIS, the ETIAS], Eurodac, the SIS and [the ECRIS-TCN system].

identity fraud, is established for the purpose of supporting the functioning of the CIR and the objectives of the EES, the VIS, the ETIAS], Eurodac, the SIS and [the ECRIS-TCN system], ***while fully respecting the principles of necessity and proportionality.***

Or. en

Amendment 601

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

Proposal for a regulation

Article 25 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 602

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

Proposal for a regulation

Article 25 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 603
Cornelia Ernst

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 604
Cornelia Ernst

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

Text proposed by the Commission

Amendment

3b. *The process of creating links for the purpose of multiple-identity detection constitutes profiling within the meaning*

of Article 4(4) of Regulation (EU) 2016/679 and Article 3(4) of Directive (EU) 2016/680. Transparency towards the individuals and adequate safeguards, as provided by relevant EU law, in particular Article 22 of Regulation (EU) 2016/679 and Article 11 of Directive (EU) 2016/680 should be therefore guaranteed.

Or. en

Amendment 605
Cornelia Ernst

Proposal for a regulation
Article 26

Text proposed by the Commission

Amendment

Article 26

deleted

Access to the multiple-identity detector

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

- (a) – (not applicable);**
- (b) – (not applicable);**
- (c) – (not applicable);**
- (d) the authorities competent to assess a request for international protection provided for in the Eurodac Regulation when assessing a new request for international protection;**
- (e) the SIRENE Bureaux of the Member State creating a [Regulation on SIS in the field of law enforcement or Regulation on SIS in the field of illegal return];**
- (f) [the central authorities of the convicting Member State when recording or updating data in the ECRIS-TCN system in accordance with Article 5 of the ECRIS-TCN Regulation.]**

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

Or. en

Amendment 606
Bodil Valero

Proposal for a regulation
Article 26

Text proposed by the Commission

Amendment

Article 26

deleted

Access to the multiple-identity detector

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

- (a) – (not applicable);**
- (b) – (not applicable);**
- (c) – (not applicable);**
- (d) the authorities competent to assess a request for international protection provided for in the Eurodac Regulation when assessing a new request for international protection;**
- (e) the SIRENE Bureaux of the Member State creating a [Regulation on SIS in the field of law enforcement or Regulation on SIS in the field of illegal return];**
- (f) [the central authorities of the convicting Member State when recording or updating data in the ECRIS-TCN system in accordance with Article 5 of the ECRIS-TCN Regulation.]**

2. Member State authorities and EU

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

Or. en

Amendment 607

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

Proposal for a regulation

Article 26 – paragraph 1 – point e

Text proposed by the Commission

(e) the SIRENE Bureaux of the Member State creating a [Regulation on SIS in the field of law enforcement or Regulation on SIS in the field of illegal return];

Amendment

(e) the SIRENE Bureaux of the Member State creating **or updating** a [Regulation on SIS in the field of law enforcement or Regulation on SIS in the field of illegal return];

Or. en

Justification

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

Amendment 608

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

Proposal for a regulation

Article 26 – paragraph 2

Text proposed by the Commission

2. Member State authorities and EU bodies having access to at least one EU information system ***included in the common identity repository*** or to the SIS shall have access to the data referred to in

Amendment

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

Article 34(a) and (b) regarding any red links as referred to in Article 32.

referred to in Article 32, *only indicating a reference to the information systems to which Member States authorities and EU agencies have access respective of the access rights under Union and national law.*

Or. en

Justification

Border and law enforcement authorities who do not have access rights to ECRIS TCN on the basis of the current draft ECRIS TCN Regulation could still see a reference to ECRIS TCN when a yellow or red link is created, hence the amendment

Amendment 609

Bodil Valero

Proposal for a regulation

Article 27

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 610

Cornelia Ernst

Proposal for a regulation

Article 27

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 611

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

Proposal for a regulation
Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 612

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

Proposal for a regulation
Article 27 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) The multiple-identity detection using the data referred to in paragraph 1(c) shall be launched only where an application file in ETIAS can be verified against an individual file in the EES.

Or. en

Justification

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

Amendment 613

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

Proposal for a regulation
Article 27 – paragraph 2

Text proposed by the Commission

2. Where the data contained within an

Amendment

2. Where the data contained within an

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

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

Or. en

Amendment 614
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 27 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The term 'person' instead of 'third-country national' avoids unclarities regarding holders of

dual citizenship.

Amendment 615

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

Proposal for a regulation

Article 27 – paragraph 3 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 616

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 27 – paragraph 3 – point h

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 617

Bodil Valero

Proposal for a regulation

Article 28

Article 28

deleted

Results of the multiple-identity detection

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

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

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

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

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

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

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

The Commission shall lay down the

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

Or. en

Amendment 618
Cornelia Ernst

Proposal for a regulation
Article 28

Text proposed by the Commission

Amendment

Article 28

deleted

Results of the multiple-identity detection

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

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

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

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

4. Where the query referred to in Article 27(2) or (3) reports one or several

hit(s) and the identity data of the linked files cannot be considered as similar, a yellow link shall be created in accordance with Article 30 and the procedure referred to in Article 29 shall apply.

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

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

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

Or. en

Amendment 619

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

Proposal for a regulation

Article 28 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 620

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

Proposal for a regulation
Article 28 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 621
Cornelia Ernst

Proposal for a regulation
Article 28 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 622
Cornelia Ernst

Proposal for a regulation
Article 29

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 623
Bodil Valero

Proposal for a regulation
Article 29

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 624
Cornelia Ernst

Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) the SIRENE Bureaux of the Member State for hits that occurred when creating a SIS alert in accordance with the [Regulations on SIS in the field of law enforcement and on SIS in the field of illegal return];

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

Or. en

Amendment 625

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

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

(e) the SIRENE Bureaux of the Member State for hits that occurred when creating a SIS alert in accordance with the [Regulations on SIS in the field of law enforcement and on SIS in the field of illegal return];

Amendment

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

Or. en

Amendment 626

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

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The multiple-identity detector shall indicate the authority responsible for the verification of different identities in the identity verification file.

Amendment

The multiple-identity detector shall indicate the authority responsible for the verification of different identities in the identity verification file. ***The authority adding the last data that triggered the link as referred to in Article 30, shall be responsible for the verification of the different identities. In the absence of access rights to be informed of such a link, a competent authority of the Member State having added the last data triggering the link and having access rights to the link data will be informed in an automatic manner as to undertake verification of the different identities in the identity verification confirmation file.***

Or. en

Justification

Border and law enforcement authorities who do not have access rights to ECRIS TCN on the basis of the current draft ECRIS TCN Regulation could still see a reference to ECRIS TCN when a yellow or red link is created, hence the amendment

Amendment 627

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

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 628

Miriam Dalli

Proposal for a regulation

Article 29 – paragraph 2 – point f

Text proposed by the Commission

Amendment

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

deleted

enforcement].

Or. en

Amendment 629

Miriam Dalli

Proposal for a regulation

Article 29 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

In accordance with the recommendations of the European Data Protection Supervisor (para 91), the SIRENE Bureau needs to deal with yellow links expeditiously. As a person's travel or stay in the EU could be compromised until such time as the link is resolved, a deadline for dealing with the link must be imposed. Also, it is not possible to have a different identity where one of the links is to an unknown person.

Amendment 630

Cornelia Ernst

Proposal for a regulation

Article 29 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

The responsible Sirene Bureau is

immediately informed when a yellow link has to be manually verified by it.

Or. en

Amendment 631
Sophia in 't Veld

Proposal for a regulation
Article 29 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 632
Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation
Article 29 – paragraph 3

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 633
Cornelia Ernst

Proposal for a regulation
Article 29 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Without prejudice to paragraph 4, the authority responsible for verification of different identities shall have access to the related data contained in the relevant identity confirmation file and to the identity data linked in the common identity repository and, where relevant, in the SIS, and shall assess the different identities and shall update the link in accordance with Articles 31, 32 and 33 and add it to the identity confirmation file without delay, *in any case within 24 hours*.

Or. en

Amendment 634

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

Proposal for a regulation
Article 29 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *The verification of different identities shall, as a rule, take place in the presence of the person concerned who should be offered the opportunity to explain the circumstances to the authority responsible, which should take those explanations into account.*

Or. en

Justification

In line with the recommendations of the Fundamental Rights Agency (para 18). Where the verification leads to the establishment of a red link, the person concerned should receive a

justification in writing.

Amendment 635

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

Proposal for a regulation

Article 29 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Such an authority would seek to support national designated authorities by mitigating the risk for data subjected to erroneous links or negative consequences due to a yellow link. By ensuring consistent approaches, and offering guidance to such authorities on how verification can be achieved, without causing any undo consequences to the data subject (such as missed flights, or long delays)

Amendment 636

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

Proposal for a regulation

Article 29 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The authority responsible for the manual verification of multiple identities must also assess whether there are plausible arguments presented by the third country national when deciding on

the colour of the links. Such assessment should be performed, where possible, in the presence of the third-country national and, where necessary, by requesting additional clarifications or information. Such assessment should be performed without delay, in line with legal requirements for the accuracy of information under Union and national law.

Or. en

Justification

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

Amendment 637 Cornelia Ernst

Proposal for a regulation Article 30

Text proposed by the Commission

Amendment

Article 30

deleted

Yellow link

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

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

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

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

Or. en

Amendment 638

Bodil Valero

Proposal for a regulation

Article 30

Text proposed by the Commission

Amendment

Article 30

deleted

Yellow link

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

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

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

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

Or. en

Amendment 639

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

Proposal for a regulation

Article 30 – paragraph 1 – point b

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

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

Amendment 640

Bodil Valero

Proposal for a regulation

Article 31

Text proposed by the Commission

Amendment

Article 31

deleted

Green link

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

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

Or. en

Amendment 641

Cornelia Ernst

Proposal for a regulation
Article 31

Text proposed by the Commission

Amendment

Article 31

deleted

Green link

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

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

Or. en

Amendment 642
Daniel Dalton

Proposal for a regulation
Article 31 – paragraph 1

Text proposed by the Commission

Amendment

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

1. A link between data from two or more information systems shall be classified as green where the linked data do not share:
(i) the same biometric *data* but have *the same or similar identity data*; or

identities concluded it refers to two different persons.

(ii) the same or similar identity data but have indistinguishable biometric data, and the authority responsible for the verification of different identities concluded it refers to two different persons.

Or. en

Justification

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

Amendment 643

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

Proposal for a regulation Article 31 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 644

Bodil Valero

Proposal for a regulation Article 32

Article 32

deleted

Red link

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

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

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

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

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

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

responsible for verification of different identities shall inform the person of the presence of multiple unlawful identities.

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

Or. en

Amendment 645
Cornelia Ernst

Proposal for a regulation
Article 32

Text proposed by the Commission

Amendment

Article 32

deleted

Red link

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

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

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

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

national law.

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

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

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

Or. en

**Amendment 646
Cornelia Ernst**

**Proposal for a regulation
Article 32 – paragraph 1 – point a**

Text proposed by the Commission

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

Amendment

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

Amendment 647

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

Proposal for a regulation

Article 32 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 648

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

Proposal for a regulation

Article 32 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

It cannot be ascertained from a search of data whether the different identities are unlawful

only that they seem to be unjustified.

Amendment 649

Cornelia Ernst

Proposal for a regulation

Article 32 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 650

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

Proposal for a regulation

Article 32 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Where the CIR or the SIS are queried and where a red link exists between two or more of the information systems constituting the CIR or with the SIS, the multiple-identity detector shall reply indicating the data referred to in Article 34 , *only indicating a reference to the information systems to which Member State authorities and EU agencies have access respective of the access rights under Union and national law.* Follow-up to a red link shall take place in accordance with Union and national law, *basing any legal consequence for the person only on the relevant data on that person and not on the red link itself. No legal*

consequence for the person or persons concerned shall derive solely from the existence of a red link.

Or. en

Justification

Border and law enforcement authorities who do not have access rights to ECRIS TCN on the basis of the current draft ECRIS TCN Regulation could still see a reference to ECRIS TCN when a yellow or red link is created, hence the deletion.

Amendment 651

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

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

Consequential amendment related to the deletion of the CIR

Amendment 652

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

**Proposal for a regulation
Article 32 – paragraph 4**

Text proposed by the Commission

Amendment

4. Without prejudice to the provisions *4. Without prejudice to the provisions*

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

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

Or. en

Justification

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

Amendment 653

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 32 – paragraph 4

Text proposed by the Commission

4. Without prejudice to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of illegal return], *and without prejudice to limitations necessary to protect security and public order, prevent crime and guarantee that any national investigation will not be jeopardised*,

Amendment

4. Without prejudice *to limitations necessary to protect security and public order, prevent crime and guarantee that any national investigation will not be jeopardised, with particular emphasis* to the provisions related to the handling of alerts in the SIS referred to in the [Regulations on SIS in the field of border checks, on SIS in the field of law enforcement and on SIS in the field of

where a red link is created, the authority responsible for verification of different identities shall inform the person of the presence of multiple unlawful identities.

illegal return], where a red link is created, the authority responsible for verification of different identities shall inform the person of the presence of multiple unlawful identities.

Or. en

Amendment 654
Cornelia Ernst

Proposal for a regulation
Article 32 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 655
Sophia in 't Veld

Proposal for a regulation
Article 32 – paragraph 4

Text proposed by the Commission

4. Without prejudice to the provisions

Amendment

4. Without prejudice to the provisions

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

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

Or. en

Amendment 656

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

Proposal for a regulation

Article 32 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Where a Member State authority or EU body with access to one of the EU information systems or the SIS obtains evidence showing that a red link recorded in the MID is inaccurate or that the data processed in the MID, the relevant EU information systems and the SIS were processed in breach of this Regulation, that authority shall, where the link relates to EU information systems either rectify or erase the link from the MID immediately, or where the link relates to the SIS, inform the relevant SIRENE Bureau of the Member State that created the SIS alert immediately. That SIRENE Bureau shall verify the evidence provided by the Member State authority and rectify or erase the link from the MID immediately thereafter.

Or. en

Justification

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

Amendment 657

Cornelia Ernst

Proposal for a regulation

Article 32 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 658

Bodil Valero

Proposal for a regulation

Article 33

Text proposed by the Commission

Amendment

Article 33

deleted

White link

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

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

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

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

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

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

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

Or. en

Amendment 659
Cornelia Ernst

Proposal for a regulation
Article 33

Text proposed by the Commission

Amendment

Article 33

deleted

White link

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

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

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

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

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

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

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

Or. en

**Amendment 660
Daniel Dalton**

**Proposal for a regulation
Article 33 – paragraph 1 – point c a (new)**

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

**Amendment 661
Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes**

Proposal for a regulation
Article 33 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 662

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

Proposal for a regulation
Article 33 – paragraph 3

Text proposed by the Commission

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

Amendment

deleted

Or. en

Justification

Consequential amendment related to the deletion of the CIR

Amendment 663

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

Proposal for a regulation

Article 33 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 664

Bodil Valero

Proposal for a regulation

Article 34

Text proposed by the Commission

Amendment

Article 34

deleted

Identity confirmation file

The identity confirmation file shall contain the following data:

- (a) the links, including their description in form of colours, as referred to in Articles 30 to 33;***
- (b) a reference to the information systems whose data is linked;***
- (c) a single identification number allowing to retrieve the data from the***

information systems of corresponding linked files;

(d) where relevant, the authority responsible for the verification of different identities.

Or. en

Amendment 665

Cornelia Ernst

Proposal for a regulation

Article 34

Text proposed by the Commission

Amendment

Article 34

deleted

Identity confirmation file

The identity confirmation file shall contain the following data:

(a) the links, including their description in form of colours, as referred to in Articles 30 to 33;

(b) a reference to the information systems whose data is linked;

(c) a single identification number allowing to retrieve the data from the information systems of corresponding linked files;

(d) where relevant, the authority responsible for the verification of different identities.

Or. en

Amendment 666

Bodil Valero

Proposal for a regulation

Article 35

Text proposed by the Commission

Amendment

Article 35

deleted

Data retention in the multiple-identity detector

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

Or. en

Amendment 667

Cornelia Ernst

Proposal for a regulation

Article 35

Text proposed by the Commission

Amendment

Article 35

deleted

Data retention in the multiple-identity detector

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

Or. en

Amendment 668

Cornelia Ernst

Proposal for a regulation

Article 35 – paragraph 1

Text proposed by the Commission

Amendment

The identity confirmation files and its data,

The identity confirmation files and its data,

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

including the links, shall be *deleted after their use, except if there is a green link.*

Or. en

Amendment 669

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

Proposal for a regulation Article 35 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

In line with the recommendations of the European Data Protection Supervisor (para85).

Amendment 670

Monika Hohlmeier, Heinz K. Becker

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

Text proposed by the Commission

Amendment

In case of the establishment of a red link between data in the CIR, the identity confirmation files and its data, including the red link, shall be stored in the MID

only for as long as the corresponding data are stored in at least one of the originating EU information systems.

Or. en

Justification

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

Amendment 671
Cornelia Ernst

Proposal for a regulation
Article 36

Text proposed by the Commission

Amendment

Article 36

deleted

Keeping of logs

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

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

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

3. The logs may be used only for data protection monitoring, including checking the admissibility of a request and the lawfulness of data processing, and for

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

Or. en

Amendment 672
Bodil Valero

Proposal for a regulation
Article 36

Text proposed by the Commission

Amendment

Article 36

deleted

Keeping of logs

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

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

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

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

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

Or. en

Amendment 673

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

Proposal for a regulation

Article 36 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 674

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

Proposal for a regulation

Article 36 – paragraph 3

Text proposed by the Commission

Amendment

3. The logs may be used only for data protection monitoring, including checking the admissibility of a request and the lawfulness of data processing, and for ensuring *data* security pursuant to Article 42. The logs shall be protected by appropriate measures against unauthorised

3. The logs may be used only for data protection monitoring, including checking the admissibility of a request and the lawfulness of data processing, **for self-monitoring**, and for ensuring **the proper functioning and the data integrity and** security pursuant to Article 42. The logs

access and erased *one year* after their creation, unless they are required for monitoring procedures that have already begun. The logs related to the history of the identity confirmation file shall be erased once the data in the identity confirmation file is erased.

shall be protected by appropriate measures against unauthorised access and erased *two years* after their creation, unless they are required for monitoring procedures that have already begun. The logs related to the history of the identity confirmation file shall be erased once the data in the identity confirmation file is erased.

Or. en

Amendment 675

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

Proposal for a regulation Article 36 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

As the log is only the record of the processing, it does not contain personal data. The log needs to be retained for sufficient time to ensure that unlawful processing can be uncovered or proven. One year does not seem adequate in that respect.

Amendment 676

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

Proposal for a regulation

Article 37 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 677

Cornelia Ernst

Proposal for a regulation

Article 37 – paragraph 1

Text proposed by the Commission

1. eu-LISA shall establish automated data quality control mechanisms and

Amendment

1. eu-LISA shall establish automated data quality control mechanisms and

procedures on the data stored in the SIS, ***Eurodac, [the ECRIS-TCN system]***, the shared biometric matching service (shared BMS), ***the common identity repository (CIR) and the multiple-identity detector (MID)***.

procedures on the data stored in the SIS, the shared biometric matching service (shared BMS).

Or. en

Amendment 678

Bodil Valero

Proposal for a regulation

Article 37 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 679

Cornelia Ernst

Proposal for a regulation

Article 37 – paragraph 2

Text proposed by the Commission

2. eu-LISA shall establish common data quality indicators and the minimum quality standards to store data in the SIS, ***Eurodac, [the ECRIS-TCN system]***, the shared BMS, ***the CIR and the MID***.

Amendment

2. eu-LISA shall establish common data quality indicators and the minimum quality standards to store data in the SIS, the shared BMS.

Or. en

Amendment 680

Bodil Valero

Proposal for a regulation

Article 37 – paragraph 2

Text proposed by the Commission

2. eu-LISA shall establish common data quality indicators and the minimum quality standards to store data in the SIS, Eurodac, [the ECRIS-TCN system], the shared BMS, *the CIR and the MID*.

Amendment

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

Or. en

Amendment 681

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

Proposal for a regulation

Article 37 – paragraph 2

Text proposed by the Commission

2. eu-LISA shall establish common data quality indicators and the minimum quality standards to store data in the SIS, Eurodac, [the ECRIS-TCN system], *the shared BMS, the CIR* and the MID.

Amendment

2. eu-LISA shall establish common data quality indicators and the minimum quality standards to store data in the SIS, Eurodac, [the ECRIS-TCN system], and the MID.

Or. en

Amendment 682

Bodil Valero

Proposal for a regulation

Article 37 – paragraph 3

Text proposed by the Commission

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

Amendment

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

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

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

Or. en

Amendment 683
Cornelia Ernst

Proposal for a regulation
Article 37 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 684
Cornelia Ernst

Proposal for a regulation
Article 37 – paragraph 4

Text proposed by the Commission

4. The details of the automated data quality control mechanisms and procedures and the common data quality indicators and the minimum quality standards to store

Amendment

4. The details of the automated data quality control mechanisms and procedures and the common data quality indicators and the minimum quality standards to store

data in the SIS, *Eurodac*, [the *ECRIS-TCN system*], the shared BMS, *the CIR and the MID*, in particular regarding biometric data, shall be laid down in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).

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

Or. en

Amendment 685

Bodil Valero

Proposal for a regulation

Article 37 – paragraph 4

Text proposed by the Commission

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

Amendment

4. The details of the automated data quality control mechanisms and procedures and the common data quality indicators and the minimum quality standards to store data in *or access data through* the SIS, Eurodac, [the ECRIS-TCN system] *and* the shared BMS, in particular regarding biometric data, shall be laid down in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).

Or. en

Amendment 686

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

Proposal for a regulation

Article 37 – paragraph 4

Text proposed by the Commission

4. The details of the automated data quality control mechanisms and procedures

Amendment

4. The details of the automated data quality control mechanisms and procedures

and the common data quality indicators and the minimum quality standards to store data in the SIS, Eurodac, [the ECRIS-TCN system], the shared BMS, *the CIR* and the MID, in particular regarding biometric data, shall be laid down in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).

and the common data quality indicators and the minimum quality standards to store data in the SIS, Eurodac, [the ECRIS-TCN system], the shared BMS and the MID, in particular regarding biometric data, shall be laid down in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64(2).

Or. en

Amendment 687

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

Proposal for a regulation Article 37 – paragraph 5

Text proposed by the Commission

5. One year after the establishment of the automated data quality control mechanisms and procedures and common data quality indicators and every year thereafter, the Commission shall evaluate Member State implementation of data quality and shall make any necessary recommendations. The Member States shall provide the Commission with an action plan to remedy any deficiencies identified in the evaluation report and shall report on any progress against this action plan until it is fully implemented. The Commission shall transmit the evaluation report to the European Parliament, to the Council, to the European Data Protection Supervisor and to the European Union Agency for Fundamental Rights established by Council Regulation (EC) No 168/2007.⁶³

Amendment

5. One year after the establishment of the automated data quality control mechanisms and procedures and common data quality indicators and every year thereafter, the Commission shall evaluate Member State implementation of data quality and *in particular, data quality issues deriving from erroneous historical data in existing EU information systems and in the SIS. The Commission* shall make any necessary recommendations. The Member States shall provide the Commission with an action plan to remedy any deficiencies identified in the evaluation report and shall report on any progress against this action plan until it is fully implemented. The Commission shall transmit the evaluation report to the European Parliament, to the Council, to the European Data Protection Supervisor and to the European Union Agency for Fundamental Rights established by Council Regulation (EC) No 168/2007.⁶³

⁶³ Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (OJ L 53, 22.2.2007, p. 1).

⁶³ Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (OJ L 53, 22.2.2007, p. 1).

Or. en

Amendment 688
Bodil Valero

Proposal for a regulation
Article 37 – paragraph 5

Text proposed by the Commission

5. One year after the establishment of the automated data quality control mechanisms and procedures and common data quality indicators and every year thereafter, the Commission shall evaluate Member State implementation of data quality and shall make any necessary recommendations. The Member States shall provide the Commission with an action plan to remedy any deficiencies identified in the evaluation report and shall report on any progress against this action plan until it is fully implemented. The Commission shall transmit the evaluation report to the European Parliament, to the Council, to the European Data Protection Supervisor and to the European Union Agency for Fundamental Rights established by Council Regulation (EC) No 168/2007.⁶³

⁶³ Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (OJ L 53, 22.2.2007, p. 1).

Amendment

5. One year after the establishment of the automated data quality control mechanisms and procedures and common data quality indicators and every year thereafter, the Commission shall evaluate Member State implementation of data quality and shall make any necessary recommendations. The Member States shall provide the Commission with an action plan to remedy any deficiencies identified in the evaluation report and shall report on any progress against this action plan until it is fully implemented. The Commission shall transmit the evaluation report to the European Parliament, to the Council, to the European Data Protection Supervisor, ***the European Data Protection Board*** and to the European Union Agency for Fundamental Rights established by Council Regulation (EC) No 168/2007.⁶³

⁶³ Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (OJ L 53, 22.2.2007, p. 1).

Or. en

Justification

It is important to also inform the national data protection authorities, as most of the data in the systems comes from Member States.

Amendment 689

Bodil Valero

Proposal for a regulation

Article 38 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 690

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

Proposal for a regulation

Article 38 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 691

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

Proposal for a regulation

Article 38 – paragraph 3

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 692

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 38 – paragraph 3

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

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

Amendment 693

Bodil Valero

Proposal for a regulation

Article 39

Text proposed by the Commission

Amendment

Article 39

deleted

Central repository for reporting and statistics

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

2. eu-LISA shall establish, implement and host the CRRS in its technical sites containing the data referred to in [Article 42(8) of the Eurodac Regulation], [Article 71 of the Regulation on SIS in the field of law enforcement] and [Article 30 of the ECRIS-TCN Regulation] logically separated. The data contained in the CRRS shall not enable the identification of individuals. Access to the repository shall be granted by means of secured access through the Trans-European Services for Telematics between Administrations (TESTA) network service with control of access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in [Article 42(8) of the Eurodac Regulation], [Article 71 of the Regulation on SIS in the field of law enforcement] and [Article 30 of the

ECRIS-TCN Regulation].

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

4. *The CRRS shall be composed of:*

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

(b) *a secure communication infrastructure to connect the CRRS to the SIS, Eurodac and [the ECRIS-TCN], as well as the central infrastructures of the shared BMS, the CIR and the MID.*

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

Or. en

Justification

Based on the EDPS opinion. A new Article 39a is created as an alternative solution to extract statistics.

Amendment 694
Cornelia Ernst

Proposal for a regulation
Article 39

Text proposed by the Commission

Amendment

Article 39

deleted

Central repository for reporting and

statistics

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

2. eu-LISA shall establish, implement and host the CRRS in its technical sites containing the data referred to in [Article 42(8) of the Eurodac Regulation], [Article 71 of the Regulation on SIS in the field of law enforcement] and [Article 30 of the ECRIS-TCN Regulation] logically separated. The data contained in the CRRS shall not enable the identification of individuals. Access to the repository shall be granted by means of secured access through the Trans-European Services for Telematics between Administrations (TESTA) network service with control of access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in [Article 42(8) of the Eurodac Regulation], [Article 71 of the Regulation on SIS in the field of law enforcement] and [Article 30 of the ECRIS-TCN Regulation].

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

4. The CRRS shall be composed of:

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

(b) a secure communication infrastructure to connect the CRRS to the SIS, Eurodac and [the ECRIS-TCN], as well as the central infrastructures of the shared BMS, the CIR and the MID.

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

Or. en

Justification

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

Amendment 695

Heinz K. Becker, Monika Hohlmeier

Proposal for a regulation Article 39 – paragraph 2

Text proposed by the Commission

2. eu-LISA shall establish, implement and host the CRRS in its technical sites ***containing the data referred to in*** [Article 42(8) of the Eurodac Regulation], [Article 71 of the Regulation on SIS in the field of law enforcement] and [Article 30 of the ECRIS-TCN Regulation] logically separated. The data contained in the CRRS shall not enable the identification of individuals. Access to the repository shall be granted by means of secured access through the Trans-European Services for Telematics between Administrations (TESTA) network service with control of access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in [Article **42(8)** of the *Eurodac* Regulation], [Article **71** of the Regulation on SIS in the field of *law enforcement*] and [**Article 30** of the

Amendment

2. eu-LISA shall establish, implement and host the CRRS in its technical sites ***in order to implement*** [Article 42(8) of the Eurodac Regulation], [Article 71 of the Regulation on SIS in the field of law enforcement] and [Article 30 of the ECRIS-TCN Regulation] ***and support the implementation of the analytical tasks by the Agencies referred to in (new) paragraph 2b***, logically separated. The data contained in the CRRS shall not enable the identification of individuals. Access to the repository shall be granted by means of secured access through the Trans-European Services for Telematics between Administrations (TESTA) network service with control of access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in [Article **63** of the *EES* Regulation],

ECRIS-TCN Regulation].

Article 17 of Regulation (EC) No 767/2008, [Article 73 of the ETIAS Regulation] and [Article 54 of the Regulation on SIS in the field of border checks] and for the purpose of the implementation of the analytical tasks by the Agencies referred to in (new) paragraph 2a.

Or. en

Amendment 696
Monika Hohlmeier, Heinz K. Becker

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 697
Monika Hohlmeier, Heinz K. Becker

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 698

Sophia in 't Veld

**Proposal for a regulation
Article 39 – paragraph 3**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 699

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

**Proposal for a regulation
Article 39 – paragraph 3**

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 700

Miriam Dalli

**Proposal for a regulation
Article 39 – paragraph 4 – point b**

Text proposed by the Commission

Amendment

(b) a secure communication infrastructure to connect the CRRS to the SIS, Eurodac and [the ECRIS-TCN], as well as the central infrastructures of the shared BMS, *the CIR* and the MID.

(b) a secure communication infrastructure to connect the CRRS to the SIS, Eurodac and [the ECRIS-TCN], as well as the central infrastructures of the shared BMS and the MID.

Or. en

Amendment 701

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

Proposal for a regulation

Article 39 – paragraph 5

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

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

Amendment 702

Bodil Valero

Proposal for a regulation

Article 39 a (new)

Article 39a

Statistics

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

Or. en

Justification

Based on the EDPS opinion. This new Article 39a is created as an alternative solution to the CRRS.

Amendment 703

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

Proposal for a regulation

Article 40 – paragraph 1

Text proposed by the Commission

1. In relation to the processing of data in the shared biometric matching service (shared BMS), the Member State authorities that are controllers for the ***Eurodac, SIS and [the ECRIS-TCN system]*** respectively, shall also be considered as controllers in accordance with Article 4(7) of Regulation (EU) 2016/679 in relation to the biometric

Amendment

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

templates obtained from the data referred to in Article 13 that they enter into respective systems and shall have responsibility for the processing of the biometric templates in the shared BMS.

respective systems. *In relation to information security management of the shared BMS, eu-LISA shall be considered a controller.*

Or. en

Justification

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

Amendment 704 Bodil Valero

Proposal for a regulation Article 40 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 705 Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation

Article 40 – paragraph 2

Text proposed by the Commission

Amendment

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

Or. en

Justification

Consequential amendment related to the deletion of the CIR.

Amendment 706
Bodil Valero

Proposal for a regulation
Article 40 – paragraph 2

Text proposed by the Commission

Amendment

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

Or. en

Justification

Consequential amendment following the deletion of the CIR.

Amendment 707

Bodil Valero

Proposal for a regulation

Article 40 – paragraph 3

Text proposed by the Commission

Amendment

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

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

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

Or. en

Justification

Consequential amendment following the deletion of the MID.

Amendment 708

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

Proposal for a regulation

Article 40 – paragraph 3 – point a

Text proposed by the Commission

Amendment

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

(a) the European Border and Coast Guard Agency shall be considered a data controller in accordance with Article 2(b) of Regulation No 45/2001 in relation to processing of personal data by the ETIAS Central Unit. ***In relation to information security management of the ETIAS Central System, eu-LISA shall be considered a controller;***

Or. en

Amendment 709

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

Proposal for a regulation

Article 40 – paragraph 3 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 710

Cornelia Ernst

Proposal for a regulation

Article 40 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. eu-LISA shall also be considered to be a controller in relation to all

*processing under this Regulation.
Relevant provisions of Regulation (EC)
45/2001 shall apply.*

Or. en

Amendment 711

Cornelia Ernst

Proposal for a regulation

Article 41

Text proposed by the Commission

Amendment

Article 41

deleted

Data processor

In relation to the processing of personal data in the CIR, eu-LISA is to be considered the data processor in accordance with Article 2(e) of Regulation (EC) No 45/2001.

Or. en

Amendment 712

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

Proposal for a regulation

Article 41

Text proposed by the Commission

Amendment

Article 41

deleted

Data processor

In relation to the processing of personal data in the CIR, eu-LISA is to be considered the data processor in accordance with Article 2(e) of Regulation (EC) No 45/2001.

Or. en

Justification

Consequential amendment related to the deletion of the CIR

Amendment 713

Bodil Valero

Proposal for a regulation

Article 41

Text proposed by the Commission

Amendment

Article 41

deleted

Data processor

In relation to the processing of personal data in the CIR, eu-LISA is to be considered the data processor in accordance with Article 2(e) of Regulation (EC) No 45/2001.

Or. en

Justification

Consequential amendment following the deletion of the CIR.

Amendment 714

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

Proposal for a regulation

Article 42 – paragraph 1

Text proposed by the Commission

Amendment

1. Both eu-LISA and the Member State authorities shall ensure the security of the processing of personal data that takes place pursuant to the application of this Regulation. eu-LISA, [the ETIAS Central Unit] and the Member State authorities shall cooperate on security-related tasks.

1. Both eu-LISA and the Member State authorities shall ensure the security of the processing of personal data that takes place pursuant to the application of this Regulation. eu-LISA ***shall be responsible for the central systems and Member State authorities shall be responsible for the security at the end-points controlling access to the systems,*** [the ETIAS Central

Unit] and the Member State authorities shall cooperate on security-related tasks.

Or. en

Justification

Amendment reflecting the recommendations of the European Data Protection Supervisor (para 113).

Amendment 715

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

Proposal for a regulation

Article 42 – paragraph 3 – point i

Text proposed by the Commission

(i) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring to ensure compliance with this Regulation.

Amendment

(i) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring to ensure compliance with this Regulation ***and to assess those security measures in the light of new technological developments.***

Or. en

Justification

Amendment reflecting the recommendations of the European Data Protection Supervisor

Amendment 716

Bodil Valero

Proposal for a regulation

Article 43 – paragraph 1

Text proposed by the Commission

1. Each Member State shall apply its rules of professional secrecy or other

Amendment

1. Each Member State shall apply its rules of professional secrecy or other

equivalent duties of confidentiality to all persons and bodies **required** to work with SIS data accessed through any of the interoperability components in accordance with its national law. That obligation shall also apply after those persons leave office or employment or after the termination of the activities of those bodies.

equivalent duties of confidentiality to all persons and bodies **allowed** to work with SIS data accessed through any of the interoperability components in accordance with its national law. That obligation shall also apply after those persons leave office or employment or after the termination of the activities of those bodies.

Or. en

Justification

In line with Meijers' Committee opinion.

Amendment 717 **Bodil Valero**

Proposal for a regulation **Article 43 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. Where eu-LISA or a Member State cooperates with external contractors in any task related to the accessibility components, it shall closely monitor the activities of the contractor to ensure compliance with all provisions of this Regulation, including in particular security, confidentiality and data protection. In case potential and existing contractors are also established in third countries, eu-LISA or the respective Member State shall closely monitor and assess any legal obligations in those third countries that might have a detrimental impact on the confidentiality of the accessibility components and the information systems operated by eu-LISA and by the Member States in the scope of this Regulation, and take all necessary steps to ensure the confidentiality, including, where necessary, declining a contract.

Justification

First part from AM 43 rapporteur. Added legal obligations in third countries to provide safeguards against obligations such as those stemming from the US Patriot Act or the US Cloud Act.

Amendment 718**Bodil Valero****Proposal for a regulation****Article 44 – paragraph 1***Text proposed by the Commission*

1. Any event that has or may have an impact on the security of the interoperability components and may cause damage to or loss of data stored in them shall be considered to be a security incident, in particular where unauthorised access to data may have occurred or where the availability, integrity and confidentiality of data has or may have been compromised.

Amendment

1. Any event that has or may have an impact on the security of the interoperability components and may cause **unauthorised access to**, damage to or loss of data stored in them shall be considered to be a security incident, in particular where unauthorised access to data may have occurred or where the availability, integrity and confidentiality of data has or may have been compromised.

Or. en

Amendment 719**Bodil Valero****Proposal for a regulation****Article 44 – paragraph 3***Text proposed by the Commission*

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA and the European Data Protection Supervisor of security incidents. In the

Amendment

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA and the European Data Protection Supervisor of security incidents. **Without**

event of a security incident in relation to the central infrastructure of the **interoperability** components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.

prejudice to Article 35 of Regulation (EC) 45/2001 [or Article 37 of Regulation XX/2018 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC] and Article 34 of Regulation (EU) 2016/794, [the ETIAS Central Unit] and Europol shall notify the Commission, eu-LISA and the European Data Protection Supervisor of any security incident. In the event of a security incident in relation to the central infrastructure of the **accessibility** components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.

Or. en

Amendment 720
Cornelia Ernst

Proposal for a regulation
Article 44 – paragraph 3

Text proposed by the Commission

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA and the European Data Protection Supervisor of security incidents. In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.

Amendment

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA and the European Data Protection Supervisor of security incidents. In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor ***as well as national supervisory authorities concerned.***

Amendment 721

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

Proposal for a regulation
Article 44 – paragraph 3

Text proposed by the Commission

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA and the European Data Protection Supervisor of security incidents. In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.

Amendment

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA, **the national supervisory authorities** and the European Data Protection Supervisor of security incidents. In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.

Or. en

Amendment 722

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

Proposal for a regulation
Article 44 – paragraph 3

Text proposed by the Commission

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA and the European Data Protection Supervisor of security incidents. In the

Amendment

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA, **the national supervisory authority** and the European Data Protection

event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.

Supervisor of security incidents. In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.

Or. en

Justification

In line with the recommendations of the European Data Protection Supervisor (para 139).

Amendment 723 **Sophia in 't Veld**

Proposal for a regulation **Article 44 – paragraph 3**

Text proposed by the Commission

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA and the European Data Protection Supervisor of security incidents. In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.

Amendment

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA, ***the national supervisory authority*** and the European Data Protection Supervisor of security incidents. In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.

Or. en

Amendment 724 **Maria Grapini**

Proposal for a regulation **Article 44 – paragraph 3**

Text proposed by the Commission

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall notify the Commission, eu-LISA and the European Data Protection Supervisor of security incidents. In the event of a security incident in relation to the central infrastructure of the interoperability components, eu-LISA shall notify the Commission and the European Data Protection Supervisor.

Amendment

3. Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679, Article 30 of Directive (EU) 2016/680, or both, Member States shall ***immediately*** notify the Commission, eu-LISA and the European Data Protection Supervisor of security incidents. In the event of a security incident in relation to the central infrastructure of the interoperability components, eu LISA shall notify the Commission and the European Data Protection Supervisor.

Or. ro

Amendment 725

Cornelia Ernst

Proposal for a regulation

Article 44 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall report serious incidents immediately to the European Parliament and the Council. These reports shall be classified as EU RESTRICTED/RESTREINT UE in accordance with applicable security rules.

Or. en

Amendment 726

Cornelia Ernst

Proposal for a regulation

Article 44 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Where a security incident is

caused by the misuse of data, Member States or the relevant EU Agencies shall ensure that penalties or disciplinary measures are imposed in accordance with Union and national law.

Or. en

Amendment 727

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

Proposal for a regulation

Article 44 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The European Commission shall carry out annual evaluations to ensure that Member States are in full compliance with the obligations under each respective IT-systems. The concrete findings of the evaluations shall be communicated to the European Parliament and the Council, and in case of a breach, appropriate measures shall be taken thereafter.

Or. en

Amendment 728

Bodil Valero

Proposal for a regulation

Article 45 – paragraph 1

Text proposed by the Commission

Amendment

Member States and the relevant EU bodies shall ensure that each authority entitled to access the **interoperability** components takes the measures necessary to monitor its compliance with this Regulation and cooperates, where necessary, with the supervisory authority.

Member States and the relevant EU bodies shall ensure that each authority entitled to access the **accessibility** components takes the measures necessary to monitor its compliance with this Regulation and cooperates, where necessary, with the **competent** supervisory authority.

Amendment 729

Maria Grapini

Proposal for a regulation

Article 45 – paragraph 1

Text proposed by the Commission

Member States and the relevant EU bodies shall ensure that each authority entitled to access the interoperability components takes the measures necessary to monitor its compliance with this Regulation and cooperates, where necessary, with the supervisory authority.

Amendment

Member States and the relevant EU bodies shall ensure that each authority entitled to access the interoperability components takes the measures necessary to monitor its compliance with this Regulation and cooperates, where necessary, with the supervisory authority. ***Where the Member States establish that this Regulation has been infringed, they must define and apply the appropriate penalties.***

Or. ro

Amendment 730

Cornelia Ernst

Proposal for a regulation

Article 45 a (new)

Text proposed by the Commission

Amendment

Article 45a

Penalties

Member States shall take the necessary measures to ensure that any use of data in a manner contrary to this Regulation is punishable by effective, proportionate and dissuasive penalties in accordance with national law, Article 84 of Regulation (EU) 2016/679 and Article 57 of Directive (EU) 2016/680 as well as [relevant Article of new] Regulation 45/2001.

Or. en

Amendment 731

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

Proposal for a regulation

Article 46 – title

Text proposed by the Commission

Amendment

46 Right *of* information

46 Right *to* information

Or. en

Amendment 732

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

Proposal for a regulation

Article 46 – paragraph 1

Text proposed by the Commission

Amendment

1. Without prejudice to the right *of* information referred to in Articles 11 and 12 of Regulation (EC) 45/2001 *and* Articles 13 and 14 of Regulation (EU) 2016/679, persons whose data are stored in the *shared biometric matching service, the common identity repository or the multiple-identity detector* shall be informed by the authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, *and* about the procedures for exercising their rights of access, rectification and erasure, *as well as* about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data.

1. Without prejudice to the right *to* information referred to in Articles 11 and 12 of Regulation (EC) 45/2001, Articles 13 and 14 of Regulation (EU) 2016/679, *and Article 13 of Directive 2016/680*, persons whose data are stored in the *one of the EU information systems, the SIS, or in the multiple-identity detector* shall be informed by the authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, about the procedures for exercising their rights of access, rectification and erasure *as laid down in Article 47*, about *their right to lodge a complaint with the supervisory authority, the purpose of the data processing, the data retention period, the fact that personal data may be accessed by law enforcement authorities, and* the contact details of the European Data

Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data.

Or. en

Justification

Wording has been amended to include more fundamental rights safeguards to ensure that the data subject is fully informed with what happens to their data. Text has also been amended in line with Articles 50 and 30 of the EES and Eurodac proposals respectively, data subjects must be informed that Police Authorities will be able to access their data.

Amendment 733

Bodil Valero

Proposal for a regulation

Article 46 – paragraph 1

Text proposed by the Commission

1. Without prejudice to the right of information referred to in Articles 11 and 12 of Regulation (EC) 45/2001 and Articles 13 and 14 of Regulation (EU) 2016/679, persons whose data are stored in the shared biometric matching service, ***the common identity repository or the multiple-identity detector*** shall be informed by the authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, and about the procedures for exercising their rights of access, rectification and erasure, as well as about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data.

Amendment

1. Without prejudice to the right of information referred to in Articles 11 and 12 of Regulation (EC) 45/2001 and Articles 13 and 14 of Regulation (EU) 2016/679, persons whose data are stored in the shared biometric matching service shall be informed by the authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, and about the procedures for exercising their rights of access, rectification and erasure, as well as about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data.

Or. en

Amendment 734
Sophia in 't Veld

Proposal for a regulation
Article 46 – paragraph 1

Text proposed by the Commission

1. Without prejudice to the right of information referred to in Articles 11 and 12 of Regulation (EC) 45/2001 **and** Articles 13 and 14 of Regulation (EU) 2016/679, persons whose data are stored in the shared biometric matching service, the common identity repository or the multiple-identity detector shall be informed by the authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, and about the procedures for exercising their rights of access, rectification and erasure, as well as about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data.

Amendment

1. Without prejudice to the right of information referred to in Articles 11 and 12 of Regulation (EC) 45/2001, Articles 13 and 14 of Regulation (EU) 2016/679, **and Article 13 of Directive 2016/680**, persons whose data are stored in the shared biometric matching service, the common identity repository or the multiple-identity detector shall be informed by the authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, and about the procedures for exercising their rights of access, rectification and erasure, ***about the relevant retention periods, the automated decision-making and the fact that personal data is not transferred or made available to third countries, international organisations or private parties with the exception of transfer to Interpol***, as well as about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data.

Or. en

Amendment 735

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

Proposal for a regulation
Article 46 – paragraph 1

1. Without prejudice to the right of information referred to in Articles 11 and 12 of Regulation (EC) 45/2001 and Articles 13 and 14 of Regulation (EU) 2016/679, persons whose data are stored in the shared biometric matching service, the common identity repository or the multiple-identity detector shall be informed by the authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, and about the procedures for exercising their rights of access, rectification and erasure, as well as about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data.

1. Without prejudice to the right of information referred to in Articles 11 and 12 of Regulation (EC) 45/2001 and Articles 13 and 14 of Regulation (EU) 2016/679, persons whose data are stored in the shared biometric matching service, the common identity repository or the multiple-identity detector shall be informed by the authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, and about the procedures for exercising their rights of access, rectification and erasure, as well as about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data. ***Persons whose data is stored should also be informed of retention periods, automated decision-making and the fact that personal data is not transferred or made available to third countries, international organisations of private parties, with the exception of transfers to Interpol.***

Or. en

Amendment 736
Cornelia Ernst

Proposal for a regulation
Article 46 – paragraph 1

1. Without prejudice to the right of information referred to in Articles 11 and 12 of Regulation (EC) 45/2001 and Articles 13 and 14 of Regulation (EU) 2016/679, persons whose data are stored in the shared biometric matching service, the

1. Without prejudice to the right of information referred to in Articles 11 and 12 of Regulation (EC) 45/2001 and Articles 13 and 14 of Regulation (EU) 2016/679, ***as well as Article 13 of Directive (EU) 2016/680***, persons whose

common identity repository or the multiple-identity detector shall be informed by the authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, and about the procedures for exercising their rights of access, rectification and erasure, as well as about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data.

data are stored in the shared biometric matching service, the common identity repository or the multiple-identity detector shall be informed by the authority collecting their data, at the time their data are collected, about the processing of personal data for the purposes of this Regulation, including about identity and contact details of the respective data controllers, and about the procedures for exercising their rights of access, rectification and erasure, as well as about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data.

Or. en

Amendment 737

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

Proposal for a regulation

Article 46 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. All information must be provided to data subjects in a manner and language which they understand, or are reasonably expected to understand. This must include providing information in an age- appropriate manner for data subjects who are minors.

Or. en

Justification

In line with Article 30 and 50 of the Eurodac and EES Regulation respectively, Article 30 (2) of the Eurodac proposal, Recital 58 and Article 12 of the GDPR and Recital 39 of the Police Directive, data subjects, including children must be informed in a way in which they understand the information being provided to them.

Amendment 738
Cornelia Ernst

Proposal for a regulation
Article 46 – paragraph 2

Text proposed by the Commission

Amendment

2. *Persons whose data is recorded in Eurodac or [the ECRIS-TCN system] shall be informed about the processing of data for the purposes of this Regulation in accordance with paragraph 1 when:*
- (a) – (not applicable);*
 - (b) – (not applicable);*
 - (c) – (not applicable);*
 - (d) [an application for international protection is created or updated in Eurodac in accordance with Article 10 of the Eurodac Regulation];*
 - (e) [a data record is created or updated in the ECRIS-TCN system in accordance with Article 5 of the ECRIS-TCN Regulation.]*

deleted

Or. en

Amendment 739
Cornelia Ernst

Proposal for a regulation
Article 46 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Persons whose data is recorded in Eurodac or [the ECRIS-TCN system] shall be informed about the processing of data for the purposes of this Regulation in accordance with paragraph 1 **when:**

2. Persons whose data is recorded in Eurodac or [the ECRIS-TCN system] shall be informed about the processing of data for the purposes of this Regulation in accordance with paragraph 1.

Or. en

Amendment 740
Cornelia Ernst

Proposal for a regulation
Article 46 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) [an application for international protection is created or updated in Eurodac in accordance with Article 10 of the Eurodac Regulation];

deleted

Or. en

Amendment 741
Cornelia Ernst

Proposal for a regulation
Article 46 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) [a data record is created or updated in the ECRIS-TCN system in accordance with Article 5 of the ECRIS-TCN Regulation.]

deleted

Or. en

Amendment 742
Cornelia Ernst

Proposal for a regulation
Article 46 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The data subject should also be informed about the relevant retention periods, the automated decision-making and the fact that personal data is not transferred or made available to third countries, international organizations or private parties with the exception of

transfers to Interpol.

Or. en

Amendment 743

Cornelia Ernst

Proposal for a regulation

Article 46 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. *The information referred to in this Article shall be given in a language that the person understands. The information shall be provided to children in an age-appropriate manner. The provision of the information shall also take into account specific needs of a person concerned.*

Or. en

Amendment 744

Cornelia Ernst

Proposal for a regulation

Article 46 a (new)

Text proposed by the Commission

Amendment

Article 46a

Information Campaign

The Commission shall, in cooperation with the supervisory authorities and the European Data Protection Supervisor, accompany the start of operations of each interconnectivity component with an information campaign informing the public and, in particular, third-country nationals, about the objectives and the functioning of those components, the authorities having access and the conditions for such access, and the rights of persons concerned. Such

information campaigns shall be conducted continuously.

Or. en

Amendment 745
Cornelia Ernst

Proposal for a regulation
Article 47 – title

Text proposed by the Commission

Amendment

Right of access, *correction* and erasure

Right of access *to, rectification, completion* and erasure *of personal data, and of restriction of the processing thereof*

Or. en

Amendment 746
Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation
Article 47 – title

Text proposed by the Commission

Amendment

47 Right of access, correction and erasure

47 Right of access, correction and erasure - *Web Service*

Or. en

Amendment 747
Miriam Dalli, Péter Niedermüller, Tanja Fajon, Josef Weidenholzer, Cécile Kashetu Kyenge, Ana Gomes

Proposal for a regulation
Article 47 – paragraph 1

Text proposed by the Commission

Amendment

1. In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 **and** Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, any person shall have the right to address him or herself to the Member State responsible for the manual verification of different identities or of any Member State, who shall examine and reply to the request.

1. In order to exercise their rights under **Articles 13**, 14, 15 and 16 of Regulation (EC) 45/2001, Articles 15, 16, 17 **and 18** of Regulation (EU) 2016/679, **and Articles 14 and 16 of Directive (EU) 2016/680**, any person shall have the right to address him or herself to the Member State responsible for the manual verification of different identities or of any Member State, who shall examine and reply to the request

Or. en

Justification

As the Police Directive also applies to certain processing of information through interoperability components, the rights of data subjects as laid down in that Directive should be referred to here.

Amendment 748 Cornelia Ernst

Proposal for a regulation Article 47 – paragraph 1

Text proposed by the Commission

1. In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, any person shall have the right to address him or herself to **the Member State responsible for the manual verification of different identities or of any Member State, who shall examine and reply to the request.**

Amendment

1. In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, **as well as under Articles 14 and 16 of Directive (EU) 2016/689**, any person shall have the right to address him or herself to **any controller in accordance with Article 40.**

Or. en

Justification

This reflects the provisions on joint controllership in both GDPR and 45/2001.

Amendment 749
Sophia in 't Veld

Proposal for a regulation
Article 47 – paragraph 1

Text proposed by the Commission

1. In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 **and** Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, any person shall have the right to address him or herself to the Member State responsible for the manual verification of different identities or of any Member State, who shall examine and reply to the request.

Amendment

1. In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001, Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, **and Articles 14 and 16 of Directive 2016/680** any person shall have the right to address him or herself to the Member State responsible for the manual verification of different identities or of any Member State, who shall examine and reply to the request.

Or. en

Amendment 750
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 47 – paragraph 1

Text proposed by the Commission

1. In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, any person shall have the right to address him or herself to the Member State responsible for the manual verification of different identities or of any Member State, who shall examine and reply to the request.

Amendment

1. In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, any person shall have the right to address him or herself to the Member State responsible for the manual verification of different identities **stored in the MID** or of any Member State, who shall examine and reply to the request.

Or. en

Justification

Extending the right for manual verification to the CIR and SBMS as proposed in the draft report contradicts the rationale behind the interoperability components according to which

data stored in the CIR and sBMS continue to belong to the underlying information system and the respective legal regime.

Amendment 751

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

Proposal for a regulation

Article 47 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Without prejudice to paragraph 1, and in order to facilitate and better enable the effective exercise of the rights of data subjects as described in paragraph 1 to access, rectify, erase or restrict the processing of their personal data under interoperability components, in particular for those third country nationals who may be outside the territory of the Member States, eu-LISA shall establish a web service, hosted in its technical site, which shall enable data subjects to make a request for access, correction, erasure or rectification of their personal data. The web service shall act as a single point of contact for those third country nationals outside the territory of the Member States. On the basis of such a request, the web service shall immediately transmit the request to the Member State responsible for manual verification of different identities in accordance with Article 29, or, where appropriate, to the Member State responsible for the entry of the data in the underlying information system which is the subject of the request.

Or. en

Justification

It is important that third country nationals and other data subjects whose sensitive personal data will be processed through interoperability components can effectively exercise the rights granted to them under EU data protection rules. In that regard, as interoperability provides a

one-stop shop for national authorities seeking to identify an individual or to clarify the existence of more than one identity for an individual, third country nationals - especially those not present on EU territory - should have a one-stop shop for launching requests for access, correction, erasure or rectification of their personal data. This should be without prejudice to their right to address themselves directly to the Member State responsible.

Amendment 752

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

Proposal for a regulation

Article 47 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The Commission shall adopt implementing acts concerning the detailed rules on the conditions for the operation of the web service and the data protection and security rules applicable. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 64.

Or. en

Justification

In line with the text of the Regulation on establishing an Entry-Exit System, detailed rules for the functioning of the web service to be developed by eu.LISA, including on its operation, the data protection rules and security rules, should be laid down in implementing acts.

Amendment 753

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

Proposal for a regulation

Article 47 – paragraph 2

Text proposed by the Commission

Amendment

2. The Member State responsible for the manual verification of different identities as referred to in Article 29 or the Member State to which the request has

2. The Member State responsible for the manual verification of different identities as referred to in Article 29 or the Member State to which the request has

been made shall reply to such requests within **45** days of receipt of the request.

been made, *either directly from the data subject in accordance with paragraph 1 or via the web service established by eu-LISA in accordance with paragraph 2*, shall reply to such requests *at the latest* within **14** days of receipt of the request.

Or. en

Justification

Since the retention of incorrect data can have serious consequences for the data subject, 14 days should be ample time to allow a Member State to verify and/or correct data held about that data subject in one of the EU information systems. The remainder of the amendment is tabled for consistency purposes.

Amendment 754

Bodil Valero

Proposal for a regulation

Article 47 – paragraph 2

Text proposed by the Commission

2. The Member State responsible for the manual verification of different identities as referred to in Article 29 or the Member State to which the request has been made shall reply to such requests within **45** days of receipt of the request.

Amendment

2. The Member State responsible for the manual verification of different identities as referred to in Article 29 or the Member State to which the request has been made shall reply to such requests within **15** days of receipt of the request.

Or. en

Amendment 755

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

Proposal for a regulation

Article 47 – paragraph 2

Text proposed by the Commission

2. The Member State responsible for the manual verification of different

Amendment

2. The Member State responsible for the manual verification of different

identities as referred to in Article 29 or the Member State to which the request has been made shall reply to such requests *within* 45 days *of* receipt of the request.

identities as referred to in Article 29 or the Member State to which the request has been made shall reply to such requests *without undue delay and no longer than* 45 days *within the* receipt of the request.

Or. en

Amendment 756

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

Proposal for a regulation

Article 47 – paragraph 3

Text proposed by the Commission

3. If a request for correction or erasure of personal data is made to a Member State other than the Member State responsible, the Member State to which the request has been made shall contact the authorities of the Member State responsible within seven days and the Member State responsible shall check the accuracy of the data and the lawfulness of the data processing within **30** days of such contact.

Amendment

3. If a request for correction or erasure of personal data is made to a Member State other than the Member State responsible, the Member State to which the request has been made shall contact the authorities of the Member State responsible within seven days and the Member State responsible shall check the accuracy of the data and the lawfulness of the data processing within **14** days of such contact. ***The person concerned shall be informed by the Member State which contacted the authority of the Member State responsible that his or her request was forwarded about the further procedure.***

Or. en

Justification

Since the retention of incorrect data can have serious consequences for the data subject, 14 days should be ample time to allow a Member State to verify and/or correct data held about that data subject in one of the EU information systems.

Amendment 757

Bodil Valero

Proposal for a regulation
Article 47 – paragraph 3

Text proposed by the Commission

3. If a request for correction or erasure of personal data is made to a Member State other than the Member State responsible, the Member State to which the request has been made shall contact the authorities of the Member State responsible within seven days and the Member State responsible shall check the accuracy of the data and the lawfulness of the data processing within **30** days of such contact.

Amendment

3. If a request for correction or erasure of personal data is made to a Member State other than the Member State responsible, the Member State to which the request has been made shall contact the authorities of the Member State responsible within seven days and the Member State responsible shall check the accuracy of the data and the lawfulness of the data processing within **15** days of such contact.

Or. en

Amendment 758
Cornelia Ernst

Proposal for a regulation
Article 47 – paragraph 3

Text proposed by the Commission

3. If a request for correction or erasure of personal data is made to a Member State other than the Member State responsible, the Member State to which the request has been made shall contact the authorities of the Member State responsible within seven days and the Member State responsible shall check the accuracy of the data and the lawfulness of the data processing within **30** days of such contact.

Amendment

3. If a request for correction, ***restriction of processing*** or erasure of personal data is made to a Member State other than the Member State responsible, the Member State to which the request has been made shall contact the authorities of the Member State responsible within seven days and the Member State responsible shall check the accuracy of the data and the lawfulness of the data processing within **21** days of such contact.

Or. en

Amendment 759
Sophia in 't Veld

Proposal for a regulation
Article 47 – paragraph 3

Text proposed by the Commission

3. If a request for correction *or* erasure of personal data is made to a Member State other than the Member State responsible, the Member State to which the request has been made shall contact the authorities of the Member State responsible within seven days and the Member State responsible shall check the accuracy of the data and the lawfulness of the data processing within 30 days of such contact.

Amendment

3. If a request for correction, erasure *or restriction* of personal data is made to a Member State other than the Member State responsible, the Member State to which the request has been made shall contact the authorities of the Member State responsible *in writing* within seven days and the Member State responsible shall check the accuracy of the data and the lawfulness of the data processing within 30 days of such contact.

Or. en

Amendment 760

Bodil Valero

Proposal for a regulation

Article 47 – paragraph 4

Text proposed by the Commission

4. Where, following an examination, it is found that the data stored in the multiple-identity detector (MID) are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data.

Amendment

deleted

Or. en

Amendment 761

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

Proposal for a regulation

Article 47 – paragraph 4

Text proposed by the Commission

4. Where, following an examination, it is found that the data stored in the multiple-identity detector (MID) are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall **correct or** delete these data.

Amendment

4. Where, following an examination, it is found that the data stored in the multiple-identity detector (MID) are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall **corrector** delete these data. ***The person concerned shall be informed that his or her data was corrected or deleted.***

Or. en

Justification

The person concerned should naturally be informed when his or her personal data is corrected or deleted in an EU information system.

Amendment 762
Cornelia Ernst

Proposal for a regulation
Article 47 – paragraph 4

Text proposed by the Commission

4. Where, following an examination, it is found that the data stored in the multiple-identity detector (MID) are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data.

Amendment

4. Where, following an examination, it is found that the data stored in the multiple-identity detector (MID) are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data. ***The Member State to which the request has been made shall inform the data subject about the correction or deletion without delay.***

Or. en

Amendment 763
Cecilia Wikström, Gérard Deprez, Louis Michel, Maite Pagazaurtundúa Ruiz, Nathalie

Griesbeck, Angelika Mlinar, Morten Helveg Petersen

Proposal for a regulation
Article 47 – paragraph 4

Text proposed by the Commission

4. Where, following an examination, it is found that the data stored in the multiple-identity detector (MID) are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data.

Amendment

4. Where, following an examination, it is found that the data stored in the multiple-identity detector (MID) are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data. ***The Member State shall send a written confirmation to the data subject.***

Or. en

Amendment 764
Sophia in 't Veld

Proposal for a regulation
Article 47 – paragraph 4

Text proposed by the Commission

4. Where, following an examination, it is found that the data stored in the multiple-identity detector (MID) are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data.

Amendment

4. Where, following an examination, it is found that the data stored in the ***common identity repository (CIR) or*** multiple-identity detector (MID) are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data.

Or. en

Amendment 765
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 47 – paragraph 4

Text proposed by the Commission

4. Where, following an examination, it is found that the data stored in the **multiple-identity detector (MID)** are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data.

Amendment

4. Where, following an examination, it is found that the data stored in the **MID** are factually inaccurate or have been recorded unlawfully, the Member State responsible or, where applicable, the Member State to which the request has been made shall correct or delete these data.

Or. en

Justification

Extending the right for manual verification to the CIR and sBMS as proposed in the draft report contradicts the rationale behind the interoperability components according to which the data stored in the CIR and the sBMS continue to belong to the underlying information system and the respective legal regime.

Amendment 766

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

Proposal for a regulation

Article 47 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Any person shall have the right to lodge a complaint and the right to a legal remedy in the Member State which refused the right of access to or the right of correction or deletion of data relating to him or her, in accordance with national or Union law;

Or. en

Amendment 767

Bodil Valero

Proposal for a regulation

Article 47 – paragraph 5

Text proposed by the Commission

Amendment

5. Where data in the MID is amended by the responsible Member State during its validity period, the responsible Member State shall carry out the processing laid down in Article 27 and, where relevant, Article 29 to determine whether the amended data shall be linked. Where the processing does not report any hit, the responsible Member State or, where applicable, the Member State to which the request has been made shall delete the data from the identity confirmation file. Where the automated processing reports one or several hit(s), the responsible Member State shall create or update the relevant link in accordance with the relevant provisions of this Regulation.

deleted

Or. en

Amendment 768

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

Proposal for a regulation

Article 47 – paragraph 5

Text proposed by the Commission

Amendment

5. Where data in the MID is amended by the responsible Member State during its validity period, the responsible Member State shall carry out the processing laid down in Article 27 and, where relevant, Article 29 to determine whether the amended data shall be linked. Where the processing does not report any hit, the responsible Member State or, where applicable, the Member State to which the request has been made shall delete the data from the identity confirmation file. Where the automated processing reports one or

5. Where data in the MID is amended by the responsible Member State during its validity period, the responsible Member State shall carry out the processing laid down in Article 27 and, where relevant, Article 29 to determine whether the amended data shall be linked. Where the processing does not report any hit, the responsible Member State or, where applicable, the Member State to which the request has been made shall delete the data from the identity confirmation file. Where the automated processing reports one or

several hit(s), the responsible Member State shall create or update the relevant link in accordance with the relevant provisions of this Regulation.

several hit(s), the responsible Member State shall create or update the relevant link in accordance with the relevant provisions of this Regulation. ***The person concerned shall be informed of these additional links accordingly.***

Or. en

Amendment 769

Bodil Valero

Proposal for a regulation

Article 47 – paragraph 6

Text proposed by the Commission

6. Where the responsible Member State or, where applicable, the Member State to which the request has been made does not agree that data stored in the MID are factually inaccurate or have been recorded unlawfully, that Member State shall adopt an administrative decision explaining in writing to the person concerned without delay why it is not prepared to correct or delete data relating to him or her.

Amendment

deleted

Or. en

Amendment 770

Sophia in 't Veld

Proposal for a regulation

Article 47 – paragraph 6

Text proposed by the Commission

6. Where the responsible Member State or, where applicable, the Member State to which the request has been made does not agree that data stored in the MID are factually inaccurate or have been recorded unlawfully, that Member State

Amendment

6. Where the responsible Member State or, where applicable, the Member State to which the request has been made does not agree that data stored in the *CIR or MID* are factually inaccurate or have been recorded unlawfully, that Member

shall adopt an administrative decision explaining in writing to the person concerned without delay why it is not prepared to correct or delete data relating to him or her.

State shall adopt an administrative decision explaining in writing to the person concerned without delay why it is not prepared to correct or delete data relating to him or her.

Or. en

Amendment 771
Bodil Valero

Proposal for a regulation
Article 47 – paragraph 7

Text proposed by the Commission

Amendment

7. This decision shall also provide the person concerned with information explaining the possibility to challenge the decision taken in respect of the request referred in paragraph 3 and, where relevant, information on how to bring an action or a complaint before the competent authorities or courts, and any assistance, including from the competent national supervisory authorities.

deleted

Or. en

Amendment 772

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

Proposal for a regulation
Article 47 – paragraph 7

Text proposed by the Commission

Amendment

7. This decision shall also provide the person concerned with information explaining the possibility to challenge the decision taken in respect of the request referred in *paragraph 3* and, where relevant, information on how to bring an action or a complaint before the competent

7. This decision shall also provide the person concerned with information explaining the possibility to challenge the decision taken in respect of the request referred in *paragraphs 1 or 2* and, where relevant, information on how to bring an action or a complaint before the competent

authorities or courts, and any assistance, including from the competent national supervisory authorities.

authorities or courts, and any assistance, including from the competent national supervisory authorities.

Or. en

Justification

This amendment is tabled for consistency purposes.

Amendment 773

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

**Proposal for a regulation
Article 47 – paragraph 8**

Text proposed by the Commission

8. Any request made pursuant to **paragraph 3** shall contain the necessary information to identify the person concerned. That information shall be used exclusively to enable the exercise of the rights referred to in paragraph 3 and shall be erased immediately afterwards.

Amendment

8. Any request made pursuant to **paragraphs 1 or 2** shall contain the necessary information to identify the person concerned. That information shall be used exclusively to enable the exercise of the rights referred to in paragraph 1 and shall be erased immediately afterwards.

Or. en

Justification

The rights are laid down in paragraph 1 and not in paragraph 3. The rest of the amendment is tabled for consistency purposes.

Amendment 774

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

**Proposal for a regulation
Article 47 – paragraph 9**

Text proposed by the Commission

9. The responsible Member State or,

Amendment

9. The responsible Member State or,

where applicable, the Member State to which the request has been made shall keep a record in the form of a written document that a request referred to in **paragraph 3** was made and how it was addressed, and shall make that document available to competent data protection national supervisory authorities without delay.

where applicable, the Member State to which the request has been made shall keep a record in the form of a written document that a request referred to in **paragraphs 1 or 2** was made and how it was addressed, and shall make that document available to competent data protection national supervisory authorities without delay.

Or. en

Justification

This amendment is tabled for consistency purposes.

Amendment 775

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

Proposal for a regulation

Article 47 a (new)

Text proposed by the Commission

Amendment

Article 47a

Liability

Without prejudice to the right to compensation from, and liability under Regulation (EU) 2016/679, Directive (EU) 2016/680 and Regulation (EC) No 45/2001:

(a) any person who has suffered material or non-material damage as a result of an unlawful personal data processing operation through the use of interoperability components or any other act by a Member State which is incompatible with this Regulation shall be entitled to receive compensation from that Member State;

(b) any person who has suffered material or non-material damage as a result of an unlawful personal data processing operation through the use of interoperability components or any other

act by Europol or by the European Border and Coast Guard Agency which is incompatible with this Regulation shall be entitled to receive compensation from Europol or the European Border and Coast Guard as appropriate.

The Member State, Europol or the European Border and Coast Guard Agency shall be exempted from liability, in whole or in part, if they prove that they are not responsible for the event which gave rise to the damage.

Or. en

Justification

It is important to clarify that both the Member States and the EU Agencies involved in the processing of sensitive personal data are liable for any damage caused to an individual as a result of unlawful processing. The formulation is based on the recently agreed revision of the SIS Regulation.

Amendment 776

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

Proposal for a regulation Article 47 b (new)

Text proposed by the Commission

Amendment

Article 47b

Penalties

Member States shall ensure that any misuse of data, processing of data or exchange of data contrary to this Regulation is punishable in accordance with national law. The penalties provided shall be effective, proportionate and dissuasive and shall include the possibility for administrative and criminal penalties.

Europol and the European Border and Coast Guard Agency shall ensure that members of their staff or members of their teams who misuse, process or exchange

data contrary to this Regulation are subject to penalties. Those penalties shall be effective, proportionate and dissuasive.

Or. en

Justification

As significant amounts of sensitive personal data will be processed through interoperability components, it is important to establish penalties for those who unlawfully process, misuse or exchange such personal data. This should apply both for Member States' authorities and for those EU Agencies involved in the processing of such data. The formulation is based on the recently agreed revision of the SIS Regulation.

Amendment 777

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 48 – paragraph 1

Text proposed by the Commission

Personal data stored in or accessed by the interoperability components shall not be transferred or made available to any third country, to any international organisation or to any private party.

Amendment

Personal data stored in or accessed by the interoperability components shall not be transferred or made available to any third country, to any international organisation or to any private party, ***unless such transfers may help to prevent an imminent serious threat to public security, e.g. posed by terrorists or other serious cross-border criminal organisations.***

Or. en