

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

**Proposal for a  
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 515/2014, (EU) 2016/399, (EU) 2016/794 and (EU) 2016/1624**

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>1.</b>		<b>Amendment 1</b>		
<b>2.</b>	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 515/2014, (EU) 2016/399, (EU) 2016/794 and (EU) 2016/1624	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 515/2014, (EU) 2016/399 and (EU) 2016/1624	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 515/2014, (EU) 2016/399, <del>(EU) 2016/794</del> and (EU) 2016/1624	
<b>3.</b>	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
<b>4.</b>		<b>Amendment 2 Citation 1</b>		
<b>5.</b>	Having regard to the Treaty of the Functioning of the European Union, and in particular, Article 77(2)(b) and (d), Article 87(2)(a) and Article 88(2)(a) thereof,	Having regard to the Treaty of the Functioning of the European Union, and in particular, Article 77(2)(b) and (d), <b>and</b> 87(2)(a),	Having regard to the Treaty of the Functioning of the European Union, and in particular, Article 77(2)(b) and (d) <b>and</b> Article 87(2)(a) <b>and</b> <del>Article 88(2)(a)</del> thereof,	
<b>6.</b>	Having regard to the proposal from the European Commission,		Having regard to the proposal from the European Commission,	
<b>7.</b>	After transmission of the draft legislative act to the national parliaments,		After transmission of the draft legislative act to the national parliaments,	
<b>8.</b>		<b>Amendment 3 Citation 4</b>		

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>9.</b>	After consulting the European Data Protection Supervisor,	Deleted	After consulting the European Data Protection Supervisor,	
<b>10.</b>	Having regard to the opinion of the European Economic and Social Committee <sup>1</sup> ,		Having regard to the opinion of the European Economic and Social Committee <sup>2</sup> ,	
<b>11.</b>	Having regard to the opinion of the Committee of the Regions <sup>3</sup> ,		Having regard to the opinion of the Committee of the Regions <sup>4</sup> ,	
<b>12.</b>	Acting in accordance with the ordinary legislative procedure,		Acting in accordance with the ordinary legislative procedure,	
<b>13.</b>	Whereas:		Whereas:	
<b>14.</b>	(1) The Communication of the Commission of 6 April 2016 entitled 'Stronger and Smarter Information Systems for Borders and Security' <sup>5</sup> outlined the need for the EU to strengthen and improve its IT systems, data architecture and information exchange in the area of border management, law enforcement and counter-terrorism. It emphasises the need to improve the interoperability of information systems. Importantly, it sets out possible options for maximising the benefits of existing information		(1) The Communication of the Commission of 6 April 2016 entitled 'Stronger and Smarter Information Systems for Borders and Security' <sup>6</sup> outlined the need for the EU to strengthen and improve its IT systems, data architecture and information exchange in the area of border management, law enforcement and counter-terrorism. It emphasises the need to improve the interoperability of information systems. Importantly, it sets out possible options for maximising the benefits of existing information	

<sup>1</sup> OJ C , , p. .

<sup>2</sup> OJ C , , p. .

<sup>3</sup> OJ C , , p. .

<sup>4</sup> OJ C , , p. .

<sup>5</sup> COM(2016) 205 final.

<sup>6</sup> COM(2016) 205 final.

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	systems and, if necessary, developing new and complementary ones to address still existing information gaps.		systems and, if necessary, developing new and complementary ones to address still existing information gaps.	
<b>15.</b>	(2) Indeed, the Communication of 6 April 2016 identified a series of information gaps. Amongst them the fact that border authorities at external Schengen borders have no information on travellers exempt from the requirement of being in possession of a visa when crossing the external borders. The Communication of 6 April 2016 announced that the Commission would launch a study on the feasibility of establishing a European Travel Information and Authorisation System (ETIAS). Such an automated system would determine the eligibility of visa-exempt third country nationals prior to their travel to the Schengen Area, and whether such travel poses a security or irregular migration risk.		(2) Indeed, the Communication of 6 April 2016 identified a series of information gaps. Amongst them the fact that border authorities at external Schengen borders have no information on travellers exempt from the requirement of being in possession of a visa when crossing the external borders ( <u>'the visa requirement'</u> ). The Communication of 6 April 2016 announced that the Commission would launch a study on the feasibility of establishing a European Travel Information and Authorisation System (ETIAS), <u>which was completed in November 2016</u> . Such an automated system would determine the eligibility of visa-exempt third country nationals prior to their travel to the Schengen Area, and whether such travel poses a security, <u>or irregular illegal immigration or public health risk</u> .	
<b>16.</b>	(3) The Communication of 14 September 2016 'Enhancing security in a world of mobility: improved information exchange in		(3) The Communication of 14 September 2016 'Enhancing security in a world of mobility: improved information exchange in	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	the fight against terrorism and stronger external borders <sup>7</sup> confirms the priority of securing external borders and presents concrete initiatives to accelerate and broaden the EU response in continuing to strengthen the management of external borders.		the fight against terrorism and stronger external borders <sup>8</sup> confirms the priority of securing external borders and presents concrete initiatives to accelerate and broaden the EU response in continuing to strengthen the management of external borders.	
<b>17.</b>	(4) It is necessary to specify the objectives of the European Travel Information and Authorisation System (ETIAS), to define its technical architecture, to set up the ETIAS Central Unit, the ETIAS National Units and the ETIAS Screening Board, to lay down rules concerning the operation and the use of the data to be entered into the system by the applicant, to establish rules on the issuing or refusal of the travel authorisations, to lay down the purposes for which the data are to be processed, to identify the authorities authorised to access the data and to ensure protection of personal data.		(4) It is necessary to specify the objectives of the <del>European Travel Information and Authorisation System</del> (ETIAS), to define its technical architecture, to set up the ETIAS Central Unit, the ETIAS National Units and the ETIAS Screening Board, to lay down rules concerning the operation and the use of the data to be entered into the system by the applicant, to establish rules on the issuing or refusal of the travel authorisations, to lay down the purposes for which the data are to be processed, to identify the authorities authorised to access the data and to ensure protection of personal data.	
<b>18.</b>	(5) The ETIAS should apply to third country nationals who are		(5) The ETIAS should apply to third country nationals who are	

<sup>7</sup> COM(2016) 602 final.

<sup>8</sup> COM(2016) 602 final.

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	exempt from the requirement of being in possession of a visa when crossing the external borders.		exempt from the <u>visa</u> requirement <del>of being in possession of a visa when crossing the external borders</del> and to those who are exempt from <u>the airport transit visa requirement</u> .	
19.	(6) It should also apply to third country nationals who are exempt from the visa requirement who are family members of a Union citizen to whom Directive 2004/38/EC <sup>9</sup> applies or of a national of a third country enjoying the right of free movement under Union law and who do not hold a residence card referred to under Directive 2004/38/EC. Article 21(1) of the Treaty on the Functioning of the European Union stipulates that every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them		(6) It should also apply to third country nationals who are exempt from the visa requirement who are family members of a Union citizen to whom Directive 2004/38/EC <sup>10</sup> applies or of a national of a third country enjoying the right of free movement <u>equivalent to that of Union citizens under an agreement between the Union and its Member States on the one hand and a third country on the other</u> <del>under Union law</del> and who do not hold a residence card referred to under Directive 2004/38/EC <u>or a residence permit pursuant to Regulation (EC) No 1030/2002</u> . Article 21(1) of the Treaty on the Functioning of the European Union stipulates that every citizen of the	

<sup>9</sup> Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.

<sup>10</sup> Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	effect. The respective limitations and conditions are to be found in Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.		Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect. The respective limitations and conditions are to be found in Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.	
<b>20.</b>	(7) As confirmed by the Court of Justice of the European Union <sup>11</sup> , such family members have the right to enter the territory of the Member State and to obtain an entry visa for that purpose. Consequently, also family members exempted from the visa obligation should have the right to obtain a travel authorisation. Member States should grant such persons every facility to obtain the necessary travel authorisation which must be issued free of charge.		(7) As confirmed by the Court of Justice of the European Union <sup>12</sup> , such family members have the right to enter the territory of the Member States and to obtain an entry visa for that purpose. Consequently, also family members exempted from the visa obligation should have the right to obtain a travel authorisation. Member States should grant such persons every facility to obtain the necessary travel authorisation which must be issued free of charge.	
<b>21.</b>	(8) The right to obtain a travel authorisation is not unconditional		(8) The right to obtain a travel authorisation is not unconditional	

<sup>11</sup> Judgment of the Court of 31 January 2006 in case C-503/03 Commission v Spain (Rec. 2006, p. I-1097).

<sup>12</sup> Judgment of the Court of 31 January 2006 in case C-503/03 Commission v Spain (Rec. 2006, p. I-1097).

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	as it can be denied to those family members who represent a risk to public policy, public security or public health pursuant to Directive 2004/38/EC. Against this background, family members can be required to provide their personal data related to their identification and their status only insofar these are relevant for assessment of the security threat they could represent. Similarly, examination of their travel authorisation applications should be made exclusively against the security concerns, and not those related to migration risks.		as it can be denied to those family members who represent a risk to public policy, public security or public health pursuant to Directive 2004/38/EC. Against this background, family members can be required to provide their personal data related to their identification and their status only insofar these are relevant for assessment of the security threat they could represent. Similarly, examination of their travel authorisation applications should be made exclusively against the security concerns, and not those related to <u>immigration</u> risks.	
<b>22.</b>		<b>Amendment 4 Recital 9</b>		
<b>23.</b>	(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose an irregular migration, security or public health risk. Holding a valid travel authorisation should be a new entry condition for the territory of the Member States, however mere	(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose an irregular migration <i>risk, a threat to security or a high epidemic risk. A travel authorisation therefore constitutes a decision indicating that there are no factual</i>	(9) The ETIAS should establish a travel authorisation for third country nationals exempt from the <u>visa requirement</u> <del>to be in possession of a visa when crossing the external borders ('the visa requirement')</del> and for those who are <u>exempt from the airport transit visa requirement</u> , enabling to determine whether their presence in the territory of the Member States does not pose an <u>security, irregular illegal immigration, security</u> or public health risk. Holding a valid	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	possession of a travel authorisation should not confer an automatic right of entry.	<i>indications or reasonable grounds to conclude that the presence of a person on the territory of the Member States poses such risks. As such a travel authorisation is in its nature distinct from a visa as it does not require more information or place a heavier burden on applicants than a visa does.</i> Holding a valid travel authorisation should be a new entry condition for the territory of the Member States, however mere possession of a travel authorisation should not confer an automatic right of entry.	travel authorisation should be a new entry condition for the territory of the Member States, however mere possession of a travel authorisation should not confer an automatic right of entry.	
<b>24.</b>	(10) The ETIAS should contribute to a high level of security, to the prevention of irregular migration and to the protection of public health by providing an assessment of visitors prior to their arrival at the external borders crossing points.		(10) The ETIAS should contribute to a high level of security, to the prevention of <del>irregular</del> <u>illegal</u> immigration and to the protection of public health by providing an assessment of visitors prior to their arrival at the external borders crossing points.	
<b>25.</b>		<b>Amendment 5 Recital 11</b>		
<b>26.</b>	(11) ETIAS should contribute to the facilitation of border checks performed by border guards at the external borders crossing points and ensure a coordinated and harmonised assessment of third country nationals subject to the travel authorisation requirement	(11) ETIAS should contribute to the facilitation of border checks performed by border guards at the external borders crossing points and ensure a coordinated and harmonised assessment of third country nationals subject to the travel authorisation requirement	(11) ETIAS should contribute to the facilitation of border checks performed by border guards at the external borders crossing points and ensure a coordinated and harmonised assessment of third country nationals subject to the travel authorisation requirement	



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	intending at visiting the Schengen area. In addition it should enable to better inform applicants of their eligibility to visit the Schengen area. Moreover, the ETIAS should also contribute to the facilitation of border checks by reducing the number of refusals of entry at the external borders.	intending at visiting the Schengen area. In addition it should enable to better inform applicants of their eligibility to visit the Schengen area. Moreover, the ETIAS should also contribute to the facilitation of border checks by reducing the number of refusals of entry at the external borders <b>and by providing border guards with certain additional information related to flags that was generated during a manual assessment of the application.</b>	<u>who intend to travel to the Member States</u> <del>intending at visiting the Schengen area.</del> In addition it should enable to better inform applicants of their eligibility to <u>travel to the Member States</u> <del>visit the Schengen area.</del> Moreover, the ETIAS should also contribute to the facilitation of border checks by reducing the number of refusals of entry at the external borders.	
<b>27.</b>		<b>Amendment 6 Recital 12</b>		
<b>28.</b>	(12) The ETIAS should also support the objectives of the Schengen Information System (SIS) related to the alerts in respect of persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks or specific checks. For this purpose the ETIAS should carry out an automated processing of the application files against the relevant alerts in the SIS. This processing will be carried for the purpose of supporting the SIS. Accordingly, any hit resulting from	(12) The ETIAS should also support the objectives of the Schengen Information System (SIS) related to the alerts in respect of <b>third-country nationals subject to an entry ban</b> , persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks, specific checks <b>[or inquiry checks]</b> . For this purpose the ETIAS should carry out an automated processing of the application files against the relevant alerts in the SIS. This processing will be carried for the purpose of	(12) The ETIAS should also support the objectives of the Schengen Information System (SIS) related to the alerts in respect of persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks, <u>[inquiry checks]</u> or specific checks. For this purpose the ETIAS should <del>carry out an automated processing of the</del> application files against the relevant alerts in the SIS. This processing will be carried <u>out</u> for the purpose of supporting the SIS <u>and once this</u>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	this comparison should be stored in the SIS.	supporting the SIS. Accordingly, any hit resulting from this comparison should be stored in the SIS.	<u>information is transferred to the SIRENE bureau, it should be dealt with in accordance with the relevant legislation relating to the SIS. Accordingly, any hit resulting from this comparison should be stored in the SIS.</u>	
<b>29.</b>	(13) The ETIAS should consist of a large-scale information system, the ETIAS Information System, a central team, the ETIAS Central Unit and national teams, the ETIAS National Units.		(13) The ETIAS should consist of a large-scale information system, the ETIAS Information System, a <del>central team</del> , the ETIAS Central Unit and <del>national teams</del> , the ETIAS National Units.	
<b>30.</b>		<b>Amendment 7</b> <b>Recital 14</b>		
<b>31.</b>	(14) The ETIAS Central Unit should be part of the European Border and Coast Guard Agency. The ETIAS Central Unit should be responsible for verifying travel authorisations' applications rejected from the automated process in order to determine whether the applicant personal data corresponds to the personal data of the person having triggered a hit, for the screening rules, and for carrying out regular audits on the processing of applications. The ETIAS Central Unit should work in 24/7 regime.	(14) The ETIAS Central Unit should be part of the European Border and Coast Guard Agency. The ETIAS Central Unit should be responsible for verifying travel authorisations' applications <i>where</i> the automated process <i>triggered one or more hits</i> in order to determine whether the applicant personal data corresponds to the personal data of the person having triggered a hit <i>and</i> for the screening rules. The ETIAS Central Unit should work in 24/7 regime.	(14) The ETIAS Central Unit should be part of the European Border and Coast Guard Agency. The ETIAS Central Unit should be responsible for <u>determining the verification parameters for ensuring the completeness of the application and the coherence of the data, for verifying, where the automated application process has reported a hit, travel authorisations' applications rejected from the automated process in order to determine</u> whether the applicant's personal data corresponds to the personal data of the person having triggered <u>that a hit, for launching</u>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
			<u>the manual processing of the application, for launching the consultation process between the ETIAS National Units of the Member States involved, for establishing the specific risk indicators screening rules, and for carrying out regular audits on the processing of applications. The ETIAS Central Unit should work in 24/7 regime.</u>	
<b>32.</b>		<b>Amendment 8 Recital 15</b>		
<b>33.</b>	(15) Each Member State should establish an ETIAS National Unit mainly responsible for the examination and decision on whether to issue or refuse a travel authorisation. The ETIAS National Units should cooperate among themselves and with Europol for the purpose of the assessment of the applications. The ETIAS National Unit should work in 24/7 regime.	(15) Each Member State should establish an ETIAS National Unit mainly responsible for the examination and decision on whether to issue or refuse, <i>annul or revoke</i> a travel authorisation. The ETIAS National Units should cooperate among themselves and with Europol for the purpose of the assessment of the applications. The ETIAS National Unit should work in 24/7 regime.	(15) Each Member State should establish an ETIAS National Unit mainly responsible for the examination and decision on whether to issue or refuse a travel authorisation. The ETIAS National Units should cooperate among themselves and with Europol for the purpose of the assessment of the applications. The ETIAS National Unit should <u>be provided with adequate resources for them to fulfil their tasks in accordance with the deadlines set out in this Regulation work in 24/7 regime.</u>	
<b>34.</b>		<b>Amendment 9 Recital 16</b>		
<b>35.</b>	(16) To meet its objectives, the ETIAS should provide an online	(16) To meet its objectives, the ETIAS should provide an online	(16) To meet its objectives, the ETIAS should provide an online	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	application form that the applicant should fill in with declarations relating to his or her identity, travel document, residence information, contact details, education and current occupation, his or her condition of family member to EU citizens or third country nationals benefiting from free movement not holding a residence card, if the applicant is minor, identity of the responsible person and answers to a set of background questions (whether or not the applicant is subject to any disease with epidemic potential as defined by the International Health Regulations of the World Health Organisation or other infectious or contagious parasitic diseases, criminal records, presence in war zones, decision to return to borders/orders to leave territory). Access to the applicants' health data should only be allowed to determine whether they represent a threat to public health.	application form that the applicant should fill in with declarations relating to his or her identity, travel document, residence information, contact details, his or her condition of family member to EU citizens or third country nationals benefiting from free movement not holding a residence card, if the applicant is minor, identity of the responsible person and answers to a set of background questions (criminal records, presence in war zones, decision to return to borders/orders to leave territory).	application form that the applicant should fill in with declarations relating to his or her identity, travel document, residence information, contact details, education and current occupation, his or her condition of family member to EU citizens or third country nationals benefiting from free movement not holding a residence card <u>pursuant to Directive 2004/38/EC or a residence permit pursuant to Regulation (EC) No 1030/2002</u> , if the applicant is minor, <u>identity details</u> of the responsible person and answers to a set of background questions ( <del>whether or not the applicant is subject to any disease with epidemic potential as defined by the International Health Regulations of the World Health Organisation or other infectious or contagious parasitic diseases; criminal records, presence in war zones, decision to return to borders/orders to leave territory</del> ). Access to the applicants' health data should only be allowed to determine whether they represent a threat to public health.	
<b>36.</b>		<b>Amendment 10 Recital 17</b>		
<b>37.</b>	(17) ETIAS should accept	(17) ETIAS should accept	(17) ETIAS should accept	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	applications introduced on behalf of the applicant for situations where travellers are themselves not in a position to create an application, for whatever reason. In such cases, the application should be carried out by a third person authorised by the traveller or legally responsible for him/her provided this person's identity is included in the application form.	applications introduced on behalf of the applicant for situations where travellers are themselves not in a position to create an application, for whatever reason. In such cases, the application should be carried out by a third person authorised by the traveller, <b>including commercial intermediaries</b> , or legally responsible for him/her provided this person's identity is included in the application form. <b><i>The Commission should ensure that commercial intermediaries lodging applications on behalf of applicants only provide this service to their customers on the basis of recovering costs incurred and not for profit.</i></b>	applications introduced on behalf of the applicant for situations where travellers are themselves not in a position to create an application, for whatever reason. In such cases, the application should be carried out by a third person authorised by the traveller or legally responsible for him/her provided this person's identity is included in the application form.	
38.			<u>(17a) Parameters for ensuring the completeness of the application and the coherence of the data should be established by the Central Unit to verify the admissibility of the application for travel authorisation. For instance, this verification should preclude the use of travel documents which will expire in less than <del>six</del> three months, have expired or were issued more than ten years before. This verification should occur before the applicant is invited</u>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>to pay the fee.</u>	
39.		<b>Amendment 11 Recital 18</b>		
40.	(18) In order to finalise the application, all applicants above the age of 18 should be required to pay a fee. The payment should be managed by a bank or a financial intermediary. Data required for securing the electronic payment should only be provided to the bank or financial intermediary operating the financial transaction and are not part of the ETIAS data.	(18) In order to finalise the application, applicants should be required to pay <i>the travel authorisation</i> fee. The payment should be managed by a bank or a financial intermediary. Data required for securing the electronic payment should only be provided to the bank or financial intermediary operating the financial transaction and are not part of the ETIAS data.	(18) In order to finalise the application, all applicants above the age of <u>12</u> <del>18</del> should be required to pay a fee. The payment should be managed by a bank or a financial intermediary. Data required for securing the electronic payment should only be provided to the bank or financial intermediary operating the financial transaction and are not part of the ETIAS data.	
41.	(19) Most of the travel authorisations should be issued within minutes, however a reduced number could take up to 72 hours. For exceptional cases, where a request for additional information or documentation is notified to the applicant, the procedure could last up to two weeks.		(19) Most of the travel authorisations should be issued within minutes, however a reduced number could take <u>longer</u> , <u>especially up to 72 hours</u> for exceptional cases, where a request for additional information or documentation <u>or an invitation to an interview</u> is notified to the applicant <del>the procedure could last up to two weeks.</del>	
42.			(19a) <u>The possibility for the ETIAS National Unit of the responsible Member State to invite an applicant to an interview should be envisaged for cases where it considers it necessary for the purposes of assessing the</u>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
			<u>application. This should not be construed as a right of the applicant or an obligation on the ETIAS National Unit of the responsible Member State, but remains at the discretion of the latter, taking into account, inter alia, the presence or otherwise of a consulate of that Member State in the country of residence of the applicant. The communication between the ETIAS National Unit and the consulate should be organised by the Member State concerned taking into account security and data protection requirements, should that Member State decide to avail of itself of this possibility for the ETIAS National Unit to invite the applicant for an interview.</u>	
<b>43.</b>		<b>Amendment 12 Recital 20</b>		
<b>44.</b>	(20) The personal data provided by the applicant should be processed by the ETIAS for the sole purposes of verifying in advance the eligibility criteria laid	(20) The personal data provided by the applicant should be processed by the ETIAS for the sole purposes of verifying in advance the eligibility criteria laid	(20) The personal data provided by the applicant should be processed by the ETIAS for the sole purposes of <del>verifying in advance the eligibility criteria laid</del>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	down in Regulation (EU) 2016/399 <sup>13</sup> and assessing whether the applicant is likely to irregularly migrate, whether the entry of the applicant in the Union could pose a threat to security or to public health in the Union.	down in Regulation (EU) 2016/399 <sup>14</sup> and assessing whether the applicant is likely to irregularly migrate, whether the entry of the applicant in the Union could pose a threat to security or <b>a high epidemic risk</b> in the Union.	<del>down in Regulation (EU) 2016/399<sup>15</sup> and assessing whether the applicant is likely to irregularly migrate, whether the entry of the applicant in the Union could pose a threat to security, <u>illegal immigration</u> or to public health in the Union.</del>	
<b>45.</b>	(21) The assesement of such risks cannot be carried out without processing the personal data listed in recital (16). Each item of personal data in the applications should be compared with the data present in a record, file or alert registered in an information system (the Schengen Information System (SIS), the Visa Information System (VIS), the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), the Entry/Exit System (EES), the Eurodac, the European Criminal Records Information System (ECRIS) and/or the Interpol Travel		(21) The assesement of such risks cannot be carried out without processing the personal data listed in recital (16). Each item of personal data in the applications should be compared with the data present in a record, file or alert registered in an information system (the Schengen Information System (SIS), the Visa Information System (VIS), the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), [the Entry/Exit System (EES), the Eurodac, the European Criminal Records Information System (ECRIS)] and/or the Interpol Travel	

<sup>13</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

<sup>14</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

<sup>15</sup> ~~Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).~~



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	Documents Associated with Notices database (Interpol TDAWN)) or against the ETIAS watchlists, or against specific risk indicators. The categories of personal data that should be used for comparison should be limited to the categories of data present in the queried information systems, the ETIAS watchlist or the specific risk indicators.		Documents Associated with Notices database (Interpol TDAWN)) or against the ETIAS watchlists, or against specific risk indicators. The categories of personal data that should be used for comparison should be limited to the categories of data present in the queried information systems, the ETIAS watchlist or the specific risk indicators.	
<b>46.</b>		<b>Amendment 13 Recital 22</b>		
<b>47.</b>	(22) The comparison should take place by automated means. Whenever such comparison reveals that a correspondence (a 'hit') exists with any of the personal data or combination thereof in the applications and a record, file or alert in the above information systems, or with personal data in the ETIAS watchlist, or with risk indicators, the application should be processed manually by an operator in the ETIAS National Unit of the Member State of declared first entry. The assessment performed by the ETIAS National Unit should lead to the decision to issue or not the travel authorisation.	(22) The comparison should take place by automated means. Whenever such comparison reveals that a correspondence (a 'hit') exists with any of the personal data or combination thereof in the applications and a record, file or alert in the above information systems, or with personal data in the ETIAS watchlist, or with risk indicators, the application should be processed manually by an operator in the ETIAS National Unit of the Member State <i>responsible</i> . The assessment performed by the ETIAS National Unit should lead to the decision to issue or not the travel authorisation.	(22) The comparison should take place by automated means. Whenever such comparison reveals that a correspondence (a 'hit') exists <u>with between</u> any of the personal data or combination thereof in the applications and <u>that in</u> a record, file or alert in the above information systems, <del>or with the</del> <u>personal data in the ETIAS watchlist, or with the risk indicators, the application should be processed manually by an operator in the ETIAS National Unit of the responsible Member State of declared first entry.</u> The assessment performed by the ETIAS National Unit should lead to the decision to issue or not the travel authorisation.	
<b>48.</b>	(23) The automated processing		(23) The automated processing	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	may result in the issuing of authorisation. It is expected that the vast majority of applications will obtain a positive answer by automated means. No denial of a travel authorisation should be based only on the automated processing of personal data in the applications. For this reason, the applications for which a hit was generated should be assessed manually by an operator in an ETIAS National Unit.		may result in the issuing of <u>an</u> authorisation. It is expected that the vast majority of applications will obtain a positive answer by automated means. No denial of a travel authorisation should be based only on the automated processing of personal data in the applications. For this reason, the applications for which a hit was generated should be assessed manually by <del>an</del> <del>operator in</del> an ETIAS National Unit.	
<b>49.</b>		<b>Amendment 14 Recital 24</b>		
<b>50.</b>	(24) Applicants who have been refused a travel authorisation should have the right to appeal. Appeals should be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State.	(24) Applicants who have been refused a travel authorisation should have the right to <i>an effective remedy. Remedy procedures</i> should be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State.	(24) Applicants who have been refused a travel authorisation should have the right to appeal. Appeals should be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State.	
<b>51.</b>		<b>Amendment 15 Recital 25</b>		
<b>52.</b>	(25) The screening rules should be used to analyse the application file by enabling a comparison between the data recorded in an	(25) The screening rules should be used to analyse the application file by enabling a comparison between the data recorded in an	(25) The screening rules should be used to analyse the application file by enabling a comparison between the data recorded in an	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	application file of the ETIAS Central System and specific risk indicators corresponding to previously identified security, irregular migration or public health risk. The criteria used for defining the specific risk indicators should in no circumstances be based on a applicant's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, sexual life or sexual orientation.	application file of the ETIAS Central System and specific risk indicators corresponding to previously identified security, irregular migration <b>risk</b> or <b>high epidemic</b> risk. The criteria used for defining the specific risk indicators should in no circumstances be based on a applicant's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, sexual life or sexual orientation.	application file of the ETIAS Central System and specific risk indicators corresponding to previously identified security, <del>irregular</del> <u>illegal</u> immigration or public health risk. The criteria used for defining the specific risk indicators should in no circumstances be based on a applicant's <u>sex, race, or</u> ethnic origin, <del>political opinions</del> , religion or <del>philosophical beliefs, trade union membership, sexual life</del> <u>disability, age</u> or sexual orientation.	
<b>53.</b>		<b>Amendment 16 Recital 26</b>		
<b>54.</b>	(26) An ETIAS watchlist should be established for identifying connections between data in an ETIAS application file and information related to persons who are suspected of having committed an act of serious crime or terrorism, or regarding whom there are factual indications or reasonable grounds to believe that they will commit an act of serious crime or terrorism. The ETIAS watchlist should be part of the data processed by Europol in accordance with Article 18(2)(a) of Regulation (EU) 2016/794 and Europol's Integrated Data	(26) An ETIAS watchlist should be established for identifying connections between data in an ETIAS application file and information related to persons who are suspected <b>by one or several Member States</b> of having committed an act of serious crime or terrorism, or regarding whom there are factual indications or reasonable grounds, <b>based on an overall assessment of a person, in particular on the basis of past offenses</b> , to believe that they will commit an act of terrorism. The ETIAS watchlist should be part of	(26) An ETIAS watchlist should be established for identifying connections between data in an <del>ETIAS</del> application file and information related to persons who are suspected of having committed <u>or having taken part in a an act of serious criminal offence</u> <del>crime</del> or a <del>terrorist</del> <u>offence</u> , or regarding whom there are factual indications or reasonable grounds to believe that they will commit <del>an act of serious crime</del> <u>criminal offences</u> or a <del>terrorist</del> <u>offence</u> . The ETIAS watchlist should be <u>developed and hosted by Europol. Information</u>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	Management Concept implementing that Regulation. When providing information to Europol, Member States should be able to determine the purpose or purposes for which it is to be processed, including the possibility to limit this processing to the ETIAS watchlist.	the data processed by Europol in accordance with Article 18(2)(a) of Regulation (EU) 2016/794 and Europol's Integrated Data Management Concept implementing that Regulation. When providing information to Europol, Member States should be able to determine the purpose or purposes for which it is to be processed, including the possibility to limit this processing to the ETIAS watchlist.	<u>should be entered into the watchlist by Europol, without prejudice to the relevant provisions part of the data processed by Europol in accordance with Article 18(2)(a) of Regulation (EU) 2016/794 on international cooperation, and by Member States, and Europol's Integrated Data Management Concept implementing that Regulation.</u> When providing information to Europol, Member States should be able to determine the purpose or purposes for which it is to be processed, including the possibility to limit this processing to the ETIAS watchlist.	
<b>55.</b>		<b>Amendment 17 Recital 27</b>		
<b>56.</b>	(27) The continuous emergence of new forms of security threats, new patterns of irregular migration and public health threats requires effective responses and needs to be countered with modern means. Since these means entail the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the right to protection of private life and to the right of protection of personal	(27) The continuous emergence of new forms of security threats, new patterns of irregular migration and <b>high epidemic risks</b> requires effective responses and needs to be countered with modern means. Since these means entail the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the right to protection of private life and to the right of protection of personal	(27) The continuous emergence of new forms of security threats, new patterns of <del>irregular</del> <u>illegal</u> immigration and public health threats requires effective responses and needs to be countered with modern means. Since these means entail the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the right to protection of private life and to the right of	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	data limited to what is necessary in a democratic society.	data limited to what is necessary in a democratic society.	protection of personal data limited to what is necessary in a democratic society.	
<b>57.</b>	(28) Personal data in ETIAS should therefore be kept secure; access to it should be limited to strictly authorised personnel and in no circumstance it should be used to reach decisions based on any form of discrimination. The personal data stored should be kept securely in eu-LISA's facilities in the Union.		(28) Personal data in ETIAS should therefore be kept secure; access to it should be limited to strictly authorised personnel and in no circumstance <del>it</del> should <u>it</u> be used to reach decisions based on any form of discrimination. The personal data stored should be kept securely in eu-LISA's facilities in the Union.	
<b>58.</b>		<b>Amendment 18 Recital 29</b>		
<b>59.</b>	(29) Issued travel authorisations should be annulled or revoked as soon as it becomes evident that the conditions for issuing it were not or are no longer met. In particular, when a new SIS alert is created for a refusal of entry or for a reported lost or stolen travel document, the SIS should inform the ETIAS which should verify whether this new alert corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State having created the alert should be immediately informed and revoke the travel authorisation. Following a similar	(29) Issued travel authorisations should be annulled or revoked as soon as it becomes evident that the conditions for issuing it were not or are no longer met. In particular, when a new SIS alert is created for a refusal of entry, the SIS should inform the ETIAS which should verify whether this new alert corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State having created the alert should be immediately informed and revoke the travel authorisation. Following a similar approach, new elements introduced	(29) Issued travel authorisations should be annulled or revoked as soon as it becomes evident that the conditions for issuing <del>it</del> <u>them</u> were not or are no longer met. In particular, when a new SIS alert is created for a refusal of entry or for a reported lost, <del>or</del> stolen <u>or invalidated</u> travel document, the SIS should inform the ETIAS which should verify whether this new alert corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State having created the alert should be immediately informed <u>by the ETIAS Central</u>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	<p>approach, new elements introduced in the ETIAS watchlist shall be compared with the application files stored in the ETIAS in order to verify whether this new element corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State of first entry should assess the hit and, where necessary, revoke the travel authorisation. A possibility to revoke the travel authorisation at the request of the applicant should also be provided.</p>	<p>in the ETIAS watchlist shall be compared with the application files stored in the ETIAS in order to verify whether this new element corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the <i>responsible</i> Member State should assess the hit and, where necessary, revoke the travel authorisation. A possibility to revoke the travel authorisation at the request of the applicant should also be provided.</p>	<p><u>System</u> and revoke the travel authorisation. Following a similar approach, new elements introduced in the ETIAS watchlist <del>shall</del> <u>should</u> be compared with the application files stored in the ETIAS in order to verify whether this new element corresponds to a valid travel authorisation. In such a case, the ETIAS National Unit of the Member State <del>of first entry</del> <u>that entered the new element, or the Member State of first intended stay or transit in the case of an element entered by Europol</u>, should assess the hit and, where necessary, revoke the travel authorisation. <u>Similarly, a refusal of entry on certain grounds in the Entry/Exit System should trigger a reassessment, and where necessary, the revocation of the travel authorisation.</u> A possibility to revoke the travel authorisation at the request of the applicant should also be provided.</p>	
60.	<p>(30) When, in exceptional circumstances, a Member State considers necessary to allow a third country national to travel to its territory on humanitarian grounds, for reasons of national interest or because of international</p>		<p>(30) When, in exceptional circumstances, a Member State considers <u>it</u> necessary to allow a third country national to travel to its territory on humanitarian grounds, for reasons of national interest or because of international</p>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	obligations, it should have the possibility to issue a travel authorisation with limited territorial and temporal validity.		obligations, it should have the possibility to issue a travel authorisation with limited territorial and temporal validity. <u>Considering the nature of the travel authorisation as an authorisation to travel to the territory of Member States for the purpose of a short stay or airport transit, reasons relating to international protection do not constitute humanitarian grounds in terms of issuance of travel authorisations with limited territorial validity.</u>	
<b>61.</b>		<b>Amendment 19 Recital 31</b>		
<b>62.</b>	(31) Prior to boarding, air and sea carriers, as well as carriers transporting groups overland by coach should have the obligation to verify if travellers have all the travel documents required for entering the territory of the Member States pursuant to the Schengen Convention <sup>16</sup> . This should include verifying that travellers are in	(31) Prior to boarding, air and sea carriers should <i>verify</i> that travellers are in possession of a valid travel authorisation. The ETIAS file itself should not be accessible to carriers. A secure internet access, including the possibility using mobile technical solutions, should allow carriers to proceed with this consultation using	(31) Prior to boarding, air and sea carriers, as well as <u>international</u> carriers transporting groups overland by coach should have the obligation to verify <del>if travellers have all the travel documents required for entering the territory of the Member States pursuant to the Schengen Convention<sup>17</sup>. This should include verifying that</del>	

<sup>16</sup> Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

<sup>17</sup> ~~Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.~~

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	possession of a valid travel authorisation. The ETIAS file itself should not be accessible to carriers. A secure internet access, including the possibility using mobile technical solutions, should allow carriers to proceed with this consultation using travel document data.	travel document data.	travellers are in possession of a valid travel authorisation. The ETIAS file itself should not be accessible to carriers. A Secure <del>internet</del> access to a carrier gateway, including the possibility to use <del>using</del> mobile technical solutions, should allow carriers to proceed with this consultation using travel document data.	
<b>63.</b>		<b>Amendment 20 Recital 31a</b>		
<b>64.</b>		<i>(31a) In order to avoid unnecessary costs carriers should be able to connect to ETIAS, EES and similar systems via a unique entry point. They should receive a single answer as to whether the passenger may be transported to the territory of the Member States on the basis of advance passenger data sent by carriers.</i>	<u>(31a) In establishing the technical specifications for accessing the carrier gateway, the impact on passenger travel and carriers should be limited to the extent possible. For this purpose, the relevant integration with the Entry/Exit System should be considered.</u>	
<b>65.</b>		<b>Amendment 21 Recital 32</b>		
<b>66.</b>	(32) In order to comply with the revised conditions for entry, border guards should check whether the traveller is in possession of a valid travel authorisation. Therefore, during the standard border control	(32) In order to comply with the revised conditions for entry, border guards should check whether the traveller is in possession of a travel authorisation <b><i>valid at least until the day of entry into the territory of</i></b>	(32) In order to comply with the revised conditions for entry, border guards should check whether the traveller is in possession of a valid travel authorisation. Therefore, during the standard border control	



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	<p>process, the border guard should electronically read the travel document data. This operation should trigger a query to different databases as provided under the Schengen Border Code including a query to ETIAS which should provide the up-to-date travel authorisation status. The ETIAS file itself should not be accessible to the border guard for border controls. If there is no valid travel authorisation, the border guard should refuse entry and should complete the border control process accordingly. If there is a valid travel authorisation, the decision to authorise or refuse entry should be taken by the border guard.</p>	<p><i>the Member States</i>. Therefore, during the standard border control process, the border guard should electronically read the travel document data. This operation should trigger a query to different databases as provided under the Schengen Border Code including a query to ETIAS which should provide the up-to-date travel authorisation status. The ETIAS file itself should not be accessible to the border guard for border controls. <b><i>Border guards should, however, in order to facilitate border checks, be informed automatically of flags covering a number of specific cases and exceptionally, during second-line checks should have access to additional information related to them inserted in the ETIAS file.</i></b> If there is no valid travel authorisation, the border guard should refuse entry and should complete the border control process accordingly. If there is a valid travel authorisation, the decision to authorise or refuse entry should be taken by the border guard. <b><i>Where border control at internal borders is temporarily reintroduced borders guards should not check whether the</i></b></p>	<p>process, the border guard should electronically read the travel document data. This operation should trigger a query to different databases as provided under the Schengen Border Code including a query to ETIAS which should provide the up-to-date travel authorisation status. <del>The full ETIAS file itself should not be accessible to the border guard for border controls, but</del> <u>Certain data in the ETIAS file should be accessible to the border guards with a view to assisting them in carrying out their tasks.</u> If there is no valid travel authorisation, the border guard should refuse entry and should complete the border control process accordingly. If there is a valid travel authorisation, the decision to authorise or refuse entry should be taken by the border guard.</p>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>traveller is in possession of a valid travel authorisation.</i>		
67.			(32a) <u>Where the ETIAS National Unit of the responsible Member State considers that some elements of the application for a travel authorisation deserve further examination by the border guards, it may attach a flag to the travel authorisation it issues, recommending further or specific checks at the border crossing point. It should also be possible for a flag to be attached upon the request of a consulted Member State.</u>	
68.			(32b) <u>The address for the first intended stay declared in the application being different from the address declared at entry should not lead to an automatic refusal of entry at the border by the border guards.</u>	
69.			(32c) <u>Since the possession of a valid travel authorisation is a condition of entry and stay for certain categories of third country nationals, the immigration authorities of the Member States should be able to consult the ETIAS Central System. Immigration authorities of the Member States should have access to certain information stored in the</u>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<p><u>ETIAS Central System, in particular for the purpose of returns. They should search the ETIAS Central System using the information which is contained in the machine readable zone of a travel document without necessarily using specific equipment for that purpose.</u></p>	
70.	<p>(33) In the fight against terrorist offences and other serious criminal offences and given the globalisation of criminal networks, it is imperative that law enforcement authorities have the necessary information to perform their tasks effectively. Access to data contained in the Visa Information System (VIS) for law enforcement purpose has already proven effective in helping investigators to make substantial progress in cases related to human being trafficking, terrorism or drug trafficking. The Visa Information System does not contain data on visa-exempt third-country nationals.</p>		<p>(33) In the fight against terrorist offences and other serious criminal offences and given the globalisation of criminal networks, it is imperative that <del>law enforcement</del> <u>designated authorities responsible for the prevention, detection or investigation of terrorist offences and other serious criminal offences</u> ('designated authorities') have the necessary information to perform their tasks effectively. Access to data contained in the Visa Information System (VIS) for <del>law enforcement</del> <u>such</u> purpose has already proven effective in helping investigators to make substantial progress in cases related to human being trafficking, terrorism or drug trafficking. The Visa Information System does not contain data on visa-exempt third-country nationals.</p>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
71.		<b>Amendment 22</b> <b>Recital 34</b>		
72.	(34) Access to the information contained in ETIAS is necessary to prevent, detect and investigate terrorist offences as referred to in Council Framework Decision 2002/475/JHA <sup>18</sup> or other serious criminal offences as referred to in Council Framework Decision 2002/584/JHA <sup>19</sup> . In a specific investigation and in order to establish evidence and information related to a person suspected of having committed a crime or a victim of a crime, law enforcement authorities may need access to the data generated by ETIAS. The data stored in ETIAS may also be	(34) Access to the information contained in ETIAS is necessary to prevent, detect and investigate terrorist offences as referred to in <b>Directive (EU) 2017/541</b> <sup>21</sup> or other serious criminal offences as referred to in Council Framework Decision 2002/584/JHA <sup>22</sup> . In a specific investigation and in order to establish evidence and information related to a person suspected of having committed a crime or a victim of a crime, law enforcement authorities may need access to the data generated by ETIAS. The data stored in ETIAS may also be necessary to identify	(34) Access to the information contained in ETIAS is necessary to prevent, detect and investigate terrorist offences as referred to in <u>Directive 2017/541(EU) Council Framework Decision 2002/475/JHA</u> <sup>23</sup> or other serious criminal offences as referred to in Council Framework Decision 2002/584/JHA <sup>24</sup> . In a specific investigation and in order to establish evidence and information related to a person suspected of having committed a <u>serious crime</u> or a victim of a <u>serious crime</u> , <del>law enforcement</del> <u>designated</u> authorities may need access to the data	

<sup>18</sup> Council Framework Decision 2002/475/JHA of 13 June 2002 on combatting terrorism (OJ L 164, 22.6.2002 p.6).

<sup>19</sup> Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member State (OJ L 190, 18.7.2002, p. 1).

<sup>21</sup> ***Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).***

<sup>22</sup> Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member State (OJ L 190, 18.7.2002, p. 1).

<sup>23</sup> Directive (EU) 2017/541 of 15 March 2017 on combatting terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.03.2017, p. 6) of 13 June 2002 on combatting terrorism (OJ L 164, 22.6.2002 p.6).

<sup>24</sup> Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member State (OJ L 190, 18.7.2002, p. 1).

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	<p>necessary to identify the perpetrator of a terrorist offence or other serious criminal offences, especially when urgent action is needed. Access to the ETIAS for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences constitutes an interference with the fundamental rights to respect for the private life of individuals and to protection of personal data of persons whose personal data are processed in the ETIAS. Therefore, the data in ETIAS should be retained and made available to the designated authorities of the Member States and the European Police Office ('Europol'), subject to the strict conditions set out in this Regulation in order for such access to be limited to what is strictly necessary for the prevention, detection and investigation of terrorist offences and serious criminal offences in accordance with the requirements notably laid down in the jurisprudence of the</p>	<p>the perpetrator of a terrorist offence or other serious criminal offences, especially when urgent action is needed. Access to the ETIAS for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences constitutes an interference with the fundamental rights to respect for the private life of individuals and to protection of personal data of persons whose personal data are processed in the ETIAS. Therefore, the data in ETIAS should be made available to the designated authorities of the Member States and the European Police Office ('Europol'), subject to the strict conditions set out in this Regulation in order for such access to be limited to what is strictly necessary for the prevention, detection and investigation of terrorist offences and serious criminal offences in accordance with the requirements notably laid down in the jurisprudence of the Court, in particular in the Digital Rights</p>	<p>generated by ETIAS. The data stored in ETIAS may also be necessary to identify the perpetrator of a terrorist offence or other serious criminal offences, especially when urgent action is needed. Access to the ETIAS for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences constitutes an interference with the fundamental rights to respect for the private life of individuals and to protection of personal data of persons whose personal data are processed in the ETIAS. Therefore, the data in ETIAS should be retained and made available to the designated authorities of the Member States and the European Police Office ('Europol'), subject to the strict conditions set out in this Regulation in order for such access to be limited to what is strictly necessary for the prevention, detection and investigation of terrorist offences and <u>other</u> serious criminal offences in accordance</p>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	Court, in particular in the Digital Rights Ireland case <sup>20</sup> .	Ireland case <sup>28</sup> .	with the requirements notably laid down in the jurisprudence of the Court, in particular in the Digital Rights Ireland case <sup>25</sup> .	
<b>73.</b>		<b>Amendment 23 Recital 35</b>		
<b>74.</b>	(35) In particular, access to ETIAS data for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences should only be granted following a reasoned request by the competent authorities giving reasons for its necessity. Member States should ensure that any such request for access to data stored in ETIAS be the subject of a prior review by a court or by an authority providing guarantees of full independence and impartiality, and which is free from any direct or indirect external influence. However, in situations of extreme urgency, it can be crucial for the competent authorities to obtain immediately personal data	(35) In particular, access to ETIAS data for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences should only be granted following a reasoned request by the competent authorities giving reasons for its necessity. Member States should ensure that any such request for access to data stored in ETIAS be the subject of a prior review by <b><i>an independent central access point which checks whether the ETIAS Central System are met in the concrete case at hand.</i></b> However, in situations of extreme urgency, it can be crucial for the competent authorities to obtain	(35) In particular, access to ETIAS data for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences should only be granted following a reasoned request by the <u>operating unit of the designated authority</u> <del>competent authorities</del> giving reasons for its necessity. <del>Member States should ensure that any such request for access to data stored in ETIAS be the subject of a prior review by a court or by an authority providing guarantees of full independence and impartiality, and which is free from any direct or indirect external influence.</del> However, in situations of extreme urgency, it can be crucial for the	

<sup>20</sup> Judgment of the Court (Grand Chamber) of 8 April 2014 in joined cases C-293/12 and C-594/12 Digital Rights Ireland Ltd, ECLI:EU:C:2014:238.

<sup>25</sup> Judgment of the Court (Grand Chamber) of 8 April 2014 in joined cases C-293/12 and C-594/12 Digital Rights Ireland Ltd, ECLI:EU:C:2014:238.

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	necessary for preventing the commission of a serious crime or so that its perpetrators can be prosecuted. In such cases it should be accepted that the review of the personal data obtained from ETIAS takes place as swiftly as possible after access to such data has been granted to the competent authorities.	immediately personal data necessary for preventing <i>an imminent danger associated with a terrorist offense</i> , the commission of a serious crime or so that its perpetrators can be prosecuted. In such cases it should be accepted that the review of the personal data obtained from ETIAS takes place as swiftly as possible after access to such data has been granted to the competent authorities.	<del>competent authorities</del> Where there is a need to immediately obtain immediately personal data necessary for preventing the <del>commission</del> a terrorist offence or an imminent danger associated with another of a serious criminal offence <del>crime</del> or so that its perpetrators can be prosecuted, <del>In such cases</del> it should be accepted that the <u>verification as to whether the conditions were fulfilled</u> <del>review of the personal data obtained from ETIAS</del> takes place as swiftly as possible after access to such data has been granted to the <u>designated competent</u> authorities.	
75.	(36) It is therefore necessary to designate the competent authorities of the Member States that are authorised to request such access for the specific purposes for the prevention, detection or investigation of terrorist offences or of other serious criminal offences.		(36) It is therefore necessary to designate the <del>competent</del> authorities of the Member States that are authorised to request such access for the specific purposes for the prevention, detection or investigation of terrorist offences or of other serious criminal offences.	
76.		<b>Amendment 24</b> <b>Recital 37</b>		
77.	(37) The ETIAS National Units should act as the central access point and should verify that the conditions to request access to the ETIAS Central System are fulfilled	Deleted	(37) <del>The ETIAS National Units should act as</del> The central access point(s) <u>designated by each Member State</u> <del>and</del> should verify that the conditions to request access	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	in the concrete case at hand.		to the ETIAS Central System are fulfilled in the concrete case at hand.	
<b>78.</b>	(38) Europol is the hub for information exchange in the Union and it plays a key role with respect to cooperation between Member States' authorities in the field of cross-border crime investigation in supporting Union-wide crime prevention, analyses and investigation. Consequently, Europol should also have access to the ETIAS Central System within the framework of its tasks and in accordance with Regulation (EU) 2016/794 <sup>26</sup> in specific cases where this is necessary for Europol to support and strengthen action by Member States in preventing, detecting or investigating terrorist offences or other serious criminal offences.		(38) Europol is the hub for information exchange in the Union and it plays a key role with respect to cooperation between Member States' authorities in the field of cross-border crime investigation in supporting Union-wide crime prevention, analyses and investigation. Consequently, Europol should also have access to the ETIAS Central System within the framework of its tasks and in accordance with Regulation (EU) 2016/794 <sup>27</sup> in specific cases where this is necessary for Europol to support and strengthen action by Member States in preventing, detecting or investigating terrorist offences or other serious criminal offences.	
<b>79.</b>	(39) To exclude systematic searches, the processing of data stored in the ETIAS Central System should take place only in specific cases and only when it is necessary for the purposes of preventing,		(39) To exclude systematic searches, the processing of data stored in the ETIAS Central System should take place only in specific cases and only when it is necessary for the purposes of preventing,	

<sup>26</sup> OJ L 119, 4.5.2016, p. 132-149.

<sup>27</sup> OJ L 119, 4.5.2016, p. 132-149.



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	detecting or investigating terrorist offences or other serious criminal offences. The designated authorities and Europol should only request access to ETIAS when they have reasonable grounds to believe that such access will provide information that will substantially assist them in preventing, detecting or investigating a terrorist offence or other serious criminal offence. The law enforcement authorities and Europol should only request access to the ETIAS if prior searches in all relevant national databases of the Member State and databases at Europol did not lead to the requested information.		detecting or investigating terrorist offences or other serious criminal offences. The designated authorities and Europol should only request access to ETIAS when they have reasonable grounds to believe that such access will provide information that will <del>substantially</del> assist them in preventing, detecting or investigating a terrorist offence or other serious criminal offence. <del>The law enforcement authorities and Europol should only request access to the ETIAS if prior searches in all relevant national databases of the Member State and databases at Europol did not lead to the requested information.</del>	
<b>80.</b>		<b>Amendment 25 Recital 40</b>		
<b>81.</b>	(40) The personal data recorded in the ETIAS should be kept for no longer than is necessary for its purposes. In order for the ETIAS to function, it is necessary to keep the data related to applicants for the period of validity of the travel authorisation. In order to assess the security, irregular migration and public health risks posed by the applicants it is necessary to keep the personal data for five years	(40) The personal data recorded in the ETIAS should be kept for no longer than is necessary for its purposes. In order for the ETIAS to function, it is necessary to keep the data related to applicants for the period of validity of the travel authorisation. <b><i>After the period of validity of the travel authorisation the data should not be stored without the explicit consent of the applicant given for the purpose of</i></b>	(40) The personal data recorded in the ETIAS should be kept for no longer than is necessary for its purposes. In order for the ETIAS to function, it is necessary to keep the data related to applicants for the period of validity of the travel authorisation. In order to assess the security, <del>irregular</del> <u>illegal</u> immigration and public health risks posed by the applicants it is necessary to keep the personal data	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	<p>from the last entry record of the applicant stored in the EES. In fact, the ETIAS should rely on accurate preliminary assessments of the security, public health and irregular migration risks, notably through the use of the screening rules. In order to constitute a reliable basis for the manual risk assessment by the Member States, and reduce to the minimum the occurrence of hits not corresponding to real risks ('false positives'), the hits resulting from screening rules based on statistics generated by ETIAS data itself need to be representative of a sufficiently broad population. This cannot be achieved exclusively on the basis of the data of the travel authorisations in their validity period. The retention period should start from the last entry record of the applicant stored in the EES, since that constitutes the last actual use of the travel authorisation. A retention period of five years corresponds to the retention period of an EES record with an entry authorisation granted on the basis of an ETIAS travel authorisation or a refusal of entry. This synchronisation of retention periods ensures that both the entry record</p>	<p><i>facilitating a new application after the expiry of the period of validity of an ETIAS travel authorisation.</i> A decision to refuse, revoke or annul a travel authorisation could indicate a higher <i>threat to</i> security or irregular migration risk posed by the applicant. Where such a decision has been issued, the 5 years retention period for the related data should start from its date of issuance, in order for ETIAS to be able to take accurately into account the higher risk possibly posed by the applicant concerned. <i>Where the underlying alert in a database is deleted earlier than the 5 years the related ETIAS application file should be deleted as well.</i> After the expiry of such period, the personal data should be deleted.</p>	<p>for five years from the last entry/<del>exit</del> record of the applicant stored in the EES. In fact, the ETIAS should rely on accurate preliminary assessments of the security, <del>public health and irregular</del> <u>illegal immigration and public health</u> risks, notably through the use of the screening rules. In order to constitute a reliable basis for the manual risk assessment by the Member States, and reduce to the minimum the occurrence of hits not corresponding to real risks ('false positives'), the hits resulting from screening rules based on statistics generated by ETIAS data itself need to be representative of a sufficiently broad population. This cannot be achieved exclusively on the basis of the data of the travel authorisations in their validity period. The retention period should start from the last entry/<del>exit</del> record of the applicant stored in the EES, since that constitutes the last actual use of the travel authorisation. A retention period of five years corresponds to the retention period of an <del>EES</del> <u>entry/exit</u> record with an entry authorisation granted on the basis of an ETIAS travel authorisation or a refusal of entry.</p>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	<p>and the related travel authorisation are kept for the same duration and is an additional element ensuring the future interoperability between ETIAS and EES. This synchronisation of data retention periods is necessary to allow the competent authorities to perform the risk analysis requested by the Schengen Borders Code.</p> <p>A decision to refuse, revoke or annul a travel authorisation could indicate a higher security or irregular migration risk posed by the applicant. Where such a decision has been issued, the 5 years retention period for the related data should start from its date of issuance, in order for ETIAS to be able to take accurately into account the higher risk possibly posed by the applicant concerned. After the expiry of such period, the personal data should be deleted.</p>		<p>This synchronisation of retention periods ensures that both the entry/<u>exit</u> record and the related travel authorisation are kept for the same duration and is an additional element ensuring the future interoperability between ETIAS and EES. This synchronisation of data retention periods is necessary to allow the competent authorities to perform the risk analysis requested by the Schengen Borders Code.</p> <p>A decision to refuse, revoke or annul a travel authorisation could indicate a higher security, <del>or irregular</del> <u>illegal immigration or public health</u> risk posed by the applicant. Where such a decision has been issued, the 5 years retention period for the related data should start from <del>its</del> <u>the date of that decision</u>issuance, in order for ETIAS to be able to take accurately into account the higher risk possibly posed by the applicant concerned. After the expiry of such period, the personal data should be deleted.</p>	
<b>82.</b>	(41) Precise rules should be laid down as regards the responsibilities of the Agency for the operational management of large-scale		(41) Precise rules should be laid down as regards the responsibilities of the Agency for the operational management of large-scale	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	information systems in the area of freedom, security and justice (eu-LISA) for the designing, development and technical management of the ETIAS Information System, the responsibilities of the European Coast and Border Guard Agency, the responsibilities of the Member States and the responsibilities of Europol.		information systems in the area of freedom, security and justice (eu-LISA) for the designing, development and technical management of the ETIAS Information System, the responsibilities of the European <del>Coast and Border</del> <u>and Coast Guard</u> Agency, the responsibilities of the Member States and the responsibilities of Europol.	
<b>83.</b>	(42) Regulation (EC) No 45/2001 of the European Parliament and the Council <sup>28</sup> applies to the activities of eu-LISA and the European Coast and Border Guard Agency when carrying out the tasks entrusted to them in this Regulation.		(42) Regulation (EC) No 45/2001 of the European Parliament and the Council <sup>29</sup> applies to the activities of eu-LISA and the European <del>Coast and Border</del> <u>and Coast Guard</u> Agency when carrying out the tasks entrusted to them in this Regulation.	
<b>84.</b>		<b>Amendment 26</b> <b>Recital 43</b>		
<b>85.</b>	(43) [Regulation (EU) 2016/679] <sup>30</sup> applies to the	(43) Regulation (EU) 2016/679 <sup>31</sup> applies to the	(43) [Regulation (EU) 2016/679] <sup>32</sup> applies to the	

<sup>28</sup> Regulation (EC) No 45/2001 of the European Parliament and the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

<sup>29</sup> Regulation (EC) No 45/2001 of the European Parliament and the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

<sup>30</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	processing of personal data by the Member States in application of this Regulation unless such processing is carried out by the designated or verifying authorities of the Member States for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences.	processing of personal data by the Member States in application of this Regulation unless such processing is carried out by the designated or verifying authorities of the Member States for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences.	processing of personal data by the Member States' <u>authorities</u> in application of this Regulation unless such processing <u>falls within the scope of [Directive (EU) 2016/680]</u> <del>is carried out by the designated or verifying authorities of the Member States for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences.</del>	
<b>86.</b>		<b>Amendment 27 Recital 44</b>		
<b>87.</b>	(44) The processing of personal data by the authorities of the Member States for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences pursuant to this Regulation should be subject to a standard of protection of personal data under	(44) The processing of personal data by the authorities of the Member States for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences pursuant to this Regulation should be subject to a standard of protection of personal data under	(44) <u>[Directive (EU) 2016/680]</u> <sup>35</sup> applies to the processing of personal data by the <u>designated</u> authorities of the Member States for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences pursuant to this Regulation <del>should</del>	

<sup>31</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

<sup>32</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	their national law which complies with [Directive (EU) 2016/680] <sup>33</sup> .	their national law which complies with Directive (EU) 2016/680 <sup>34</sup> .	<del>be subject to a standard of protection of personal data under their national law which complies with [Directive (EU) 2016/680].</del>	
<b>88.</b>		<b>Amendment 28</b> <b>Recital 45</b>		
<b>89.</b>	(45) The independent supervisory authorities established in accordance with [Regulation (EU) 2016/679] should monitor the lawfulness of the processing of personal data by the Member States, whilst the European Data Protection Supervisor as established by Regulation (EC) No 45/2001 should monitor the activities of the Union institutions and bodies in	(45) The independent supervisory authorities established in accordance with Regulation (EU) 2016/679 should monitor the lawfulness of the processing of personal data by the Member States, whilst the European Data Protection Supervisor as established by Regulation (EC) No 45/2001 should monitor the activities of the Union institutions and bodies in	(45) The independent supervisory authorities established in accordance with [Regulation (EU) 2016/679] should monitor the lawfulness of the processing of personal data by the Member States, whilst the European Data Protection Supervisor as established by Regulation (EC) No 45/2001 should monitor the activities of the Union institutions and bodies in	

<sup>35</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.

<sup>33</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.

<sup>34</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	relation to the processing of personal data. The European Data Protection Supervisor and the supervisory authorities should cooperate with each other in the monitoring of the ETIAS.	relation to the processing of personal data. The European Data Protection Supervisor and the supervisory authorities should cooperate with each other in the monitoring of the ETIAS.	relation to the processing of personal data. The European Data Protection Supervisor and the supervisory authorities should cooperate with each other in the monitoring of the ETIAS.	
<b>90.</b>		<b>Amendment 29</b> <b>Recital 46</b>		
<b>91.</b>	(46) "(...) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 and delivered an opinion on ... "	(46) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 and delivered an opinion on <b>6 March 2017</b> .	(46) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 and delivered an opinion on <u>6 March 2017</u> .	
<b>92.</b>		<b>Amendment 30</b> <b>Recital 47</b>		
<b>93.</b>	(47) Strict access rules to the ETIAS Central System and the necessary safeguards should be established. It is also necessary to provide for individuals' rights of access, correction, deletion and redress, in particular the right to a judicial remedy and the supervision of processing operations by public independent authorities.	(47) Strict access rules to the ETIAS Central System and the necessary safeguards should be established. It is also necessary to provide for individuals' rights of access, <b>rectification, restriction, blocking, erasure</b> and redress, in particular the right to a judicial remedy and the supervision of processing operations by public independent authorities.	(47) Strict access rules to the ETIAS Central System and the necessary safeguards should be established. It is also necessary to provide for individuals' rights of access, correction, deletion and redress, in particular the right to a judicial remedy and the supervision of processing operations by public independent authorities.	
<b>94.</b>		<b>Amendment 31</b>		

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<b>Recital 48</b>		
<b>95.</b>	(48) In order to assess the security, irregular migration or public health risk which could be posed by a traveller, interoperability between the ETIAS Information System and other information systems consulted by ETIAS such as the Entry/Exit System (EES), the Visa Information System (VIS), the Europol data, the Schengen Information System (SIS), the Eurodac and the European Criminal Records Information System (ECRIS) should have to be established. However this interoperability can only be fully ensured once the proposals to establish the EES <sup>36</sup> , the ECRIS <sup>37</sup> and the recast proposal of	(48) In order to assess the <i>threat to</i> security, <i>the</i> irregular migration or <i>the high epidemic</i> risk which could be posed by a traveller, interoperability between the ETIAS Information System and other information systems consulted by ETIAS such as the Entry/Exit System (EES), the Visa Information System (VIS), the Europol data, the Schengen Information System (SIS), the Eurodac and the European Criminal Records Information System (ECRIS) should have to be established. However this interoperability can only be fully ensured once the proposals to establish the EES <sup>39</sup> , the ECRIS <sup>40</sup> and the recast proposal of	(48) In order to assess the security, <del>irregular</del> <u>illegal</u> immigration or public health risk which could be posed by a traveller, interoperability between the ETIAS Information System and other <u>EU</u> information systems <del>consulted by ETIAS such as the Entry/Exit System (EES), the Visa Information System (VIS), the Europol data, the Schengen Information System (SIS), the Eurodac and the European Criminal Records Information System (ECRIS)</del> should <del>have to</del> be established <u>including for the purpose of implementing this Regulation</u> . <del>However this interoperability can only be fully ensured once the</del>	Text of recital still to be discussed. [...] <u>Provisionally agreed:</u> <b>Interoperability should be established in full compliance with the Union acquis concerning fundamental rights.</b>

<sup>36</sup> Proposal for a Regulation of the European Parliament and of the Council establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) COM(2016) 194 final.

<sup>37</sup> Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA.



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	the Eurodac Regulation <sup>38</sup> have been adopted.	the Eurodac Regulation <sup>41</sup> have been	<del>proposals to establish the EES<sup>42</sup>, the ECRIS<sup>43</sup> and the recast proposal of</del>	

<sup>39</sup> Proposal for a Regulation of the European Parliament and of the Council establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) COM(2016) 194 final.

<sup>40</sup> Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA.

<sup>38</sup> Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) COM(2016) 272 final.

<sup>41</sup> Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) COM(2016) 272 final.

<sup>42</sup> ~~Proposal for a Regulation of the European Parliament and of the Council establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) COM(2016) 194 final.~~

<sup>43</sup> ~~Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA.~~

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
		adopted.	<del>the Eurodac Regulation<sup>44</sup> have been adopted.</del>	
<b>96.</b>	(49) The effective monitoring of the application of this Regulation requires evaluation at regular intervals. The Member States should lay down rules on the penalties applicable to infringements of the provisions of this Regulation and ensure that they are implemented.		<del>(49) The effective monitoring of the application of this Regulation requires evaluation at regular intervals. The Member States should lay down rules on the penalties applicable to infringements of the provisions of this Regulation and ensure that they are implemented.</del>	
<b>97.</b>	(50) In order to establish the technical measures needed for the application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission:		(50) In order to establish the technical measures needed for the application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission:	
<b>98.</b>		<b>Amendment 32 Recital 50 - first indent (new)</b>		
<b>99.</b>		<del>- <i>to define the requirements of the secure account service,</i></del>		
<b>100.</b>		<b>Amendment 33</b>		

<sup>44</sup> ~~Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) COM(2016) 272 final.~~

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<b>Recital 50 - indent 1a (new)</b>		
<b>101.</b>		- <i>to regulate the submission of travel authorisation applications by a commercial intermediary and at Delegations of the European Union,</i>		
<b>102.</b>		<b>Amendment 34</b> <b>Recital 50 - indent 1</b>		
<b>103.</b>	– to adopt a predetermined list of answers concerning the questions on the level and field of education, the current occupation and the job title to be indicated in the application for a travel authorisation,	Deleted	– to adopt a predetermined list of answers concerning the questions on the level and field of education, the current occupation and the job title to be indicated in the application for a travel authorisation,	
<b>104.</b>			– <u>to specify the content and format of questions relating to diseases, convictions for criminal offences, stays in war or conflict zones and decisions to leave the territory or return decisions which can be put to an applicant for a travel authorisation.</u>	
<b>105.</b>	– to specify the content and format of the additional questions which can be put to an applicant for a travel authorisation,		– to specify the content and format of <del>the</del> additional questions <del>which can be put to an</del> <u>the applicant having replied affirmatively to one of the questions relating to diseases, convictions for criminal offences, stays in war or conflict zones and decisions to leave the territory or</u>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>return decisions, and to set out the predetermined list of answers thereto for a travel authorisation,</u>	
106.	– to lay down the payment methods and process for the travel authorisation fee taking into account the technological developments and their availability and to amend the amount of the fee,		– to lay down the payment methods and process for the travel authorisation fee <u>and the changes to the amount of that fee</u> taking into account <u>any increase in the costs of the ETIAS</u> <del>the technological developments and their availability</del> and to amend the amount of the fee,	
107.		<b>Amendment 35</b> <b>Recital 50 - indent 3a (new)</b>		
108.		– <i>to further define the verification tool,</i>		
109.			– <u>to lay down the content and format of a predetermined list of options when the applicant is requested to provide additional information or documentation,</u>	
110.	– to extend the duration of the period of grace during which no travel authorisations is required,		– to extend the duration of the <u>transitional period of grace</u> during which no travel authorisations is required, <u>as well as of to extend</u> the duration of the period of grace during which <del>no</del> a travel authorisations is required <u>but in which border guards will allow third country nationals not in possession of the travel authorisation exceptionally to enter subject to certain conditions.</u>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>111.</b>		<b>Amendment 36 Recital 50 - indent 5</b>		
<b>112.</b>	– to further specify the security, irregular migration or public health risks to be used for the establishment of the risk indicators.	– to further specify the <i>threat to</i> security, <i>the</i> irregular migration or <i>the high epidemic</i> risks to be used for the establishment of the risk indicators,	– to further specify the security, irregular migration or public health risks to be used for the establishment of the risk indicators.	
<b>113.</b>		<b>Amendment 37 Recital 50 - indent 5a (new)</b>		
<b>114.</b>		– <i>to establish a standard form for refusal of a travel authorisation,</i>		
<b>115.</b>		<b>Amendment 38 Recital 50 - indent 5b (new)</b>		
<b>116.</b>		– <i>to define the type of additional information related to flags that may be added in the ETIAS application file and its formats,</i>		
<b>117.</b>		<b>Amendment 39 Recital 50 - indent 5c (new)</b>		
<b>118.</b>		– <i>to define the financial support for Member States for expenses incurred by additional responsibilities,</i>		
<b>119.</b>		<b>Amendment 40 Recital 50 - indent 5d (new)</b>		
<b>120.</b>		– <i>to lay down the rules of the</i>		

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
		<i>central repository.</i>		
<b>121.</b>	(51) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.		(51) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	
<b>122.</b>	(52) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt detailed rules on the conditions for operation of the public website and the mobile app for mobile devices and on the data protection and security rules applicable to the public website and the mobile app for mobile devices,		(52) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt detailed rules on the conditions for operation of the public website and the mobile app for mobile devices and on the data protection and security rules applicable to the public website and the mobile app for mobile devices,	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	<p>as well as an authentication scheme reserved exclusively to carriers and to specify the details of the fall back procedures to be followed in the case of technical impossibility to access ETIAS. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>45</sup>.</p>		<p><u>to regularly identify specific risks relating to security, illegal immigration or public health to be used for the establishment of the risk indicators in order to ensure adaptation in view of the continuous emergence of new risks and patterns, to establish the technical specifications of the ETIAS watchlist, to adopt as well as an authentication scheme reserved exclusively to carriers and to specify the details of the fall-back procedures to be followed in the case of technical impossibility to access data by carriers ETIAS, to adopt model contingency plans in case of technical impossibility to access data at the external borders or failure of the ETIAS, to adopt a model security plan and a model business continuity and disaster recovery plan in relation to security of processing of personal data, to lay down and develop a mechanism, procedures and interpretation of data quality compliance, to draw up a common leaflet to inform travellers, to adopt</u></p>	

<sup>45</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
			<u>detailed rules on the operation of the central repository and the data protection and security rules applicable to the repository, and to make available to Member States a technical solution in order to facilitate the collection of certain data.</u> Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council <sup>46</sup> .	
<b>123.</b>	(53) The establishment of a ETIAS and the creation of common obligations, conditions and procedures for use of data cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and impact of the action, be better achieved at Union level in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, the Regulation does not go beyond what is necessary in order to achieve this objective.		(53) The establishment of a ETIAS and the creation of common obligations, conditions and procedures for use of data cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and impact of the action, be better achieved at Union level in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, the Regulation does not go beyond what is necessary in order to achieve this objective.	

<sup>46</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>124.</b>	<p>(54) The projected costs for the development of the ETIAS Information System and for the establishment of the ETIAS Central Unit and the ETIAS National Units are lower than the remaining amount on the budget earmarked for Smart Borders in Regulation (EU) No 515/2014 of the European Parliament and the Council<sup>47</sup>. Accordingly, this Regulation, pursuant to Article 5(5)(b) of Regulation (EU) No 515/2014, should, re-allocate the amount currently attributed for developing IT systems supporting the management of migration flows across the external borders.</p>		<p>(54) <del>The projected costs for the development of the ETIAS Information System and for the establishment of the ETIAS Central Unit and the ETIAS National Units are lower than the remaining amount on the budget earmarked for Smart Borders in Regulation (EU) No 515/2014 of the European Parliament and the Council<sup>48</sup>. Accordingly, this Regulation, pursuant to Article 5(5)(b) of Regulation (EU) No 515/2014, should, re-allocate the amount currently attributed for developing IT systems supporting the management of migration flows across the external borders.</del> <u>The operational and maintenance costs of the ETIAS Information System, the ETIAS Central Unit and of the ETIAS National Units should be covered entirely by the revenues generated by the fees. The fee should therefore be adapted as necessary, having regard to the costs.</u></p>	

<sup>47</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing as part of the Internal Security Fund, the Instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

<sup>48</sup> ~~Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing as part of the Internal Security Fund, the Instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).~~

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>125.</b>	(55) The revenue generated by the payment of travel authorisation fees should be assigned to cover the recurring operational and maintenance costs of the ETIAS Information System, of the ETIAS Central Unit and of the ETIAS National Units. In view of the specific character of the system, it is appropriate to treat the revenue as external assigned revenue.		(55) The revenue generated by the payment of travel authorisation fees should be assigned to cover the recurring operational and maintenance costs of the ETIAS Information System, of the ETIAS Central Unit and of the ETIAS National Units. In view of the specific character of the system, it is appropriate to treat the revenue as <del>external</del> <u>internal</u> assigned revenue.	
<b>126.</b>	(56) This Regulation is without prejudice to the application of Directive 2004/38/EC.		(56) This Regulation is without prejudice to the application of Directive 2004/38/EC.	
<b>127.</b>		<b>Amendment 41 Recital 56a (new)</b>		
<b>128.</b>		<i>(56a) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union.</i>		
<b>129.</b>	(57) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds		(57) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	upon the Schengen <i>acquis</i> , Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.		upon the Schengen <i>acquis</i> , Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.	
<b>130.</b>	(58) This Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC <sup>49</sup> ; the United Kingdom is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.		(58) This Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC <sup>50</sup> ; the United Kingdom is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	
<b>131.</b>	(59) This Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> in which Ireland does not take part, in accordance with Council Decision 2002/192/EC <sup>51</sup> ; Ireland is therefore		(59) This Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> in which Ireland does not take part, in accordance with Council Decision 2002/192/EC <sup>52</sup> ; Ireland is therefore	

<sup>49</sup> Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

<sup>50</sup> Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

<sup>51</sup> Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

<sup>52</sup> Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	not taking part in the adoption of this Regulation and is not bound by it or subject to its application.		not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	
<b>132.</b>	(60) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen <i>acquis</i> <sup>53</sup> which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC <sup>54</sup> .		(60) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen <i>acquis</i> <sup>55</sup> which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC <sup>56</sup> .	
<b>133.</b>	(61) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> within the meaning of the Agreement between		(61) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen <i>acquis</i> within the meaning of the Agreement between	

<sup>53</sup> OJ L 176, 10.7.1999, p. 36.

<sup>54</sup> Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

<sup>55</sup> OJ L 176, 10.7.1999, p. 36.

<sup>56</sup> Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen <i>acquis</i> <sup>57</sup> which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC <sup>58</sup> and with Article 3 of Council Decision 2008/149/JHA <sup>59</sup> .		the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen <i>acquis</i> <sup>60</sup> which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC <sup>61</sup> and with Article 3 of Council Decision 2008/149/JHA <sup>62</sup> .	
<b>134.</b>	(62) As regards Liechtenstein, this Regulation constitutes a development of the provisions of		(62) As regards Liechtenstein, this Regulation constitutes a development of the provisions of	

<sup>57</sup> OJ L 53, 27.2.2008, p. 52.

<sup>58</sup> Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

<sup>59</sup> Council Decision 2008/149/JHA of 28 January 2008 on the conclusion on behalf of the European Union of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 50).

<sup>60</sup> OJ L 53, 27.2.2008, p. 52.

<sup>61</sup> Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

<sup>62</sup> Council Decision 2008/149/JHA of 28 January 2008 on the conclusion on behalf of the European Union of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 50).

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	the Schengen <i>acquis</i> within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen <i>acquis</i> <sup>63</sup> which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU <sup>64</sup> and with Article 3 of Council Decision 2011/349/EU. <sup>65</sup>		the Schengen <i>acquis</i> within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen <i>acquis</i> <sup>66</sup> which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU <sup>67</sup> and with Article 3 of Council Decision 2011/349/EU. <sup>68</sup>	

<sup>63</sup> OJ L 160, 18.6.2011, p. 21.

<sup>64</sup> Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

<sup>65</sup> Council Decision 2011/349/EU of 7 March 2011 on the conclusion on behalf of the European Union of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>135.</b>	(63) This Regulation constitutes an act building upon, or otherwise relating to, the Schengen <i>acquis</i> within, respectively, the meaning of Article 3(2) of the 2003 Act of Accession, Article 4(2) of the 2005 Act of Accession and Article 4(2) of the 2011 Act of Accession.		<del>(63) — This Regulation constitutes an act building upon, or otherwise relating to, the Schengen <i>acquis</i> within, respectively, the meaning of Article 3(2) of the 2003 Act of Accession, Article 4(2) of the 2005 Act of Accession and Article 4(2) of the 2011 Act of Accession.</del>	
<b>136.</b>	(64) In order to have this Regulation fit into the existing legal framework and reflect the changes for the European Coast and Border Guard Agency and Europol the Regulations (EU) No 515/2014, (EU) 2016/399, (EU) 2016/794 and (EU) 2016/1624 should be amended accordingly,		(64) In order to have this Regulation fit into the existing legal framework and reflect the changes for the European <u>Border and Coast</u> and <u>Border</u> Guard Agency and <u>Europol</u> the Regulations (EU) No 515/2014, (EU) 2016/399, <del>(EU) 2016/794</del> and (EU) 2016/1624 should be amended accordingly.	

---

and development of the Schengen *acquis* relating in particular to judicial cooperation in criminal matters and police cooperation (OJ L 160, 18.6.2011, p. 1).

<sup>66</sup> OJ L 160, 18.6.2011, p. 21.

<sup>67</sup> Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

<sup>68</sup> Council Decision 2011/349/EU of 7 March 2011 on the conclusion on behalf of the European Union of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* relating in particular to judicial cooperation in criminal matters and police cooperation (OJ L 160, 18.6.2011, p. 1).

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
137.	HAVE ADOPTED THIS REGULATION:		HAVE ADOPTED THIS REGULATION:	
138.	<b>CHAPTER I</b> <b>General provisions</b>		<b>CHAPTER I</b> <b>General provisions</b>	<b>CHAPTER I</b> <b>General provisions</b>
139.	<i>Article 1</i> <i>Subject matter</i>		<i>Article 1</i> <i>Subject matter</i>	<i>Article 1</i> <i>Subject matter</i>
140.		<b>Amendment 42</b> <b>Article 1(1)</b>		
141.	1. This Regulation establishes a 'European Travel Information and Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to determine whether their presence in the territory of the Member States does not pose an irregular migration, security or public health risk. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.	1. This Regulation establishes a 'European Travel Information and Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') enabling to <i>consider</i> whether their presence in the territory of the Member States does not pose an irregular migration <i>risk, a threat to</i> security or <i>a high epidemic</i> risk. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.	1. This Regulation establishes a 'European Travel Information and Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') <u>or when in airport transit</u> enabling to <u>determine assess</u> whether their presence in the territory of the Member States <del>does not</del> <u>would</u> pose <u>an security, irregular illegal immigration, security</u> or public health risk. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.	<b>Provisionally agreed subject to agreement on terminology and the respective definitions (comment valid throughout the text:</b> 1. This Regulation establishes a 'European Travel Information and Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders ('the visa requirement') <del>or when in airport transit</del> enabling <b>which enables the Member States</b> to <del>assess</del> <b>consider</b> whether <del>the their</del> presence <b>of those third country nationals</b> in the territory of the Member States would pose a security, illegal immigration or public health risk. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced. <b>To be further discussed:</b> - see Council definition of "security"



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<p><b>risk” (line 173) based on Article 6(1)(3) SBC.</b></p> <p><u>Presidency compromise proposal (to be tested with delegations)</u>            1. This Regulation establishes a 'European Travel Information and Authorisation System' (ETIAS) for third country nationals exempt from the requirement to be in possession of a visa when crossing the external borders (the visa requirement) or when in airport transit enabling to assess <del>consider</del> whether <del>the</del> their presence <del>of those third country nationals</del> in the territory of the Member States would pose a security, illegal immigration or public health risk <del>and the presence of the third country national is contrary to the required approach to address the security, illegal immigration or public health risk</del>. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.</p>
142.	2. This Regulation lays down the conditions under which Member States' law enforcement authorities and the European Police Office (Europol) may consult data stored in the ETIAS Central System		2. This Regulation lays down the conditions under which Member States' <del>law enforcement</del> <u>designated</u> authorities and the European <u>Union Agency for Law Enforcement Cooperation</u> <del>Police</del>	<u>Provisionally agreed</u> 2. This Regulation lays down the conditions under which Member States' designated authorities and the European Union Agency for Law Enforcement

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	for the purposes of the prevention, detection and investigation of terrorist offences or of other serious criminal offences falling under their competence.		<del>Office</del> (Europol) may consult data stored in the ETIAS Central System for the purposes of the prevention, detection and investigation of terrorist offences or of other serious criminal offences falling under their competence.	Cooperation (Europol) may consult data stored in the ETIAS Central System for the purposes of the prevention, detection and investigation of terrorist offences or of other serious criminal offences falling under their competence.
<b>143.</b>	<i>Article 2 Scope</i>		<i>Article 2 Scope</i>	
<b>144.</b>	1. This Regulation applies to the following categories of third country nationals exempt from the visa requirement:		1. This Regulation applies to the following categories of third country nationals <del>exempt from the visa requirement</del> :	<u>Provisionally agreed</u> 1. This Regulation applies to the following categories of third country nationals
<b>145.</b>	(a) nationals of third countries listed in Annex II to Council Regulation (EC) No 539/2001 <sup>69</sup> who are exempt from the visa requirement for airports transits or intended stays in the territory of the Member States of a duration of no more than 90 days in any 180 day period;		(a) nationals of third countries listed in Annex II to Council Regulation (EC) No 539/2001 <sup>70</sup> who are exempt from the visa requirement for <del>airports transits or</del> intended stays in the territory of the Member States of a duration of no more than 90 days in any 180 day period;	<u>Provisionally agreed:</u> (a) nationals of third countries listed in Annex II to Council Regulation (EC) No 539/2001 <sup>71</sup> who are exempt from the visa requirement for <del>airports transits or</del> intended stays in the territory of the Member States of a duration of no more than 90 days in any 180 day period;
<b>146.</b>			<u>(aa) nationals of third countries who are not required to hold an airport transit visa, for the purpose of transit through the international transit areas of one or more</u>	<u>Provisionally agreed:</u> Deleted

<sup>69</sup> OJ L 81, 21.3.2001, p. 1.

<sup>70</sup> OJ L 81, 21.3.2001, p. 1.

<sup>71</sup> OJ L 81, 21.3.2001, p. 1.

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>Member States' airports of the Member States, unless they are in possession of a valid visa;</u>	
147.	(b) refugees and stateless persons where the third country in which they reside and which issued their travel document is one of the third countries listed in Annex II to Regulation (EC) No 539/2001 and who are exempted from the visa requirement pursuant to Article 4(2)(b) of that Regulation;		(b) <u>refugees and stateless persons where the third country in which they reside and which issued their travel document is one of the third countries listed in Annex II to Regulation (EC) No 539/2001 and persons who are exempted from the visa requirement pursuant to Article 4(2)(b) of that Regulation (EC) No 539/2001 for intended stays in the territory of the Member States of a duration of no more than 90 days in any 180 day period;</u>	<u>Provisionally agreed</u> (b) persons who are exempted from the visa requirement pursuant to Article 4(2) Regulation (EC) No 539/2001 for intended stays in the territory of the Member States of a duration of no more than 90 days in any 180 day period;
148.	(c) third country nationals who fulfil the following conditions:		(c) <u>third country nationals who are exempt from the visa requirement and who fulfil the following conditions:</u>	<u>Provisionally agreed</u> (c) third country nationals who are exempt from the visa requirement and who fulfil the following conditions:
149.	i) they are family members of a Union citizen to whom Directive 2004/38/EC applies or of a national of a third country enjoying the right of free movement under Union law; and		i) <u>they are family members of a Union citizen to whom Directive 2004/38/EC applies or of a national of a third country enjoying the right of free movement under Union law equivalent to that of Union citizens under an agreement between the Union and its Member States on the one hand and a third country on the other;</u>	<u>Provisionally agreed</u> i) they are family members of a Union citizen to whom Directive 2004/38/EC applies or of a national of a third country enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States on the one hand and a third country on the other; <b>and</b>
150.	ii) they do not hold a		ii) they do not hold a	<u>Provisionally agreed</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	residence card referred to under Directive 2004/38/EC.		residence card referred to under Directive 2004/38/EC <u>or a residence permit pursuant to Regulation (EC) No 1030/2002.</u>	ii) they do not hold a residence card referred to under Directive 2004/38/EC or a residence permit pursuant to Regulation (EC) No 1030/2002.
<b>151.</b>	2. This Regulation does not apply to:		2. This Regulation does not apply to:	<u>Agreed text</u> 2. This Regulation does not apply to:
<b>152.</b>	(a) refugees or stateless persons or other persons who do not hold the nationality of any country who reside in a Member State and who are holders of a travel document issued by that Member State;		(a) refugees or stateless persons or other persons who do not hold the nationality of any country who reside in a Member State and who are holders of a travel document issued by that Member State;	<u>Agreed text</u> (a) refugees or stateless persons or other persons who do not hold the nationality of any country who reside in a Member State and who are holders of a travel document issued by that Member State;
<b>153.</b>	(b) third country nationals who are members of the family of a Union citizen to whom Directive 2004/38/EC applies and who hold a residence card pursuant to that Directive;		(b) third country nationals who are members of the family of a Union citizen to whom Directive 2004/38/EC applies and who hold a residence card pursuant to that Directive;	<u>Agreed text</u> (b) third country nationals who are members of the family of a Union citizen to whom Directive 2004/38/EC applies and who hold a residence card pursuant to that Directive;
<b>154.</b>	(c) third country nationals who are members of the family of nationals of a third country enjoying the right of free movement under Union law and who hold a residence card pursuant to Directive 2004/38/EC;		(c) third country nationals who are members of the family of <u>a</u> nationals of a third country enjoying the right of free movement <u>under Union law equivalent to that of Union citizens under an agreement between the Union and its Member States on the one hand and a third country on the other</u> and who hold a residence card pursuant	<u>Provisionally agreed</u> (c) third country nationals who are members of the family of a nationals of a third country enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States on the one hand and a third country on the other and who hold a residence card

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
			to Directive 2004/38/EC <u>or a residence permit pursuant to Regulation 1030/2002.</u>	pursuant to Directive 2004/38/EC or a residence permit pursuant to Regulation 1030/2002.
<b>155.</b>	(d) holders of residence permits referred to in point 16 of Article 2 of Regulation (EU) 2016/399 of the European Parliament and of the Council <sup>72</sup> other than those covered by points (b) and (c) of this paragraph;		(d) holders of residence permits referred to in point 16 of Article 2 of Regulation (EU) 2016/399 of the European Parliament and of the Council <sup>73</sup> <del>other than those covered by points (b) and (c) of this paragraph;</del>	<u>Provisionally agreed</u> (d) holders of residence permits referred to in point 16 of Article 2 of Regulation (EU) 2016/399 of the European Parliament and of the Council <sup>74</sup> ;
<b>156.</b>	(e) holders of long-stay visas;		(e) holders of <u>uniform visas</u> <del>or</del>	<u>Provisionally agreed</u> (e) holders of uniform visas
<b>157.</b>			<u>(ea) holders of national long-stay visas;</u>	<u>Provisionally agreed</u> (ea) holders of national long-stay visas;
<b>158.</b>	(f) nationals of Andorra, Monaco and San Marino and holders of a passport issued by the Vatican State;		(f) nationals of Andorra, Monaco and San Marino and holders of a passport issued by the Vatican State;	<u>Agreed text</u> (f) nationals of Andorra, Monaco and San Marino and holders of a passport issued by the Vatican State;
<b>159.</b>	(g) the nationals of third countries listed in Annex I and II to Regulation (EC) No 539/2001 who are holders of a local border traffic		(g) the nationals of third countries <del>listed in Annex I and II to Regulation (EC) No 539/2001</del> who are holders of a local border traffic	<u>Provisionally agreed</u> (g) the nationals of third countries who are holders of a local border traffic permit issued by the

<sup>72</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 077 23.3.2016, p. 1).

<sup>73</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 077 23.3.2016, p. 1).

<sup>74</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 077 23.3.2016, p. 1).

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	permit issued by the Member States pursuant to Regulation (EC) No 1931/2006 <sup>75</sup> when these holders exercise their right within the context of the Local Border Traffic regime;		permit issued by the Member States pursuant to Regulation (EC) No 1931/2006 <sup>76</sup> when these holders exercise their right within the context of the Local Border Traffic regime;	Member States pursuant to Regulation (EC) No 1931/2006 <sup>77</sup> when these holders exercise their right within the context of the Local Border Traffic regime;
<b>160.</b>	(h) persons or categories of persons referred to in Article 4(1) and (3) of Regulation (EC) No 539/2001.		(h) persons or categories of persons referred to in Article 4(1)(a) to (f) <del>and (3)</del> of Regulation (EC) No 539/2001.	<u>Provisionally agreed</u> (h) persons or categories of persons referred to in Article 4(1)(a) to (f) of Regulation (EC) No 539/2001.
<b>161.</b>			<u>(i) persons who have been subjected to a visa requirement pursuant to Article 4(3) of Regulation (EC) No 539/2001.</u>	<u>Provisionally agreed</u> (i) persons who have been subjected to a visa requirement pursuant to Article 4(3) of Regulation (EC) No 539/2001.
<b>162.</b>		<b>Amendment 43 Article 2(2)(ha) (new)</b>		
<b>163.</b>		<i>(ha) third country nationals exercising mobility in accordance with Directive 2014/66/EU of the European Parliament and of the Council<sup>78</sup> or Directive (EU)</i>		<u>Provisionally agreed</u> <b>(ha) third country nationals exercising mobility in accordance with Directive 2014/66/EU of the European Parliament and of the</b>

<sup>75</sup> OJ L 405, 20.12.2006, p. 1.

<sup>76</sup> OJ L 405, 30.12.2006, p. 1.

<sup>77</sup> OJ L 405, 30.12.2006, p. 1.

<sup>78</sup> *Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (OJ L 157, 27.5.2014, p. 1).*

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>2016/801 of the European Parliament and of the Council</i> <sup>79</sup> .		<b>Council</b> <sup>80</sup> or <b>Directive (EU) 2016/801 of the European Parliament and of the Council</b> <sup>81</sup> .
<b>164.</b>	<i>Article 3 Definitions</i>		<i>Article 3 Definitions</i>	<i>Article 3 Definitions</i>
<b>165.</b>	1. For the purposes of this Regulation, the following definitions apply:		1. For the purposes of this Regulation, the following definitions apply:	<u>Agreed text</u> 1. For the purposes of this Regulation, the following definitions apply:
<b>166.</b>	(a) 'external borders' mean external borders as defined in Article 2(2) of Regulation (EU) 2016/399;		(a) 'external borders' mean external borders as defined in Article 2(2) of Regulation (EU) 2016/399;	<u>Agreed text</u> (a) 'external borders' mean external borders as defined in Article 2(2) of Regulation (EU) 2016/399;
<b>167.</b>	(b) 'border checks' means border checks as defined in Article 2(11) of Regulation (EU) 2016/399;		(b) 'border checks' means border checks as defined in Article 2(11) of Regulation (EU) 2016/399;	<u>Provisionally agreed</u> Deleted  Not necessary because of the inclusion of "border authority"
<b>168.</b>		<b>Amendment 44 Article 3(1)(ba) (new)</b>		
<b>169.</b>		<i>(ba) 'second line check' means second line check as defined in</i>	<i>(ba) 'second line check' means a second line check as defined in</i>	

<sup>79</sup> *Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.5.2016, p. 21).*

<sup>80</sup> *Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (OJ L 157, 27.5.2014, p. 1).*

<sup>81</sup> *Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.5.2016, p. 21).*

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>Article 2(13) of Regulation (EU) 2016/399;</i>	<u>Article 2(13) of Regulation (EU) 2016/399;</u>	
<b>170.</b>	(c) 'border guard' means border guard as defined in Article 2(14) of Regulation (EU) 2016/399;		(c) 'border guard' means border guard as defined in Article 2(14) of Regulation (EU) 2016/399;	<b>In order to be coherent with the wording in EES Regulation, it is suggested to replace throughout the text "border guards" by "border authorities"</b>  <u>Provisionally agreed idem definition Article 3(3) EES</u> (e) —'border guard' means border guard as defined in Article 2(14) of Regulation (EU) 2016/399; (c) 'border authority' means the border guard assigned in accordance with national law to carry out border checks as defined in point 11 of Article 2 of Regulation (EU) 2016/399;
<b>171.</b>		<b>Amendment 45</b> <b>Article 3(1)(d)</b>		
<b>172.</b>	(d) 'travel authorisation' means a decision issued in accordance with this Regulation indicating that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses an irregular migration, security or public health risk and which is a requirement for third	(d) 'travel authorisation' means a decision issued in accordance with this Regulation indicating that there are no <b>reasonable grounds based on</b> factual indications to conclude that the presence of the person on the territory of the Member States poses <b>or will pose</b> an irregular migration <b>risk, a threat to</b> security or <b>a high epidemic</b> risk	(d) 'travel authorisation' means a decision issued in accordance with this Regulation indicating that <del>there are</del> no factual indications or reasonable grounds <u>have been identified to <del>conclude</del> consider</u> that the presence of the person on the territory of the Member States <u>will</u> poses <del>an</del> <u>security, irregular illegal immigration, security</u> or public	<u>Presidency compromise proposal (ok for LIBE)</u> (d) 'travel authorisation' means a decision issued in accordance with this Regulation <b>or in accordance with Article 20a</b> indicating that no factual indications or reasonable grounds <b>based on factual indications</b> have been identified to consider that the



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	country nationals referred to in Article 2 to fulfil the entry condition laid down in Article 6(1)(b) of Regulation (EU) 2016/399.	and which is a requirement for third country nationals referred to in Article 2 to fulfil the entry condition laid down in Article 6(1)(b) of Regulation (EU) 2016/399.	health risk and which is a requirement for third country nationals referred to in Article 2 to fulfil the entry condition laid down in Article 6(1)(b) of Regulation (EU) 2016/399.	presence of the person on the territory of the Member States <b>poses or</b> will pose a [security, illegal immigration] or public health risk and which is a requirement for third country nationals referred to in Article 2 to fulfil the entry condition laid down in Article 6(1)(b) of Regulation (EU) 2016/399.  <u>LIBE wishes to include a <b>recital</b> explaining that</u> <b>the fact that an applicant is subject to an European Arrest Warrant does not prevent him from being granted a travel authorisation with a view to being apprehended at the borders.</b>
173.			(da) <u>'security risk' means a risk of a threat to public policy, internal security or international relations of any of the Member States;</u>	<u>Possible compromise:</u> <u>Use of Council definitions but with LIBE terminology</u>
174.			(db) <u>'illegal immigration risk' means the risk of a third country national not fulfilling the conditions of entry and stay as set out in Article 6 of Regulation (EU)</u>	<u>Possible compromise:</u> <u>Use of Council definitions but with LIBE terminology</u>  (db) <u>'illegal immigration</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>2016/399 of the European Parliament and of the Council</u> <sup>82</sup> .	<b>irregular migration risk</b> ' means the risk of a third country national not fulfilling the conditions of entry and stay as set out in Article 6 of Regulation (EU) 2016/399 of the European Parliament and of the Council <sup>83</sup> .
175.		<b>Amendment 46</b> <b>Article 3(1)(e)</b>		
176.	(e) 'public health risk' means threat to public health as defined in Article 2(21) of Regulation (EU) 2016/399;	Deleted	(e) 'public health risk' means <u>any disease with epidemic potential as defined by the International Health Regulations of the World Health Organization and other infectious diseases or contagious parasitic diseases if they are the subject of protection provisions applying to nationals of the Member States</u> <del>threat to public health as defined in Article 2(21) of Regulation (EU) 2016/399;</del>	<b>Possible compromise:</b> <b>Use of Council definitions but with LIBE terminology</b>  (e) 'public health <b>high epidemic risk</b> ' means any disease with epidemic potential as defined by the International Health Regulations of the World Health Organization (WHO) or the <b>European Centre for Disease Prevention and Control (ECDC)</b> and other infectious diseases or contagious parasitic diseases if they are the subject of protection provisions applying to nationals of the Member States.

<sup>82</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 077 23.3.2016, p. 1).

<sup>83</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 077 23.3.2016, p. 1).

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
				At the technical meeting on 26/1, the EP suggested the following compromise: they would accept the three definitions of risks as in the Council general approach ("public health risk" and not "high epidemic risk" thus), in exchange for replacing "illegal immigration" by "irregular migration" throughout the text.
<b>177.</b>	(f) 'applicant' means any third country national referred to in Article 2 who has lodged an application for a travel authorisation;		(f) 'applicant' means any third country national referred to in Article 2 who has lodged an application for a travel authorisation;	<u>Agreed text</u> (f) 'applicant' means any third country national referred to in Article 2 who has lodged an application for a travel authorisation;
<b>178.</b>	(g) 'travel document' means a passport or other equivalent document, entitling the holder to cross the external borders and to which a visa may be affixed;		(g) 'travel document' means a passport or other equivalent document, entitling the holder to cross the external borders and to which a visa may be affixed;	<u>Agreed text</u> (g) 'travel document' means a passport or other equivalent document, entitling the holder to cross the external borders and to which a visa may be affixed;
<b>179.</b>	(h) 'short stay' means stays in the territory of the Member States within the meaning of Article 6(1) of Regulation (EU) 2016/399;		(h) 'short stay' means stays in the territory of the Member States within the meaning of Article 6(1) of Regulation (EU) 2016/399;	<u>Agreed text</u> (h) 'short stay' means stays in the territory of the Member States within the meaning of Article 6(1) of Regulation (EU) 2016/399;
<b>180.</b>		<b>Amendment 47 Article 3(1)(ha)(new)</b>		
<b>181.</b>		<i>(ha) 'carrier' means any natural or legal person whose profession it is to provide transport</i>		<u>Provisionally agreed</u> Deleted

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
		<i>of persons;</i>		
<b>182.</b>	(i) 'overstayer' means a third country national who does not fulfil, or no longer fulfils the conditions relating to the duration of a short stay on the territory of the Member States;		(i) 'overstayer' means a third country national who does not fulfil, or no longer fulfils the conditions relating to the duration of a short stay on the territory of the Member States;	<u>Agreed text</u> (i) 'overstayer' means a third country national who does not fulfil, or no longer fulfils the conditions relating to the duration of a short stay on the territory of the Member States;
<b>183.</b>		<b>Amendment 48</b> <b>Article 3(1)(ia)(new)</b>		
<b>184.</b>		<i>(ia) 'person for whom an alert has been issued for the purposes of refusing entry' means any third-country national for whom an alert has been issued in the Schengen Information System (SIS) in accordance with and for the purposes laid down in Articles 24 and 26 of Regulation (EC) No 1987/2006 of the European Parliament and of the Council;</i>		<b>Awaiting COM proposal</b>
<b>185.</b>	(j) 'mobile app for mobile devices' means a software application designed to run on mobile devices such as smartphones and tablet computers;		(j) 'mobile app for mobile devices' means a software application designed to run on mobile devices such as smartphones and tablet computers;	<u>Agreed text</u> (j) 'mobile app for mobile devices' means a software application designed to run on mobile devices such as smartphones and tablet computers;
<b>186.</b>		<b>Amendment 49</b> <b>Article 3(1)(k)</b>		
<b>187.</b>	(k) 'hit' means the existence of a correspondence established by	(k) 'hit' means the existence of a correspondence established by	(k) 'hit' means the existence of a correspondence established by	<u>Provisionally agreed</u> (k) 'hit' means the existence of

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	comparing the personal data recorded in an application file of the ETIAS Central System with the personal data stored in a record, file or alert registered in an information system queried by the ETIAS Central System, in the ETIAS watchlist or with the specific risk indicators referred to in Article 28;	comparing the personal data recorded in an application file of the ETIAS Central System with the personal data stored in a record, file or alert registered in <i>the ETIAS Central System, in a database or in</i> an information system queried by the ETIAS Central System, in the ETIAS watchlist <i>referred to in Article 29</i> or with the specific risk indicators referred to in Article 28;	comparing the personal data recorded in an application file of the ETIAS Central System with the personal data stored in a record, file or alert registered in an information system queried by the ETIAS Central System, in the ETIAS watchlist or with the specific risk indicators referred to in Article 28;	a correspondence established by comparing the personal data recorded in an application file of the ETIAS Central System with the personal data stored in a record, file or alert registered <b>in the ETIAS Central System, in an EU or Interpol database</b> or in an information system queried by the ETIAS Central System, in the ETIAS watchlist or with the specific risk indicators referred to in Article 28;
<b>188.</b>		<b>Amendment 50 Article 1(3)(1)</b>		
<b>189.</b>	(l) 'terrorist offences' mean the offences which correspond or are equivalent to those referred to in Articles 1 to 4 of Framework Decision 2002/475/JHA;	(l) 'terrorist offences' mean the offences which correspond or are equivalent to those referred to in <i>Directive (EU) 2017/541</i> ;	(l) 'terrorist offences' mean the offences which correspond or are equivalent to those referred to in <u>Articles 1 to 4 of Directive (EU) 2017/541</u> <del>Framework Decision 2002/475/JHA</del> ;	<u>Provisionally agreed</u> (l) 'terrorist offences' mean the offences which correspond or are equivalent to those referred to in Directive (EU) 2017/541;
<b>190.</b>	(m) 'serious criminal offences' means the offences which correspond or are equivalent to those referred to in Article 2(2) of Framework Decision 2002/584/JHA, if they are punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years;		(m) 'serious criminal offences' means the offences which correspond or are equivalent to those referred to in Article 2(2) of Framework Decision 2002/584/JHA, if they are punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years;	<u>Agreed text</u> (m) 'serious criminal offences' means the offences which correspond or are equivalent to those referred to in Article 2(2) of Framework Decision 2002/584/JHA, if they are punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years;

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
191.		<b>Amendment 51</b> <b>Article 3(3)(n)</b>		
192.	(n) 'Europol data' means personal data provided to Europol for the purpose referred to in Article 18(2)(a) of Regulation (EU) 2016/794.	(n) 'Europol data' means personal data <i>processed by</i> Europol for the purpose referred to in Article 18(2)(a) of Regulation (EU) 2016/794;	(n) 'Europol data' means personal data provided to Europol for the purpose referred to in Article 18(2)(a) of Regulation (EU) 2016/794;	<u>Provisionally agreed</u> (n) 'Europol data' means personal data <del>provided to</del> <b>processed by</b> Europol for the purpose referred to in Article 18(2)(a) of Regulation (EU) 2016/794;
193.		<b>Amendment 51</b> <b>Article 3(1)(na) (new)</b>		
194.		<i>(na) 'electronically signed' means the confirmation of signature through the ticking of a box in the application form.</i>		<u>Provisionally agreed</u> (na) 'electronically signed' means the confirmation of signature through the ticking of <b>an appropriate</b> box in the application form <b>or the request for consent.</b>
195.			<u>(o) 'minor' means a third country national or a stateless person below the age of 18 years;</u>	<u>Provisionally agreed</u> (o) 'minor' means a third country national or a stateless person below the age of 18 years;
196.			<u>(p) 'consulate' means a Member State's diplomatic mission or a Member State's consular post authorised to issue visas and headed by a career consular officer as defined by the Vienna Convention on Consular Relations of 24 April 1963;</u>	<u>Provisionally agreed</u> (p) 'consulate' means a Member State's diplomatic mission or a Member State's consular post authorised to issue visas and headed by a career consular officer as defined by the Vienna Convention on Consular Relations of 24 April 1963;
197.			<u>(q) 'designated authorities' means authorities which are</u>	<u>Provisionally agreed (idem Article 3(1)(26) EES):</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>responsible for the prevention, detection or investigation of terrorist offences or of other serious criminal offences and designated by Member States pursuant to Article 43;</u>	'designated authorities' means <b>an authority designated by a Member State pursuant to Article 43 as</b> <del>which are</del> responsible for the prevention, detection or investigation of terrorist offences or of other serious criminal offences <del>and designated by Member States pursuant to Article 43;</del>
198.			<u>(r) 'immigration authorities' mean the competent authorities assigned, in accordance with national law, to:</u>	<u>Provisionally agreed:</u> 'immigration authority' means the competent authority <del>assigned</del> <b>responsible</b> , in accordance with national law, <b>for one or more of the following:</b>
199.			<u>(a) check within the territory of the Member States whether the conditions for entry to or of authorised stay in the territory of the Member States are fulfilled and/or;</u>	(a) checking within the territory of the Member States whether the conditions for entry to, or stay on, the territory of the Member States are fulfilled;
200.			<u>(b) examine the conditions and take decisions related to the residence of third country nationals on the territory of the Member States and where relevant provide advice in accordance with Regulation (EU) 377/2004 and/or;</u>	(b) examining the conditions for, and taking decisions related to, the residence of third-country nationals on the territory of the Member States <b>insofar as that authority does not constitute a 'determining authority' as defined in point (f) of Article 2 of Directive 2013/32/EU of the</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
				<b>European Parliament and of the Council<sup>84</sup></b> , and, where relevant, providing advice in accordance with Council Regulation (EC) No 377/2004 <sup>85</sup> <u>and/or</u> ;
<b>201.</b>			<u>(c) facilitate the return of third country nationals to a third country of origin or transit.</u>	(c) <del>facilitate</del> the return of third-country nationals to a third country of origin or transit;
<b>202.</b>	2. The definitions set out in Article 2 of Regulation (EC) 45/2001 shall apply in so far as personal data are processed by the European Border and Coast Guard Agency and eu-LISA.		2. The definitions set out in Article 2 of Regulation (EC) 45/2001 shall apply in so far as personal data are processed by the European Border and Coast Guard Agency and eu-LISA.	<u>Provisionally agreed</u> 2. The <del>definitions set out terms defined</del> in Article 2 of Regulation (EC) 45/2001 shall apply in so far as personal data are processed by the European Border and Coast Guard Agency and eu-LISA.
<b>203.</b>		<b>Amendment 53 Article 3(3)</b>		
<b>204.</b>	3. The definitions set out in Article 4 of [Regulation (EU) 2016/679] shall apply in so far as personal data are processed by the authorities of Member States.	3. The definitions set out in Article 4 of Regulation (EU) 2016/679 shall apply in so far as personal data are processed by the authorities of Member States.	3. The definitions set out in Article 4 of [Regulation (EU) 2016/679] shall apply in so far as personal data are processed by the authorities of Member States.	<u>Provisionally agreed (idem Article 3(2) EES)</u> 3. The <del>definitions set out terms defined</del> in Article 4 of {Regulation (EU) 2016/679} shall apply in so far as personal data are processed by the authorities of Member States <b>for the purposes</b>

<sup>84</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60).

<sup>85</sup> Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network (OJ L 64, 2.3.2004, p. 1).



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b>laid down in Article 4 (a) to (e) of this Regulation.</b>
<b>205.</b>		<b>Amendment 54</b> <b>Article 3(4)</b>		
<b>206.</b>	4. The definitions set out in Article 3 of [Directive (EU) 2016/680] shall apply in so far as personal data are processed by the authorities of the Member States for law enforcement purposes.	4. The definitions set out in Article 3 of Directive (EU) 2016/680 shall apply in so far as personal data are processed by the authorities of the Member States for law enforcement purposes.	4. The definitions set out in Article 3 of [Directive (EU) 2016/680] shall apply in so far as personal data are processed by the authorities of the Member States for <del>law enforcement</del> <u>the purposes of prevention, detection or investigation of terrorist offences or of other serious criminal offences.</u>	<u>Provisionally agreed (idem Article 3(3) EES)</u> 4. <del>The definitions set out</del> <b>terms defined</b> in Article 3 of [Directive (EU) 2016/680] shall <b>apply have the same meaning in this Regulation</b> in so far as personal data are processed by the authorities of the Member States for the purposes <b>laid down in Article 4 (f) of this Regulation</b> <del>of prevention, detection or investigation of terrorist offences or of other serious criminal offences.</del>
<b>207.</b>	<i>Article 4</i> <i>Objectives of the ETIAS</i>		<i>Article 4</i> <i>Objectives of the ETIAS</i>	<i>Article 4</i> <i>Objectives of the ETIAS</i>
<b>208.</b>	By supporting the competent authorities of the Member States, the ETIAS will:		By supporting the competent authorities of the Member States, the ETIAS <u>shall</u> <del>will</del> :	<u>Provisionnally agreed</u> By supporting the competent authorities of the Member States, the ETIAS shall:
<b>209.</b>		<b>Amendment 55</b> <b>Article 4(1)(a)</b>		
<b>210.</b>	(a) contribute to a high level of security by providing for a thorough security risk assessment of applicants, prior to their arrival at the external borders crossing	(a) contribute to a high level of security by providing for a thorough security risk assessment of applicants, prior to their arrival at the external borders crossing	(a) contribute to a high level of security by providing for a thorough security risk assessment of applicants, prior to their arrival at the external borders crossing	<u>Provisionally agreed</u> (a) contribute to a high level of security by providing for a thorough security risk assessment of applicants, prior to their arrival

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	points, in order to determine whether there are factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses a security risk;	points, in order to determine whether there are <b>reasonable grounds based on</b> factual indications to conclude that the presence of the person on the territory of the Member States poses a <b>threat to</b> security;	points, in order to determine whether there are factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses a security risk;	at the external borders crossing points, in order to determine whether there are factual indications or reasonable grounds <b>based on factual indications</b> to conclude that the presence of the person on the territory of the Member States poses a security risk/ <b>a threat to security</b> ",  <i>depending on horizontal agreement on language used;</i>
211.	(b) contribute to the prevention of irregular migration by providing for an irregular migration risk assessment of applicants prior to their arrival at the external borders crossing points;		(b) contribute to the prevention of <del>irregular</del> <b>illegal</b> immigration by providing for an <del>irregular</del> <b>illegal</b> immigration risk assessment of applicants prior to their arrival at the external borders crossing points;	<b>Terminology issue</b>
212.		<b>Amendment 56</b> <b>Article 4(1)(a)</b>		
213.	(c) contribute to the protection of public health by providing for an assessment of whether the applicant poses a public health risk within the meaning of Article 3(1)(e) prior to their arrival at the external borders crossing points;	(c) contribute to the protection of public health by providing for an assessment of whether the applicant poses a <b>a high epidemic</b> risk prior to their arrival at the external borders crossing points;	(c) contribute to the protection of public health by providing for an assessment of whether the applicant poses a public health risk within the meaning of Article 3(1)(e) prior to their arrival at the external borders crossing points;	<b>Terminology issue</b>
214.	(d) enhance the effectiveness of border checks;		(d) enhance the effectiveness of border checks;	<u>Agreed text</u> (d) enhance the effectiveness of border checks;
215.		<b>Amendment 57</b>		

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<b>Article 4(1)(e)</b>		
<b>216.</b>	(e) support the objectives of the Schengen Information System (SIS) related to the alerts in respect of persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks or specific checks;	(e) support the objectives of the Schengen Information System (SIS) related to the alerts in respect of <b>third country nationals subject to an entry ban</b> , persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks, specific <b>checks or [inquiry checks]</b> ;	(e) support the objectives of the Schengen Information System (SIS) related to the alerts in respect of persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks [ <b>inquiry checks</b> ] or specific checks;	<u>Provisionnally agreed</u> (e) support the objectives of the Schengen Information System (SIS) related to the alerts in respect of <b>third country nationals subject to a refusal of entry</b> , persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks [ <b>inquiry checks</b> ] or specific checks;
<b>217.</b>	(f) contribute to the prevention, detection and investigation of terrorist offences or of other serious criminal offences.		(f) contribute to the prevention, detection and investigation of terrorist offences or of other serious criminal offences.	<u>Agreed text</u> (f) contribute to the prevention, detection and investigation of terrorist offences or of other serious criminal offences.
<b>218.</b>	<i>Article 5 General structure of ETIAS</i>		<i>Article 5 General structure of ETIAS</i>	<i>Article 5 General structure of ETIAS</i>
<b>219.</b>	The ETIAS consists of:		The ETIAS consists of:	<u>Agreed text</u> The ETIAS consists of:
<b>220.</b>	(a) the ETIAS Information System as referred to in Article 6;		(a) the ETIAS Information System as referred to in Article 6;	<u>Agreed text</u> (a) the ETIAS Information System as referred to in Article 6;
<b>221.</b>	(b) the ETIAS Central Unit as referred to in Article 7;		(b) the ETIAS Central Unit as referred to in Article 7;	<u>Agreed text</u> (b) the ETIAS Central Unit as referred to in Article 7;
<b>222.</b>	(c) the ETIAS National Units as referred to in Article 8.		(c) the ETIAS National Units as referred to in Article 8.	<u>Agreed text</u> (c) the ETIAS National Units as referred to in Article 8.
<b>223.</b>	<i>Article 6</i>		<i>Article 6</i>	<i>Article 6</i>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	<i>Set up and technical architecture of the ETIAS Information System</i>		<i>Set up and technical architecture of the ETIAS Information System</i>	<i>Set up and technical architecture of the ETIAS Information System</i>
<b>224.</b>	1. The Agency for the operational management of large-scale information systems in the area of freedom, security and justice ('eu-LISA') shall develop the ETIAS Information System and ensure its technical management.		1. The Agency for the operational management of large-scale information systems in the area of freedom, security and justice ('eu-LISA') shall develop the ETIAS Information System and ensure its technical management.	<u>Agreed text</u> 1. The Agency for the operational management of large-scale information systems in the area of freedom, security and justice ('eu-LISA') shall develop the ETIAS Information System and ensure its technical management.
<b>225.</b>	2. The ETIAS Information System shall be composed of:		2. The ETIAS Information System shall be composed of:	<u>Agreed text</u> 2. The ETIAS Information System shall be composed of:
<b>226.</b>	(a) a Central System;		(a) a Central System;	<u>Agreed text</u> (a) a Central System;
<b>227.</b>		<b>Amendment 58 Article (6)(2)(b)</b>		
<b>228.</b>	(b) a National Uniform Interface (NUI) in each Member State based on common technical specifications and identical for all Member States enabling the Central System to connect to the national border infrastructures in Member States;	(b) a National Uniform Interface (NUI) in each Member State based on common technical specifications and identical for all Member States enabling the Central System to connect to the national border infrastructures in Member States <i>in a secure manner</i> ;	(b) a National Uniform Interface (NUI) in each Member State based on common technical specifications and identical for all Member States enabling the Central System to connect to the national <del>border</del> infrastructures in Member States;	<u>Provisionnally agreed</u> (b) a National Uniform Interface (NUI) in each Member State based on common technical specifications and identical for all Member States enabling the Central System to connect to the national <b>border infrastructures and the central access points</b> in Member States <b>in a secure manner</b> ;
<b>229.</b>		<b>Amendment 59 Article (6)(2)(c)</b>		
<b>230.</b>	(c) a secure Communication Infrastructure between the Central	(c) a Communication Infrastructure between the Central	(c) a secure Communication Infrastructure between the Central	<u>Provisionnally agreed</u> c) a <del>secure</del> Communication

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	System and the National Uniform Interfaces;	System and the National Uniform Interfaces <i>which shall be secure and encrypted</i> ;	System and the National Uniform Interfaces;	Infrastructure between the Central System and the National Uniform Interfaces <b>which shall be secure and encrypted</b> ;
<b>231.</b>	(d) a secure Communication Infrastructure between the ETIAS Central System and <i>the</i> information systems referred to in Article 10;		(d) a secure Communication Infrastructure between the ETIAS Central System and the information systems referred to in Article 10;	<u>Agreed text</u> (d) a secure Communication Infrastructure between the ETIAS Central System and the information systems referred to in Article 10;
<b>232.</b>	(e) a public website and a mobile app for mobile devices;		(e) a public website and a mobile app for mobile devices;	<u>Agreed text</u> (e) a public website and a mobile app for mobile devices;
<b>233.</b>		<b>Amendment 60 Article 6(2)(ea)(new)</b>		
<b>234.</b>		<i>(ea) the central repository referred to in Article 73(2)</i> ;		<u>Provisionally agreed</u> EP amendment covered by Article 6(2)(k)
<b>235.</b>	(f) an email service;		(f) an email service;	
<b>236.</b>	(g) a secure account service enabling applicants to provide additional information and/or documentation, if necessary;		(g) a secure account service enabling applicants to provide additional information and/or documentation, if necessary;	<u>Agreed text</u> (g) a secure account service enabling applicants to provide additional information and/or documentation, if necessary;
<b>237.</b>		<b>Amendment 60 Article 6(2)(ea)(new)</b>		
<b>238.</b>		<i>(ga) a verification tool for applicants to track the progress of their applications and to check the period of validity and status of their travel authorisations</i> ;		<u>Provisionally agreed</u> <b>(ga) a verification tool for applicants</b> ;

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>239.</b>	(h) a carrier gateway;		(h) a carrier gateway;	<u>Agreed text</u> (h) a carrier gateway;
<b>240.</b>	(i) a web service enabling communication between the Central System, on the one hand and the public website, the mobile app, the email service, the secured account service, the carrier gateway, the payment intermediary and the international systems (Interpol systems/databases), on the other hand;		(i) a <u>secure</u> web service enabling communication between the Central System, on the one hand and the public website, the mobile app, the email service, the secured account service, the carrier gateway, the payment intermediary and the international systems (Interpol systems/databases), on the other hand;	<b>Presidency compromise proposal</b> (i) a secure web service enabling communication between the Central System, on the one hand and the public website, the mobile app, the email service, the secured account service, <b>a verification tool for applicants</b> , the carrier gateway, the payment intermediary and the international systems (Interpol systems/databases), on the other hand;
<b>241.</b>	(j) a software enabling the ETIAS Central Unit and the ETIAS National Units to process the applications;		(j) a software enabling the ETIAS Central Unit and the ETIAS National Units to process the applications <u>and to manage the consultations with other ETIAS National Units referred to in Article 24 and with Europol referred to in Article 25;</u>	<u>Provisionally agreed</u> (j) a software enabling the ETIAS Central Unit and the ETIAS National Units to process the applications and to manage the consultations with other ETIAS National Units referred to in Article 24 and with Europol referred to in Article 25;
<b>242.</b>			(k) <u>a central repository of data for the purposes of reporting and statistics.</u>	<u>Provisionally agreed</u> (k) a central repository of data for the purposes of reporting and statistics.
<b>243.</b>		<b>Amendment 62 Article 6(3)</b>		
<b>244.</b>	3. [The Central System, the National Uniform Interfaces, the web service, the carrier gateway	3. The Central System, the National Uniform Interfaces, the web service, the carrier gateway	3. [The Central System, the National Uniform Interfaces, the web service, the carrier gateway	<u>Provisionally agreed</u> 3. {The Central System, the National Uniform Interfaces, the

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	and the Communication Infrastructure of the ETIAS shall share and re-use as much as technically possible the hardware and software components of respectively the EES Central System, the EES National Uniform Interfaces, the EES web service, the EES carrier gateway and the EES Communication Infrastructure.]	and the Communication Infrastructure of the ETIAS shall share and re-use as much as technically possible the hardware and software components of respectively the EES Central System, the EES National Uniform Interfaces, the EES web service, the EES carrier gateway and the EES Communication Infrastructure. <b><i>Without prejudice to Article 10, logical separation of ETIAS data and EES data shall be ensured.</i></b>	and the Communication Infrastructure of the ETIAS shall share and re-use as much as technically possible the hardware and software components of respectively the EES Central System, the EES National Uniform Interfaces, the EES web service, the EES carrier gateway and the EES Communication Infrastructure.]	web service, the carrier gateway and the Communication Infrastructure of the ETIAS shall share and re-use as much as technically possible the hardware and software components of respectively the EES Central System, the EES National Uniform Interfaces, the EES web service, the EES carrier gateway and the EES Communication Infrastructure.}
<b>245.</b>		<b>Amendment 63</b> <b><i>Article 6(3a)(new)</i></b>		
<b>246.</b>		<b>3a. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 in order to define the requirements of the secure account service referred to in paragraph 2(g).</b>		<u>Provisionnally agreed</u> <b>3a. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 in order to define the requirements of the secure account service referred to in paragraph 2(g).</b>
<b>247.</b>	<b>Article 7</b> <b><i>Set up of the ETIAS Central Unit</i></b>		<b>Article 7</b> <b><i>Set up of the ETIAS Central Unit</i></b>	<b>Article 7</b> <b><i>Set up of the ETIAS Central Unit</i></b>
<b>248.</b>	1. An ETIAS Central Unit is hereby established within the European Border and Coast Guard Agency.		1. An ETIAS Central Unit is hereby established within the European Border and Coast Guard Agency.	<u>Agreed text</u> 1. An ETIAS Central Unit is hereby established within the European Border and Coast Guard Agency.
<b>249.</b>	2. The ETIAS Central Unit working in 24/7 regime shall be in		2. The ETIAS Central Unit working in 24/7 regime shall be in	<u>Agreed text</u> 2. The ETIAS Central Unit

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	charge of:		charge of:	working in 24/7 regime shall be in charge of:
250.		<b>Amendment 64</b> <b>Article 7(2)(a)</b>		Possible order of provisions in this paragraph: (a) = 256, (b)=251, (c) =254, (d)=253 Order has been reshuffled
251.	(a) ensuring that the data stored in the applications files and in the ETIAS Central System is correct and up to date;	Deleted	(a) <del>ensuring that the data stored in the applications files and in the ETIAS Central System is correct</del> <u>determining the verification parameters for ensuring that the application is complete and that the data provided is coherent and</u>	<u>Provisionally agreed</u> <del>(b)</del> <b>(a) in accordance with Article 20</b> , verifying, in cases where the automated application process has reported a hit, whether the applicant personal data corresponds to the personal data of the person having triggered that hit <b>in the ETIAS Central System</b> , in one of the consulted information systems/databases or the specific risk indicators referred to in Article 28, and where confirmed or where doubts remain, launching the manual processing of the application, as referred to in Article 22;
252.		<b>Amendment 65</b> <b>Article 7(2)(aa)(new)</b>		
253.		<i>(aa) defining, implementing, evaluating and revising the specific risk indicators as referred to in Article 28 after consultation of the ETIAS Screening Board;</i>		<u>Provisionally agreed</u> <del>(aa)</del> <b>(b)</b> ensuring that the data they enter in the applications files is up to date in accordance with the relevant provisions of Articles 48 and 54;



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
254.			(aa) <u>ensuring that the data they enter in the applications files is up to date in accordance with the relevant provisions of Articles 48 and 54;</u>	Provisionally agreed <del>(aa)</del> (c) <u>defining, testing assessing, implementing, evaluating and revising the specific risk indicators as referred to in Article 28 after consultation of the ETIAS Screening Board;</u>
255.		<b>Amendment 66</b> <b>Article 7(2)(b)</b>		
256.	(b) verifying travel authorisations' applications rejected from the automated process in order to determine whether the applicant personal data corresponds to the personal data of the person having triggered a hit in one of the consulted information systems/databases or the specific risk indicators referred to in Article 28;	(b) <i>in accordance with Article 20</i> verifying travel <i>authorisation</i> applications <i>that have triggered one or more hits during</i> the automated process in order to determine whether the applicant personal data corresponds to the personal data of the person having triggered a hit in <i>the ETIAS Central System</i> , one of the consulted information systems/databases, the specific risk indicators referred to in Article 28 <i>or the ETIAS watchlist referred to in Article 29, and if necessary initiating the manual processing further to Article 22;</i>	(b) verifying, in cases where <u>the automated application process has reported a hit, travel authorisations applications rejected from the automated process in order to determine</u> whether the applicant personal data corresponds to the personal data of the person having triggered a <u>that</u> hit in one of the consulted information systems/databases or the specific risk indicators referred to in Article 28, <u>and where confirmed or where doubts remain, launching the manual processing of the application, as referred to in Article 22;</u>	Provisionally agreed <del>(a)</del> (d) <b>ensuring that the verifications performed in accordance with point (b) (a) and the corresponding results are recorded</b> <del>the data stored in the application files</del> <b>and in the ETIAS Central System</b> <del>determining the verification parameters for ensuring that the application is complete and that the data provided is coherent;</del>
257.		<b>Amendment 67</b> <b>Article 7(2)(ba)(new)</b>		
258.		(ba) <i>recording the checks performed in accordance with</i>		Provisionally agreed: Deleted

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
		<i>point (b) in the ETIAS Central System;</i>		(see row 251)
<b>259.</b>		<b>Amendment 68 Article 7(2)(c)</b>		
<b>260.</b>	(c) defining, testing, implementing, evaluating and revising the specific risk indicators as referred to in Article 28 after consultation of the ETIAS Screening Board;	Deleted	(c) defining, testing, implementing, evaluating and revising the specific risk indicators as referred to in Article 28 after consultation of the ETIAS Screening Board;	<u>Provisionally agreed (moved in row 253)</u> <del>(c) — defining, testing, implementing, evaluating and revising the specific risk indicators as referred to in Article 28 after consultation of the ETIAS Screening Board;</del>
<b>261.</b>		<b>Amendment 69 Article 7(2)(d)</b>		
<b>262.</b>	(d) carrying out regular audits on the processing of applications and on the implementation of the provisions of Article 28 including regularly assessing their impact on fundamental rights, in particular with regard to privacy and personal data protection.	Deleted	(d) carrying out regular audits on the processing of applications and on the implementation of the provisions of Article 28 including regularly assessing their impact on fundamental rights, in particular with regard to privacy and personal data protection.	<u>Provisionally agreed:</u> (d) carrying out regular audits on the processing of applications and on the implementation of the provisions of Article 28 including regularly assessing their impact on fundamental rights, in particular with regard to privacy and personal data protection.
<b>263.</b>		<b>Amendment 70 Article 7(2)(da)(new)</b>		
<b>264.</b>		<i>(da) indicating the Member State responsible for the manual processing of applications as referred to in Article 22(1a);</i>		<u>Provisionally agreed</u> <b>(da) indicating, where necessary, the Member State responsible for the manual processing of applications as</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				referred to in Article 21a(2);
265.		<b>Amendment 71</b> <b>Article 7(2)(db)(new)</b>		
266.		<i>(db) where appropriate facilitating the consultations between Member States as referred to in Article 24 and between the responsible Member State and Europol as referred to in Article 25;</i>		<u>Provisionally agreed</u> <b>(db) where appropriate facilitating the consultations between Member States as referred to in Article 24 and between the responsible Member State and Europol as referred to in Article 25;</b>
267.		<b>Amendment 72</b> <b>Article 7(2)(dc)(new)</b>		
268.		<i>(dc) notifying carriers in case of a failure of the ETIAS Information System as referred to in Article 40(1);</i>		<u>Provisionally agreed</u> <b>(dc) notifying carriers in case of a failure of the ETIAS Information System as referred to in Article 40(1);</b>
269.		<b>Amendment 73</b> <b>Article 7(2)(dd)(new)</b>		
270.		<i>(dd) notifying the Member States' authorities competent for carrying out border checks at external border crossing points of a failure of the ETIAS Information System as referred to in Article 42(1);</i>		<u>Provisionally agreed</u> <b>(dd) notifying the ETIAS National Units of the Member States of a failure of the ETIAS Information System as referred to in Article 42(1);</b>
271.		<b>Amendment 74</b> <b>Article 7(2)(de)(new)</b>		
272.		<i>(de) processing requests for</i>		<u>Provisionally agreed</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>consultation of data in the ETIAS Central System by Europol as referred to in Article 46;</i>		<b>(de) processing requests for consultation of data in the ETIAS Central System by Europol as referred to in Article 46;</b>
273.		<b>Amendment 75</b> <b>Article 7(2)(df)(new)</b>		
274.		<i>(df) providing the general public with all relevant information in relation to the application for a travel authorisation as referred to in Article 61;</i>		<u>Provisionally agreed</u> <b>(df) providing the general public with all relevant information in relation to the application for a travel authorisation as referred to in Article 61;</b>
275.		<b>Amendment 76</b> <b>Article 7(2)(dg)(new)</b>		
276.		<i>(dg) cooperating with the Commission as regards the information campaign referred to in Article 62;</i>		<u>Provisionally agreed</u> <b>(dg) cooperating with the Commission as regards the information campaign referred to in Article 62;</b>
277.		<b>Amendment 77</b> <b>Article 7(2)(dh)(new)</b>		
278.		<i>(dh) acting as a helpdesk providing support to travellers in case of problems encountered during the application process.</i>		<u>Provisionally agreed</u> <b>(dh) providing support <del>by email</del> <u>in writing</u> to travellers having encountered problems when filling in the application form and having requested assistance through a standard contact form as well as maintaining a list of frequent questions and answers</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b>available online;</b>
279.		<b>Amendment 78</b> <b>Article 7(2a)(new)</b>		<u>Provisionally agreed</u>
280.		<i>2a. The ETIAS Central Unit shall publish an annual activity report. That report shall include:</i>		<b>2a. The ETIAS Central Unit shall publish an annual activity report. That report shall include:</b>
281.		<i>(a) statistics on:</i>		<b>(a) statistics on:</b>
282.		<i>(i) the number of travel authorisations issued automatically by the ETIAS Central System;</i>		<b>(i) the number of travel authorisations issued automatically by the ETIAS Central System;</b>
283.		<i>(ii) the number of applications verified by the Central Unit;</i>		<b>(ii) the number of applications verified by the Central Unit;</b>
284.		<i>(iii) the number of applications processed manually per Member State;</i>		<b>(iii) the number of applications processed manually per Member State;</b>
285.		<i>(iv) the number of applications that were rejected by country and the reason for the rejection;</i>		<b>(iv) the number of applications that were rejected by country and the reason for the rejection;</b>
286.		<i>(v) the extent to which the deadlines referred to in Articles 20(6), 23, 26 and 27 have been met.</i>		<b>(v) the extent to which the deadlines referred to in Articles 20(6), 23, 26 and 27 have been met.</b>
287.		<i>(b) general information on the functioning of the ETIAS Central Unit, its activities as referred to in this Article and information on</i>		<b>(b) general information on the functioning of the ETIAS Central Unit, its activities as referred to in this Article and</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
		<i>current trends and challenges affecting the conduct of its tasks.</i>		<b>information on current trends and challenges affecting the conduct of its tasks.</b>
<b>288.</b>		<i>The annual activity report shall be transmitted to the European Parliament, the Council and the Commission by 31 March of the following year at the latest.</i>		<b>The annual activity report shall be transmitted to the European Parliament, the Council and the Commission by 31 March of the following year at the latest.</b>
<b>289.</b>	<i>Article 8 Set up of the ETIAS National Units</i>		<i>Article 8 Set up of the ETIAS National Units</i>	<i>Article 8 Set up of the ETIAS National Units</i>
<b>290.</b>	1. Each Member State shall designate a competent authority as the ETIAS National Unit.		1. Each Member State shall designate a competent authority as the ETIAS National Unit.	<u>Agreed text</u> 1. Each Member State shall designate a competent authority as the ETIAS National Unit.
<b>291.</b>	2. The ETIAS National Units shall be responsible for:		2. The ETIAS National Units shall be responsible for:	<u>Agreed text</u> 2. The ETIAS National Units shall be responsible for:
<b>292.</b>		<b>Amendment 79 Article 8(2)(a)</b>		<b>Suggested order of points (as in Article 7): 294, 293</b> <b>Order has been reshuffled</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>293.</b>	(a) ensuring that the data stored in the applications files and in the ETIAS Central System is correct and up to date;	Deleted	(a) ensuring that <u>the data they enter in the application files is correctly filled in and that the data stored in the applications files and in the ETIAS Central System is correct and up to date in accordance with the relevant provisions of Articles 48 and 54;</u>	<u>Provisionally agreed</u> <del>(b)</del> <b>(a)</b> examining and deciding on applications for travel authorisation where the automated application process reported a hit, and the manual processing of the application has been launched by the ETIAS Central Unit;
<b>294.</b>	(b) examining and deciding on travel authorisations' applications rejected by the automated application process, and carrying out the manual risk assessment referred to in Article 22;		(b) examining and deciding on <del>travel authorisations'</del> applications for travel authorisation where <del>rejected by the automated application process</del> <u>reported a hit, and the manual processing of the application has been launched by the ETIAS Central Unit and carrying out the manual risk assessment referred to in Article 22;</u>	<u>Provisionally agreed</u> <del>(a)</del> <b>(b)</b> ensuring that <del>the data they enter in the application files is correctly filled in and that</del> <b>the tasks performed in accordance with point (b) and the corresponding results are recorded</b> <del>the data stored in the application files and in the ETIAS Central System is up to date in accordance with the relevant provisions of Articles 48 and 54;</del>  <u>Provisionally agreed</u> <del>(aa)</del> <b>(c)</b> ensuring that <b>the data they enter in the applications files is up to date in accordance with the relevant provisions of Articles</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b>48 and 54;</b>
295.		<b>Amendment 80</b> <b>Article 8(2)(ba)(new)</b>		
296.		<i>(ba) recording the checks performed in accordance with point (b) in the ETIAS Central System;</i>		<u>Provisionally agreed</u> Deleted  (see row 293)
297.			<u>(ba) deciding to issue travel authorisation with limited territorial validity as referred to in Article 38;</u>	<u>Provisionally agreed</u> (ba) deciding to issue travel authorisation with limited territorial validity as referred to in Article 38;
298.	(c) ensuring coordination between ETIAS National Units and Europol concerning the consultation requests referred to in Articles 24 and 25;		(c) ensuring coordination <del>between</del> <u>with other</u> ETIAS National Units and Europol concerning the consultation requests referred to in Articles 24 and 25;	<u>Provisionally agreed</u> (c) ensuring coordination with other ETIAS National Units and Europol concerning the consultation requests referred to in Articles 24 and 25;
299.		<b>Amendment 81</b> <b>Article 8(2)(d)</b>		
300.	(d) providing applicants with information regarding the procedure to be followed in the event of an appeal in accordance with Article 31(2);	(d) providing applicants with information regarding the <i>remedy</i> procedure to be followed in accordance with Article 31(2);	(d) providing applicants with information regarding the procedure to be followed in the event of an appeal in accordance with Article 31(2);	<u>Provisionally agreed</u> (d) providing applicants with information regarding the procedure to be followed in the event of an appeal in accordance with Article 31(2);
301.		<b>Amendment 82</b> <b>Article 8(2)(da)(new)</b>		
302.		<i>(da) annulling and revoking a travel authorisation pursuant to Articles 34 and 35.</i>		[Included in row 305]
303.		<b>Amendment 83</b>		



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<b>Article 8(2)(e)</b>		
<b>304.</b>	(e) acting as central access point for the consultation of the ETIAS Central System for the purpose laid down in Article 1(2) and in accordance with Article 44.	Deleted	<del>(e) acting as central access point for the consultation of the ETIAS Central System for the purpose laid down in Article 1(2) and in accordance with Article 44;</del>	<u>Agreed text</u> [deletion of COM text]
<b>305.</b>			<u>(f) annulling and revoking a travel authorisation, as referred to in Articles 34 and 35.</u>	<u>Agreed text</u> [idem as row 302] (f) annulling and revoking a travel authorisation, as referred to in Articles 34 and 35.
<b>306.</b>	3. Member States shall provide the ETIAS National Units with adequate resources for them to fulfil their tasks in 24/7 regime		3. Member States shall provide the ETIAS National Units with adequate resources for them to fulfil their tasks in <u>accordance with the deadlines set out in this Regulation</u> 24/7 regime.	<u>Provisionally agreed</u> (does not prejudice the discussions on deadlines)  3. Member States shall provide the ETIAS National Units with adequate resources for them to fulfil their tasks in accordance with the deadlines set out in this Regulation.
<b>307.</b>	<i>Article 9</i> <i>The ETIAS Screening Board.</i>		<i>Article 9</i> <i>The ETIAS Screening Board</i>	<i>Article 9</i> <i>The ETIAS Screening Board</i>
<b>308.</b>	1. An ETIAS Screening Board with an advisory function is hereby established within the European Border and Coast Guard Agency. It shall be composed of a representative of each ETIAS National Unit and Europol.		1. An ETIAS Screening Board with an advisory function is hereby established within the European Border and Coast Guard Agency. It shall be composed of a representative of each ETIAS National Unit, <u>the European Border and Coast Guard Agency</u> and Europol.	<u>Provisionally agreed</u> 1. An ETIAS Screening Board with an advisory function is hereby established within the European Border and Coast Guard Agency. It shall be composed of a representative of each ETIAS National Unit, the European Border and Coast Guard Agency and

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				Europol.
309.	2. The ETIAS Screening Board shall be consulted on:		2. The ETIAS Screening Board shall be consulted on:	<u>Provisionally agreed</u> 2. The ETIAS Screening Board shall be consulted:
310.	(a) the definition, evaluation and revision of the specific risk indicators referred to in Article 28;		(a) <u>by the ETIAS Central Unit,</u> on the definition, evaluation and revision of the specific risk indicators referred to in Article 28;	<u>Provisionally agreed</u> (a) <u>by the ETIAS Central Unit,</u> on the definition, evaluation and revision of the specific risk indicators referred to in Article 28;
311.	(b) the implementation of the ETIAS watchlist referred to in Article 29.		(b) <u>by Europol, on</u> the implementation of the ETIAS watchlist referred to in Article 29.	(b) <u>by Europol, on</u> the implementation of the ETIAS watchlist referred to in Article 29.
312.	3. For the purpose referred to in paragraph 1, the ETIAS Screening Board shall issue opinions, guidelines, recommendations and best practices.		3. For the purpose referred to in paragraph <u>2</u> <del>4</del> , the ETIAS Screening Board shall issue opinions, guidelines, recommendations and best practices.	<u>Provisionally agreed</u> 3. For the purpose referred to in paragraph <u>2</u> <del>4</del> , the ETIAS Screening Board shall issue opinions, guidelines, recommendations and best practices. <b>When issuing recommendations, the ETIAS Screening Board shall take into consideration the recommendations issued by the <u>ETIAS Fundamental Rights Guidance Board.</u></b>
313.	4. The ETIAS Screening Board shall meet whenever necessary, and at least twice a year. The costs and servicing of its meetings shall be borne by the European Border and Coast Guard Agency.		4. The ETIAS Screening Board shall meet whenever necessary, and at least twice a year. The costs and servicing of its meetings shall be borne by the European Border and Coast Guard Agency.	<u>Agreed text</u> 4. The ETIAS Screening Board shall meet whenever necessary, and at least twice a year. The costs and servicing of its meetings shall be borne by the European Border and Coast Guard

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				Agency.
				Provisionally agreed <b>4bis. The ETIAS Screening Board may consult the ETIAS Fundamental Rights Guidance Board on specific issues related to fundamental rights, in particular with regard to privacy, personal data protection and non-discrimination.</b>
314.	5. The ETIAS Screening Board shall adopt rules of procedure at its first meeting by a simple majority of its members.		5. The ETIAS Screening Board shall adopt rules of procedure at its first meeting by a simple majority of its members.	Agreed text 5. The ETIAS Screening Board shall adopt rules of procedure at its first meeting by a simple majority of its members.
315.		<b>Amendment 84 Article 9a</b>		Provisionally agreed  <b>Article 9a</b>
316.		<i>The ETIAS Ethics Board</i>		<i>The ETIAS Fundamental Rights Guidance Board</i>
317.		<b>1. An independent ETIAS Ethics Board with an advisory and audit function is hereby established. It shall be composed of the Fundamental Rights Officer of the European Border and Coast Guard Agency, a representative of the consultative forum on fundamental rights of the</b>		1. An independent ETIAS Fundamental Rights Guidance Board with an advisory and <b>assessment appraisal</b> function is hereby established. Without prejudice to their respective competences and independence, it shall be composed of the Fundamental Rights Officer of the

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>European Border and Coast Guard Agency, a representative of the EDPS, a representative of the European Data Protection Board and a representative of the Fundamental Rights Agency.</i>		European Border and Coast Guard Agency, a representative of the consultative forum on fundamental rights of the European Border and Coast Guard Agency, a representative of the EDPS, a representative of the European Data Protection Board and a representative of the Fundamental Rights Agency.
318.		<i>2. The ETIAS Ethics Board shall carry out regular audits on the processing of applications and on the implementation of the provisions of Article 28, including regularly assessing their impact on fundamental rights, in particular with regard to privacy, personal data protection and non-discrimination.</i>		2. The ETIAS Fundamental Rights Guidance Board shall <del>carry out</del> <b>perform</b> regular <del>assessments</del> <b>appraisals</b> and issue recommendations to the ETIAS Screening Board on the impact of the processing of applications and of the implementation of the provisions of Article 28, on fundamental rights, in particular with regard to privacy, personal data protection and non-discrimination. The ETIAS Fundamental Rights Guidance Board shall <b>also</b> support the ETIAS Screening Board for the execution of its tasks <b>when consulted by the latter</b> on specific issues related to fundamental rights, in particular with regard to privacy, personal data protection and non-discrimination. The ETIAS Fundamental Rights

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				Guidance Board shall have access to the audits referred to in Article 7(2)(d).
319.		<i>3. The ETIAS Ethics Board shall meet whenever necessary, and at least twice a year. The costs and servicing of its meetings shall be borne by the European Border and Coast Guard Agency. The secretariat shall be provided by the European Border and Coast Guard Agency. The ETIAS Ethics Board shall adopt rules of procedure at its first meeting by a simple majority of its members.</i>		3. The ETIAS Fundamental Rights Guidance Board shall meet whenever necessary, and at least twice a year. The costs and servicing of its meetings shall be borne by the European Border and Coast Guard Agency. Its meetings shall take place in premises of the European Border and Coast Guard Agency. The secretariat of its <b>meetings</b> shall be provided by the European Border and Coast Guard Agency. The ETIAS Fundamental Rights Guidance Board shall adopt rules of procedure at its first meeting by a simple majority of its members.
320.		<i>4. The members of the ETIAS Ethics Board shall be invited to attend the meetings of the ETIAS Screening Board in an advisory function. They shall have access to all ETIAS-related information and premises.</i>		4. One representative of the ETIAS Fundamental Rights Guidance Board shall be invited to attend the meetings of the ETIAS Screening Board in an advisory function. The members of the ETIAS Fundamental Rights Guidance Board shall have access to the information and files of the ETIAS Screening Board.
321.		<i>5. The ETIAS Ethics Board shall publish an annual report, to be made publically available. It</i>		5. The ETIAS Fundamental Rights Guidance Board <del>ETIAS Ethics Board</del> shall publish an

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>shall also report in writing and orally at least annually to the European Parliament. Classification shall not preclude information being made available to the European Parliament. Where necessary, the provisions of Article 50 of Regulation (EU) 2016/1624 shall apply.</i>		annual report, to be made publically available.
322.	<i>Article 10 Interoperability with other information systems</i>		<i>Article 10 Interoperability with other <u>EU</u> information systems</i>	
323.		<b>Amendment 85 Article 10(1)</b>		
324.	Interoperability between the ETIAS Information System and other information systems consulted by ETIAS such as [the Entry/Exit System (EES)], the Visa Information System (VIS), the Europol data, the Schengen Information System (SIS), [the Eurodac] and [the European Criminal Records Information System (ECRIS)] shall be established to enable carrying out the risk assessment referred to in Article 18.	Interoperability between the ETIAS Information System and [the Entry/Exit System (EES)], the Visa Information System (VIS), the Europol data, the Schengen Information System (SIS), [the Eurodac] and [the European Criminal Records Information System (ECRIS)] shall be established <i>for the sole purpose of enabling the automated processing</i> referred to in Article 18.	Interoperability between the ETIAS Information System and other <u>EU</u> information systems <del>consulted by ETIAS such as [the Entry/Exit System (EES)], the Visa Information System (VIS), the Europol data, the Schengen Information System (SIS), [the Eurodac] and [the European Criminal Records Information System (ECRIS)]</del> shall be established <u>including to enable the verification</u> <del>carrying out the risk assessment</del> referred to in Article 18.	<b>Awaiting COM text proposals</b>
325.		<b>Amendment 86 Article 10(1a)(new)</b>		
326.		<i>Interoperability shall be established in full compliance with</i>		<u>Provisionally agreed - Has been added at the end of recital 48.</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>the Union acquis concerning fundamental rights.</i>		<b>(xx) Interoperability should be established in full compliance with the Union acquis concerning fundamental rights.</b>
327.		<b>Amendment 87 Article 10a (new)</b>		<b>Article 10a (new)</b>
328.		<b><i>Querying the Interpol databases</i></b>		<b>Querying the Interpol databases</b>
329.		<i>The ETIAS Central System shall verify the Interpol Stolen and Lost Travel Document database (SLTD) and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN).</i>		<u>Provisionally agreed</u> <b>The ETIAS Central System shall query the Interpol Stolen and Lost Travel Document database (SLTD) and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN).</b>
330.		<i>Two years after the start of operations of the ETIAS the Commission shall submit a report to the European Parliament and the Council on the verification of Interpol databases through ETIAS. This report shall include information on the number of hits against Interpol databases, the number of travel authorisations refused following such hits and information on any problems encountered, and as a consequence of this evaluation, if appropriate, it shall be accompanied by a legislative proposal amending this Regulation.</i>		<u>Presidency compromise proposal (included in Article 81 - row 1423)</u> <b>LIBE accepts the Presidency proposal</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>331.</b>	<i>Article 11 Access to data stored in the ETIAS</i>		<i>Article 11 Access to data stored in the ETIAS</i>	<i>Article 11 Access to data stored in the ETIAS</i>
<b>332.</b>	1. Access to the ETIAS Information System shall be reserved exclusively to duly authorised staff of the ETIAS Central Unit and of the ETIAS National Units.		1. Access to the ETIAS Information System shall be reserved exclusively to duly authorised staff of the ETIAS Central Unit and of the ETIAS National Units.	<u>Agreed text</u> 1. Access to the ETIAS Information System shall be reserved exclusively to duly authorised staff of the ETIAS Central Unit and of the ETIAS National Units.
<b>333.</b>		<b>Amendment 88 Article 11(2)</b>		
<b>334.</b>	2. Access by border guards to the ETIAS Central System in accordance with Article 41 shall be limited to searching the ETIAS Central System to obtain the travel authorisation status of a traveller present at an external border crossing point.	2. Access by border guards to the ETIAS Central System in accordance with Article 41 shall be limited to searching the ETIAS Central System to obtain the travel authorisation status of a traveller present at an external border crossing point. <b><i>In addition border guards shall be informed automatically of the flags referred to in Articles 22(4a), 30(1a) and (1b). Exceptionally, when an additional second line check is required at the border, the border guard may access the ETIAS Central System to obtain the additional information related to these flags referred to in Article 33(ea) and 38(5)(da).</i></b>	2. Access by border guards to the ETIAS Central System in accordance with Article 41 shall be limited to searching the ETIAS Central System to obtain the travel authorisation status of a traveller present at an external border crossing point, <u>and to certain data as referred to in Article 41(2).</u> <u>Where additional verifications are needed for the purpose of a thorough second line check, access to the ETIAS Central System by the border guards shall be extended to the data provided for in Article 41(3)(4).</u>	<u>To be further discussed</u> 2. Access by border guards to the ETIAS Central System in accordance with Article 41 shall be limited to searching the ETIAS Central System to obtain the travel authorisation status of a traveller present at an external border crossing point, <b>and, where applicable, to information referred to in Article 41(2)(a). In addition, border guards shall be informed automatically of the flags referred to in Articles 30(1a) and (1b), as well as the reasons referred to in Article 33(1)(ea).</b>  <b>Exceptionally, when, according to the flags, an additional second line check is required at the border, the border guard may</b>



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b>access the ETIAS Central System to obtain the additional information related to these flags, as referred to in Article 33(1a).</b>
<b>335.</b>		<b>Amendment 89</b> <b>Article 11(2)</b>		
<b>336.</b>	3. Access by carriers to the ETIAS Central System by in accordance with Article 39, shall be limited to searching the ETIAS Central System to obtain the travel authorisation status of a traveller.	3. Access by carriers to the ETIAS Central System by in accordance with Article 39, shall be limited to <i>sending requests to</i> the ETIAS Central System to obtain the travel authorisation status of a traveller.	3. Access by carriers to the ETIAS Central System <del>by</del> in accordance with Article 39, shall be limited to searching the ETIAS Central System to obtain the travel authorisation status of a traveller.	<u>Provisionally agreed:</u> 3. Access by carriers to the ETIAS Central System <del>by</del> in accordance with Article 39, shall be limited to <del>searching</del> <b>sending requests to</b> the ETIAS Central System to obtain the travel authorisation status of a traveller.
<b>337.</b>			<u>4. Access by immigration authorities to the ETIAS Central System shall be limited to obtain the travel authorisation status of a traveller present on the territory of the Member State, and to certain data as referred to in Article 42a.</u>	<b>Contradiction to Article 55 to be avoided.</b> <b>COM to make proposal</b> 4. Access by immigration authorities to the ETIAS Central System shall be limited to obtain the travel authorisation status of a traveller present on the territory of the Member State, and to certain data as referred to in Article 42a.
<b>338.</b>			<u>5. Each Member State shall designate the competent national authorities referred to in paragraphs 1, 2 and 4 and shall communicate a list of these authorities to eu-LISA without delay. That list shall specify for which purpose the duly authorised staff of each authority</u>	Presidency compromise proposal: 5. Each Member State shall designate the competent national authorities referred to in paragraphs 1, 2 and 4 and shall communicate a list of these authorities to eu-LISA without delay, <b>in accordance with Article 76(2)</b> . That list shall specify

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>shall have access to the data in the ETIAS in accordance with paragraphs 1, 2 and 4.</u>	for which purpose the duly authorised staff of each authority shall have access to the data in the ETIAS in accordance with paragraphs 1, 2 and 4.
339.		<b>Amendment 90</b> <b>Article 12 Title</b>		
340.	<i>Article 12</i> <i>Non-discrimination</i>	<i>Article 12</i> <b><i>Fundamental Rights</i></b>	<i>Article 12</i> <i>Non-discrimination</i>	<u>Provisionally agreed</u> <i>Article 12</i> <b><i>Non-discrimination and fundamental rights</i></b>
341.		<b>Amendment 91</b> <b>Article 12(1)</b>		
342.	Processing of personal data within the ETIAS <i>Information System</i> by <i>any user</i> shall not result in discrimination against third country nationals on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. It shall fully respect human dignity and integrity. Particular attention shall be paid to children, the elderly and persons with a disability.	Processing of personal data within the ETIAS Information System by any user shall not result in discrimination against third country nationals on the grounds of sex, <b><i>race, colour</i></b> , ethnic <b><i>or social</i></b> origin, <b><i>genetic features, language</i></b> , religion or belief, <b><i>political or any other opinion, membership of a national minority, property, birth</i></b> , disability, age or sexual orientation. It shall fully respect human dignity and integrity <b><i>and fundamental rights, including the right to respect for one's private life and to the protection of personal data.</i></b> Particular attention shall be paid to children, the elderly and persons with a disability. <b><i>The best interests</i></b>	Processing of personal data within the ETIAS <i>Information System</i> by any user shall not result in discrimination against third country nationals <u>notably</u> on the grounds of sex, <u>race</u> , <del>racial</del> or ethnic origin, religion or belief, disability, age or sexual orientation. It shall fully respect human dignity and integrity. <del>Particular attention shall be paid to children, the elderly and persons with a disability.</del>	Processing of personal data within the ETIAS Information System by any user shall not result in discrimination against third country nationals <del>notably</del> on the grounds of sex, race, <b><i>colour</i></b> , ethnic <b><i>or social</i></b> origin, <b><i>genetic features, language</i></b> , religion or belief, <b><i>political or any other opinion, membership of a national minority, property, birth</i></b> , disability, age or sexual orientation. It shall fully respect human dignity and integrity <b><i>and fundamental rights, including the right to respect for one's private life and to the protection of personal data. Particular attention shall be paid to children, the elderly and persons</i></b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>of the child shall be a primary consideration.</i>		<b>with a disability. The best interests of the child shall be a primary consideration.</b>  See row 693 (wording of Article 19 TFEU or Charter)
<b>343.</b>	<b>CHAPTER II Application</b>		<b>CHAPTER II Application</b>	<b>CHAPTER II Application</b>
<b>344.</b>	<i>Article 13 Practical arrangements for lodging an application</i>		<i>Article 13 Practical arrangements for lodging an application</i>	<i>Article 13 Practical arrangements for lodging an application</i>
<b>345.</b>	1. Applicants shall lodge an application by filling in the online application form via the dedicated public website or via the mobile app for web devices sufficiently in advance of any intended travel.		1. Applicants shall lodge an application by filling in the online application form via the dedicated public website or via the mobile app for <del>web</del> mobile devices sufficiently in advance of any intended travel.	<u>Provisionally agreed</u> 1. Applicants shall lodge an application by filling in the online application form via the dedicated public website or via the mobile app for mobile devices sufficiently in advance of any intended travel, <b>or, when already on the territory, before the expiry of the validity of the travel authorisation.</b>
<b>346.</b>			<u>1a. Holders of a valid travel authorisation may lodge an application for a new travel authorisation as from 91 days before the expiry date of the valid travel authorisation. 91 days before the expiry of the travel authorisation, the ETIAS Central System shall automatically inform the holder of that travel authorisation via the email service about the expiry date and the</u>	<u>Provisionally agreed:</u> 1a. Holders of a valid travel authorisation may lodge an application for a new travel authorisation as from <del>91</del> <b>120</b> days before the expiry date of the valid travel authorisation. <del>91</del> <b>120</b> days before the expiry of the travel authorisation, the ETIAS Central System shall automatically inform the holder of that travel authorisation via the email service

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>possibility to lodge an application for a new travel authorisation.</u>	about the expiry date and the possibility to lodge an application for a new travel authorisation. <b>and the obligation to be in possession of a valid travel authorisation for the entire duration of a short stay on the territory of Member States.</b>
347.			<u>1b. All communications with the applicant for the purpose of his or her application for a travel authorisation shall be done by email sent to the email address provided by the applicant in the application form as referred to in Article 15(2)(g).</u>	<u>Provisionally agreed</u> 1b. All <del>communications with</del> <b>notifications to</b> the applicant for the purpose of his or her application for a travel authorisation shall be <del>done by email</del> sent to the email address provided by the applicant in the application form as referred to in Article 15(2)(g).
348.	2. Applications may be lodged by the applicant or by a person or a commercial intermediary authorised by the applicant to lodge the application in his or her behalf.		2. Applications may be lodged by the applicant or by a person or a commercial intermediary authorised by the applicant to lodge the application in his or her behalf.	<u>Agreed text</u> 2. Applications may be lodged by the applicant or by a person or a commercial intermediary authorised by the applicant to lodge the application in his or her behalf.
349.		<b>Amendment 92</b> <b>Article 13(2a)(new)</b>		
350.		<i>2a. Applications may be lodged in the Delegations of the European Union in third countries.</i>		EP withdraws its AM
351.		<b>Amendment 93</b>		

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<b>Article 13(2b)(new)</b>		
352.		<i>2b. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 in order to regulate the submission of travel authorisation applications by a commercial intermediary and at Delegations of the European Union.</i>		EP withdraws its AM Following LIBE request, awaiting COM proposal concerning the creation of a form allowing the reporting of abuses from commercial intermediaries (see also row 1144)
353.		<b>Amendment 94</b> <b>Article 13(2c)(new)</b>		
354.		<i>2c. Six months before the expiry of a valid travel authorisation, the holder shall be informed automatically by email of the coming expiry.</i>		EP withdraws its AM
355.		<b>Amendment 95</b> <b>Article 13(2d)(new)</b>		
356.		<i>2d. Applications may be lodged by holders of a travel authorisation within the six months prior to expiry of the authorisation.</i>		EP withdraws its AM
357.	<i>Article 14</i> <i>The public website and mobile app for mobile devices</i>		<i>Article 14</i> <i>The public website and mobile app for mobile devices</i>	<i>Article 14</i> <i>The public website and mobile app for mobile devices</i>
358.	1. The public website and the mobile app for mobile devices shall enable third country nationals subject to the travel authorisation		1. The public website and the mobile app for mobile devices shall enable third country nationals subject to the travel authorisation	<u>Agreed text</u> 1. The public website and the mobile app for mobile devices shall enable third country nationals

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	requirement to launch a travel authorisation application, to provide the data required in the application form in accordance with Article 15 and to pay the travel authorisation fee.		requirement to launch a travel authorisation application, to provide the data required in the application form in accordance with Article 15 and to pay the travel authorisation fee.	subject to the travel authorisation requirement to launch a travel authorisation application, to provide the data required in the application form in accordance with Article 15 and to pay the travel authorisation fee.
<b>359.</b>		<b>Amendment 96 Article 14(2)</b>		
<b>360.</b>	2. The public website and the mobile app for mobile devices shall make the application form widely available and easily accessible to applicants free of charge.	2. The public website and the mobile app for mobile devices shall make the application form widely available and easily accessible to applicants, <i>including those with disabilities</i> , free of charge.	2. The public website and the mobile app for mobile devices shall make the application form widely available and easily accessible to applicants free of charge.	<u>Provisionally agreed</u> 2. The public website and the mobile app for mobile devices shall make the application form widely available and easily accessible to applicants free of charge. <b>As regards persons with disabilities, specific attention shall be paid to the public website and mobile app accessibility.</b>
<b>361.</b>	3. The public website and the mobile app for mobile devices shall be available in all the official languages of the Member States.		3. The public website and the mobile app for mobile devices shall be available in all the official languages of the Member States.	<u>Agreed text</u> 3. The public website and the mobile app for mobile devices shall be available in all the official languages of the Member States.
<b>362.</b>		<b>Amendment 97 Article 14(4)</b>		
<b>363.</b>	4. Where the official language(s) of the countries listed in Annex II of Council Regulation (EC) No 539/2001 do not correspond to the languages	4. Where the official language(s) of the countries listed in Annex II of Council Regulation (EC) No 539/2001 do not correspond to the languages	4. Where the official language(s) of the countries listed in Annex II of Council Regulation (EC) No 539/2001 do not correspond to the languages	<u>Provisionally agreed:</u> 4. Where the official language(s) of the countries listed in Annex II of Council Regulation (EC) No 539/2001 do not

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	referred to in paragraph 3, factsheets with information concerning the content and the use of the public website and the mobile app for mobile devices and explanatory information shall be made available in at least one of the official languages of the countries referred to.	referred to in paragraph 3, factsheets with <i>explanatory information concerning ETIAS, the application procedure</i> , the use of the public website and the mobile app <i>as well as a step-by-step guide for the application</i> shall be made available in at least one of the official languages of the countries referred to.	referred to in paragraph 3, factsheets with information concerning the content and the use of the public website and the mobile app for mobile devices and explanatory information shall be made available <u>by eu-LISA on the public website and on the mobile app for mobile devices</u> in at least one of the official languages of the countries referred to. <u>Where any such country has more than one official language, such factsheets shall only be necessary if none of those languages correspond to the languages referred to in paragraph 3.</u>	correspond to the languages referred to in paragraph 3, factsheets with <b>explanatory information concerning ETIAS, the application procedure</b> , the use of the public website and the mobile app <b>as well as a step-by-step guide for the application</b> shall be made available by eu-LISA on the public website and on the mobile app for mobile devices in at least one of the official languages of the countries referred to. Where any such country has more than one official language, such factsheets shall only be necessary if none of those languages correspond to the languages referred to in paragraph 3.
<b>364.</b>	5. The public website and the mobile app for mobile devices shall inform applicants of the languages which may be used when filling in the application form.		5. The public website and the mobile app for mobile devices shall inform applicants of the languages which may be used when filling in the application form.	<u>Agreed text</u> 5. The public website and the mobile app for mobile devices shall inform applicants of the languages which may be used when filling in the application form.
<b>365.</b>	6. The public website and the mobile app for mobile devices shall provide the applicant with an account service enabling applicants to provide additional information and/or documentation, where required.		6. The public website and the mobile app for mobile devices shall provide the applicant with an account service enabling applicants to provide additional information and/or documentation, where required.	<u>Agreed text</u> 6. The public website and the mobile app for mobile devices shall provide the applicant with an account service enabling applicants to provide additional information and/or documentation, where required.

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
366.		<b>Amendment 98 Article 14(6a)(new)</b>		
367.		<i>6a. The public website and the mobile app for mobile devices shall inform applicants of their right to an effective remedy under this Regulation. Where a travel authorisation is refused, they shall refer an applicant to the ETIAS National Unit of the responsible Member which shall provide further information in accordance with Article 31(2).</i>		<u>Provisionally agreed</u> (to be seen together with proposal on Article 32(2)(d) in row 778) <b>6a. The public website and the mobile app for mobile devices shall inform applicants of their right to an appeal under this Regulation where a travel authorisation is refused, revoked or annulled. To this end it shall contain information about the national law applicable, the competent authority, how to <del>apply for an</del> appeal, the time limit for <u>lodging</u> <del>applying for an</del> appeal and information as to any assistance that may be provided by the national data protection authority.</b>
368.			<u>6a. The public website and the mobile app for mobile devices shall enable the applicant to submit a contact form selecting from a predetermined list of options to indicate that the purpose of the intended stay relates to humanitarian grounds or international obligations.</u>	<u>Provisionally agreed:</u> (subject to agreement on travel authorisation with a limited territorial validity) The public website and the mobile app for mobile devices shall enable the applicant to submit a <del>contact form selecting from a predetermined list of options to indicate</del> that the purpose of the intended stay relates to



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				humanitarian grounds or international obligations.
369.			6b. <u>The public website shall contain the information referred to in Article 61.</u>	Provisionally agreed 6b. The public website shall contain the information referred to in Article 61.
370.		<b>Amendment 99</b> <b>Article 14(7)</b>		
371.	7. The Commission shall adopt detailed rules on the conditions for operation of the public website and the mobile app for mobile devices, and on the data protection and security rules applicable to the public website and the mobile app for mobile devices. Those implementing measures shall be adopted in accordance with the examination procedure referred to in Article 79(2).	7. The Commission shall, <b>by means of implementing acts</b> , adopt detailed rules on the conditions for operation of the public website and the mobile app for mobile devices, and on the data protection and security rules applicable to the public website and the mobile app for mobile devices. Those <b>detailed rules shall be based on information security risk management and data protection by design and by default</b> . They shall be adopted in accordance with the examination procedure referred to in Article 79(2).	7. The Commission shall adopt detailed rules on the conditions for operation of the public website and the mobile app for mobile devices, and on the data protection and security rules applicable to the public website and the mobile app for mobile devices. Those implementing measures shall be adopted in accordance with the examination procedure referred to in Article 79(2).	Provisionally agreed: 7. The Commission shall, <b>by means of implementing acts</b> , adopt detailed rules on the conditions for operation of the public website and the mobile app for mobile devices, and on the data protection and security rules applicable to the public website and the mobile app for mobile devices. Those <del>implementing measures</del> <b>detailed rules shall be based on information security risk management and data protection by design and by default</b> . They shall be adopted in accordance with the examination procedure referred to in Article 79(2).
372.	<i>Article 15</i> <i>Application form and personal data of the applicant</i>		<i>Article 15</i> <i>Application form and personal data of the applicant</i>	<i>Article 15</i> <i>Application form and personal data of the applicant</i>
373.		<b>Amendment 100</b> <b>Article 15(1)</b>		

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>374.</b>	1. Each applicant shall submit a completed application form including a declaration of authenticity, completeness and reliability of the data submitted and a declaration of veracity and reliability of the statements made. Minors shall submit an application form electronically signed by a person exercising permanent or temporary parental authority or legal guardianship.	1. Each applicant shall submit a completed application form including a declaration of authenticity, completeness, <b>correctness</b> and reliability of the data submitted and a declaration of veracity and reliability of the statements made. Minors shall submit an application form electronically signed by a person exercising permanent or temporary parental authority or legal guardianship.	1. Each applicant shall submit a completed application form including a declaration of authenticity, completeness and reliability of the data submitted and a declaration of veracity and reliability of the statements made. <u>Each applicant shall also state that he or she has understood the conditions for entry as referred to in Article 6 of Regulation (EU) 2016/399 of the European Parliament and of the Council<sup>86</sup> and that he or she may be requested to provide the relevant supporting documents at each entry.</u> Minors shall submit an application form <del>electronically</del> signed by a person exercising permanent or temporary parental authority or legal guardianship.	<u>Provisionally agreed</u> 1. Each applicant shall submit a completed application form including a declaration of authenticity, completeness, <b>correctness</b> and reliability of the data submitted and a declaration of veracity and reliability of the statements made. Each applicant shall also state that he or she has understood the conditions for entry as referred to in Article 6 of Regulation (EU) 2016/399 of the European Parliament and of the Council <sup>87</sup> and that he or she may be requested to provide the relevant supporting documents at each entry. Minors shall submit an application form <b>electronically</b> signed by a person exercising permanent or temporary parental authority or legal guardianship. Together with definition of “electronically signed” (row 194)
<b>375.</b>	2. The applicant shall provide the following personal data in the application form:		2. The applicant shall provide the following personal data in the application form:	<u>Agreed text</u> 2. The applicant shall provide the following personal data in the

<sup>86</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 077 23.3.2016, p. 1).

<sup>87</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 077 23.3.2016, p. 1).

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
				application form:
<b>376.</b>	(a) surname (family name), first name(s) (given name(s)), surname at birth; date of birth, place of birth, country of birth, sex, current nationality, first name(s) of the parents of the applicant;		(a) surname (family name), first name(s) (given name(s)), surname at birth; date of birth, place of birth, country of birth, sex, current nationality, first name(s) of the parents of the applicant;	<u>Agreed text</u> (a) surname (family name), first name(s) (given name(s)), surname at birth; date of birth, place of birth, country of birth, sex, current nationality, first name(s) of the parents of the applicant;
<b>377.</b>	(b) other names (alias(es), artistic name(s), usual name(s));		(b) other names (alias(es), artistic name(s), usual name(s)), <u>if any</u> ;	<u>Provisionally agreed:</u> (b) other names (alias(es), artistic name(s), usual name(s)), if any;
<b>378.</b>	(c) other nationalities (if any);		(c) other nationalities (if any);	<u>Provisionally agreed:</u> (c) other nationalities if any;
<b>379.</b>	(d) type, number and country of issuance of the travel document;		(d) type, number and country of issuance of the travel document;	<u>Agreed text</u> (d) type, number and country of issuance of the travel document;
<b>380.</b>		<b>Amendment 101 Article 15(2)(e)</b>		
<b>381.</b>	(e) the date of expiry of the validity of the travel document;	(e) the <i>date of issue and</i> date of expiry of the validity of the travel document;	(e) the date of <u>issuance and the date of</u> expiry of the validity of the travel document;	<u>Provisionally agreed:</u> (e) the date of issuance and the date of expiry of the validity of the travel document;
<b>382.</b>	(f) the applicant's home address or, if not available, his or her city and country of residence;		(f) the applicant's home address or, if not available, his or her city and country of residence;	<u>Agreed text</u> (f) the applicant's home address or, if not available, his or her city and country of residence;
<b>383.</b>		<b>Amendment 102 Article 15(2)(g)</b>		
<b>384.</b>	(g) e-mail address, phone number;	(g) e-mail address <i>and, if</i>	(g) e-mail address <u>and, if any,</u> phone <u>and mobile phone</u> numbers;	<u>Provisionally agreed:</u> (g) e-mail address and

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>available</i> , phone number;		optionally phone numbers;
385.		<b>Amendment 103</b> <b>Article 15(2)(h)</b>		
386.	(h) education (level and field);	Deleted	(h) education (level and field);	<u>Provisionally agreed</u> (h) education ( <del>level</del> -primary, secondary, higher <b>or none</b> ).
387.		<b>Amendment 104</b> <b>Article 15(2)(i)</b>		
388.	(i) current occupation;	Deleted	(i) <u>current occupation, job title and employer; for students, name of educational establishment;</u>	<u>Provisionally agreed:</u> (i) <u>current occupation, job title and employer; for students, name of educational establishment (job group); where the application is subject to the manual processing in accordance with the procedure laid down in Article 22, the Member State responsible may in accordance with Article 23 request the applicant to provide additional information concerning the exact job title and the employer or, for students, the name of the educational establishment;</u>
389.	(j) Member State of first intended entry;		(j) <u>address for the first intended stay or, in the case of transit if no stay is intended,</u> Member State of first intended transit <del>entry</del> ;	<u>Provisionally agreed:</u> (j) Member State of first intended <del>entry</del> stay, <b>and optionally, the address of first intended stay;</b>
390.		<b>Amendment 105</b>		

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<b>Article 15(2)(k)</b>		
<b>391.</b>	(k) for minors, surname and first name(s) of the applicant's parental authority or legal guardian;	(k) for minors, surname and first name(s), <i>home address, e-mail address and, if available, phone number</i> of the <i>person exercising</i> parental authority or <i>the applicant's</i> legal guardian;	(k) for minors, surname and first name(s), <u>home address, email address and phone number</u> of the applicant's parental authority or legal guardian;	<u>Provisionally agreed</u> (k) for minors, surname and first name(s), home address, e-mail address and, <b>if available</b> , phone number of the <b>person exercising applicant's</b> parental authority or <b>the applicant's</b> legal guardian;
<b>392.</b>	(l) where he or she claims the status of family member referred to in Article 2(1)(c):		(l) where he or she claims the status of family member referred to in Article 2(1)(c):	<u>Agreed text</u> (l) where he or she claims the status of family member referred to in Article 2(1)(c):
<b>393.</b>		<b>Amendment 106</b> <b>Article 15(2)(l)(i)</b>		
<b>394.</b>	i) their status of family member;	(i) their status <i>as a</i> family member;	i) their status of family member;	<u>Provisionally agreed</u> i) their status of family member;
<b>395.</b>	ii) the surname, first name(s), date of birth, place of birth, country of birth, current nationality, home address, e-mail address and phone number of the family member with whom the applicant has family ties;		ii) the surname, first name(s), date of birth, place of birth, country of birth, current nationality, home address, e-mail address and phone number of the family member with whom the applicant has family ties;	<u>Presidency compromise proposal (to be tested with LIBE)</u> ii) the surname, first name(s), date of birth, place of birth, country of birth, current nationality, home address, e-mail address and, <b>if available</b> , phone number of the family member with whom the applicant has family ties;
<b>396.</b> v	iii) their family ties with that family member in accordance with Article 2(2) of Directive 2004/38/EC;		iii) their family ties with that family member in accordance with Article 2(2) of Directive 2004/38/EC;	<u>Agreed text</u> iii) their family ties with that family member in accordance with Article 2(2) of Directive 2004/38/EC;

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
397.	(m) in the case of applications filled in by a person other than the applicant, the surname, first name(s), name of firm, organization if applicable, e-mail address, mailing address, phone number; relationship to the applicant and an electronically signed representative declaration.		(m) in the case of applications filled in by a person other than the applicant, the surname, first name(s), name of firm, organization if applicable, e-mail address, mailing address, phone number; relationship to the applicant and an <del>electronically</del> signed representative <del>on</del> ve declaration.	<b>Presidency compromise proposal (to be tested with LIBE)</b> (m) in the case of applications filled in by a person other than the applicant, the surname, first name(s), name of firm, organization if applicable, e-mail address, mailing address, phone number <b>if available</b> ; relationship to the applicant and a signed representation declaration.
398.		<b>Amendment 107 Article 15(3)</b>		
399.	3. The applicant shall choose the level and field of education, the current occupation and the job title from a predetermined list. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to lay down these predetermined lists.	Deleted	3. The applicant shall choose the level and field of education, the current occupation and the job title <u>and the purpose of the first intended stay</u> from a predetermined list. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to lay down these predetermined lists.	<b>Presidency compromise proposal (to be tested with LIBE)</b> 3. The applicant shall choose the level <del>and field</del> of education <del>and the current occupation (job group) and the job title and the purpose of the first intended stay</del> from a predetermined list. <b>The applicant shall also choose the current occupation (job group) from a predetermined list.</b> The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to lay down <del>these</del> <b>this</b> predetermined lists <b>as regards the job group.</b>
400.	4. In addition, the applicant shall provide answers to the following questions:		4. In addition, the applicant shall provide answers to the following questions:	<u>Agreed text</u> 4. In addition, the applicant shall provide answers to the

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				following questions:
<b>401.</b>		<b>Amendment 108</b> <b>Article 15(4)(a)</b>		
<b>402.</b>	(a) whether the applicant is subject to any disease with epidemic potential as defined by the International Health Regulations of the World Health Organisation or other infectious or contagious parasitic diseases;	Deleted	(a) whether the applicant is subject to any disease with epidemic potential as defined by the International Health Regulations of the World Health Organisation or other infectious or contagious parasitic diseases <u>if such diseases are the subject of protection provisions applying to nationals of the Member States;</u>	<u>Provisionally agreed</u> Deleted
<b>403.</b>		<b>Amendment 109</b> <b>Article 15(4)(b)</b>		
<b>404.</b>	(b) whether he or she has ever been convicted of any criminal offence in any country;	(b) whether he or she has ever been convicted of any <i>serious</i> criminal offence <i>in Annex 1a within the last ten years;</i>	(b) whether he or she has <del>ever</del> been convicted of any criminal offence <u>listed in the Annex over the previous ten years and in the case of terrorist offences, over the previous twenty years, when and in which any</u> country;	<u>Provisionally agreed</u> (b) whether he or she has been convicted of any criminal offence listed in the Annex over the previous ten years and in the case of terrorist offences, over the previous twenty years, when and in which country;
<b>405.</b>	(c) regarding any stay in a specific war or conflict zone over the last ten years and the reasons for the stay;		(c) <u>whether he or she has stayed regarding any stay</u> in a specific war or conflict zone over the <del>last</del> <u>previous</u> ten years and the reasons for the stay;	<u>Provisionally agreed</u> (c) whether he or she has stayed in a specific war or conflict zone over the previous ten years and the reasons for the stay;
<b>406.</b>		<b>Amendment 110</b> <b>Article 15(4)(d)</b>		

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>407.</b>	(d) regarding any decision requiring him or her to leave the territory of a Member State or of any other country or whether he or she was subject to any return decision issued over the last ten years.	(d) regarding any decision requiring him or her to leave the territory of a Member State or whether he or she was subject to any return decision issued over the last ten years.	(d) <u>whether he or she has been the subject of</u> <del>regarding</del> any decision requiring him or her to leave the territory of a Member State or of any other country or whether he or she was subject to any return decision issued over the <del>last</del> <u>previous</u> ten years.	<u>Provisionally agreed</u> (d) whether he or she has been the subject of any decision requiring him or her to leave the territory of a Member State or of any third countries listed in annex II of Regulation No 539/2001 or whether he or she was subject to any return decision issued over the previous ten years.
<b>408.</b>		<b>Amendment 111 Article 15(4)(da)(new)</b>		
<b>409.</b>		<i>(da) whether the applicant belongs to one of the categories of applicants referred to in Article 16(2)(d) to (f) for whom the travel authorisation fee is to be waived, to be selected from a predetermined list; the applicant shall be informed that he or she will be sent a request for additional information or documentation, in accordance with Article 23, in order to establish that the purpose of his or her travel comes under one of the categories laid down in points (d) to (f) of Article 16(2). The applicant shall be informed that consequently the decision on the application will be taken in accordance with the deadlines</i>		



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>provided for in Article 27(2).</i>		
410.		<b>Amendment 112</b> <b>Article 15(4a)(new)</b>		
411.		<i>4a. The applicant shall also declare that he or she has taken note of the entry conditions as laid down in Article 6 of Regulation (EU) No 2016/399 and of the fact that he or she may be asked for relevant supporting documents at each entry.</i>		
412.		<b>Amendment 113</b> <b>Article 15(5)</b>		
413.	5. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 specifying the content and format of those questions.	5. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 specifying the content and format of <i>the</i> questions <i>referred to in paragraph 4. The content and format of those questions shall enable applicants to give clear and precise answers.</i>	5. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 specifying the content and format of <del>those</del> <u>the</u> questions referred to in <u>paragraph 4.</u>	<u>Provisionally agreed</u> 5. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 specifying the content and format of the questions referred to in paragraph 4. <b>The content and format of those questions shall enable applicants to give clear and precise answers.</b>
414.		<b>Amendment 114</b> <b>Article 15(6)</b>		
415.	6. The applicant shall provide answers to those questions. Where the applicant answers affirmatively to any of the questions, he or she	6. Where the applicant answers affirmatively to any of the questions, he or she shall be required to provide answers to	6. <del>The applicant shall provide answers to those questions.</del> Where the applicant answers affirmatively to any of the questions <u>referred to</u>	<u>Provisionally agreed</u> 6. Where the applicant answers affirmatively to any of the questions referred to in paragraph

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	shall be required to provide answers to additional questions on the application form aimed at collecting further information via providing answers to a predetermined list of questions. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to lay down the content and format of those additional questions and the predetermined list of answers to those questions.	additional questions on the application form aimed at collecting further information via providing answers to a predetermined list of questions. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to lay down the content and format of those additional questions and the predetermined list of answers to those questions.	<u>in paragraph 4</u> , he or she shall be required to provide answers to additional questions on the application form <u>by selecting from a predetermined list of</u> <del>aimed at collecting further information via providing answers to a predetermined list of questions</del> . The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to lay down the content and format of those additional questions and the predetermined list of answers to those questions.	4, he or she shall be required to provide answers to additional questions on the application form by selecting from a predetermined list of questions. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to lay down the content and format of those additional questions and the predetermined list of answers to those questions.
<b>416.</b>	7. The data referred to in paragraphs 2 and 4 shall be introduced by the applicant in Latin alphabet characters without diacritics.		7. The data referred to in paragraphs 2 and 4 shall be introduced by the applicant in Latin alphabet characters without diacritics.	<u>Agreed text</u> 7. The data referred to in paragraphs 2 and 4 shall be introduced by the applicant in Latin alphabet characters without diacritics.
<b>417.</b>	8. On submission of the application form, the ETIAS Information System shall collect the IP address from which the application form was submitted.		8. On submission of the application form, the ETIAS Information System shall collect the IP address from which the application form was submitted.	<u>Agreed text</u> 8. On submission of the application form, the ETIAS Information System shall collect the IP address from which the application form was submitted.
<b>418.</b>	<i>Article 16 Travel authorisation fee</i>		<i>Article 16 Travel authorisation fee</i>	<i>Article 16 Travel authorisation fee</i>
<b>419.</b>		<b>Amendment 115 Article 16(1)</b>		
<b>420.</b>	1. A travel authorisation fee	1. A travel authorisation fee	1. A travel authorisation fee	<u>Provisionally agreed</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	of EUR 5 shall be paid by the applicant for each application.	of EUR <b>10</b> shall be paid by the applicant for each application.	of EUR 5 shall be paid by the applicant for each application.	1. A travel authorisation fee of EUR <del>5</del> <b>7</b> shall be paid by the applicant for each application
<b>421.</b>		<b>Amendment 116 Article 16(2)</b>		
<b>422.</b>	2. The travel authorisation fee shall be waived for children under eighteen years.	2. The travel authorisation fee shall be waived for <b>applicants belonging to one of the following categories:</b>  <i>(a) applicants under eighteen years of age;</i>	2. The travel authorisation fee shall be waived for children under <u>12</u> <del>eighteen</del> years of age at the time of the application.	<u>Provisionally agreed</u> 2. The travel authorisation fee shall be waived for <del>children</del> <b>applicants</b> under <del>eighteen</del> <b>twelve</b> years <b>or above seventy</b> years of age at the time of the application.
<b>423.</b>		<i>(b) applicants over sixty years of age;</i>		<u>Provisionally agreed</u> deleted
<b>424.</b>		<i>(c) family members of Union citizens or of third-country nationals enjoying the right of free movement under Union law;</i>		<u>Provisionally agreed</u> deleted
<b>425.</b>		<i>(d) students, postgraduate students and accompanying teachers travelling for study or educational purposes;</i>		<u>Provisionally agreed</u> deleted
<b>426.</b>		<i>(e) researchers travelling for the purpose of carrying out scientific research;</i>		<u>Provisionally agreed</u> deleted
<b>427.</b>		<i>(f) representatives of non-profit organisations aged 25 or less participating in seminars, conferences or sports, cultural or educational events organised by</i>		<u>Provisionally agreed</u> deleted

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
		<i>non-profit organisations.</i>		
<b>428.</b>	3. The travel authorisation fee shall be charged in euro.		3. The travel authorisation fee shall be charged in euro.	<u>Agreed text</u> 3. The travel authorisation fee shall be charged in euro.
<b>429.</b>	4. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 on the payment methods and process for the travel authorisation fee and on changes to the amount of that fee.		4. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 on the payment methods and process for the travel authorisation fee and on changes to the amount of that fee <u>which shall take into account any increase in the costs referred to in Article 74.</u>	<u>Provisionally agreed</u> 4. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 on the payment methods and process for the travel authorisation fee and on changes to the amount of that fee which shall take into account any increase in the costs referred to in Article 74.
<b>430.</b>	<b>CHAPTER III Creation of the application file and examination of the application by the ETIAS Central System</b>		<b>CHAPTER III Creation of the application file and examination of the application by the ETIAS Central System</b>	<b>CHAPTER III Creation of the application file and examination of the application by the ETIAS Central System</b>
<b>431.</b>	<i>Article 17 Admissibility and creation of the application file</i>		<i>Article 17 Admissibility and creation of the application file</i>	<i>Article 17 Admissibility and creation of the application file</i>
<b>432.</b>	1. The ETIAS <i>Central System</i> shall automatically verify whether, following submission of an application:		1. The ETIAS Central System shall automatically verify whether, following submission of an application:	<u>Agreed text</u> 1. The ETIAS Central System shall automatically verify whether, following submission of an application:
<b>433.</b>	(a) all the fields of the application form are filled in and contain all the items referred to in Article 15(2) and (4),		(a) all the fields of the application form are filled in and contain all the items referred to in Article 15(2) and (4),	<u>Agreed text</u> (a) all the fields of the application form are filled in and contain all the items referred to in Article 15(2) and (4),

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>434.</b>	(b) the travel authorisation fee has been collected.		(b) the travel authorisation fee has been collected.	<u>Agreed text</u> (b) the travel authorisation fee has been collected.
<b>435.</b>	2. When the application is deemed admissible pursuant to paragraph 1, the ETIAS Central System shall automatically create an application file without delay and assign it an application number.		2. When the application is deemed admissible pursuant to paragraph 1, the ETIAS Central System shall automatically create an application file without delay and assign it an application number.	<u>Agreed text</u> 2. When the application is deemed admissible pursuant to paragraph 1, the ETIAS Central System shall automatically create an application file without delay and assign it an application number.
<b>436.</b>	3. Upon creation of the application file, the ETIAS Central System shall record and store the following data:		3. Upon creation of the application file, the ETIAS Central System shall record and store the following data:	<u>Agreed text</u> 3. Upon creation of the application file, the ETIAS Central System shall record and store the following data:
<b>437.</b>	(a) the application number;		(a) the application number;	<u>Agreed text</u> (a) the application number;
<b>438.</b>	(b) status information, indicating that a travel authorisation has been requested;		(b) status information, indicating that a travel authorisation has been requested;	<u>Agreed text</u> (b) status information, indicating that a travel authorisation has been requested;
<b>439.</b>	(c) the personal data referred to in Article 15(2) and (4) including the three letter code of the country issuing the travel document;		(c) the personal data referred to in Article 15(2), <del>and (4)</del> <u>and (6)</u> including the three letter code of the country issuing the travel document;	<u>Provisionally agreed</u> (c) the personal data referred to in Article 15(2) <b>and, where applicable, Article 15(4) and (6)</b> , including the three letter code of the country issuing the travel document;
<b>440.</b>	(d) the data referred to in Article 15(5);		(d) the data referred to in Article 15( <del>8</del> )(5);	<u>Provisionally agreed</u> (d) the data referred to in Article 15(8);
<b>441.</b>	(e) the date and the time the		(e) the date and the time the	<u>Agreed text</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	application form was submitted as well as a reference to the successful payment of the travel authorisation fee and the unique reference number of the payment.		application form was submitted as well as a reference to the successful payment of the travel authorisation fee and the unique reference number of the payment.	(e) the date and the time the application form was submitted as well as a reference to the successful payment of the travel authorisation fee and the unique reference number of the payment
442.	4. Upon creation of the application file, the ETIAS Central System shall determine whether the applicant already has another application file in the ETIAS Central System by comparing the data referred to in Article 15(2)(a) with the personal data of the application files stored in the ETIAS Central System. In such a case, the ETIAS Central System shall link the new application file to any previous existing application file created for the same applicant.		4. Upon creation of the application file, the ETIAS Central System shall determine whether the applicant already has another application file in the ETIAS Central System by comparing the data referred to in Article 15(2)(a) with the personal data of the application files stored in the ETIAS Central System. In such a case, the ETIAS Central System shall link the new application file to any previous existing application file created for the same applicant.	<u>Agreed text</u> 4. Upon creation of the application file, the ETIAS Central System shall determine whether the applicant already has another application file in the ETIAS Central System by comparing the data referred to in Article 15(2)(a) with the personal data of the application files stored in the ETIAS Central System. In such a case, the ETIAS Central System shall link the new application file to any previous existing application file created for the same applicant.
443.			5. <u>Upon creation of the application file, the applicant shall immediately receive a notification via the email service:</u>	<u>Provisionally agreed</u> 5. Upon creation of the application file, the applicant shall immediately receive a notification via the email service <b>explaining that, during the processing of the application, the applicant may be asked to provide additional information or documentation or, in exceptional circumstances, attend an interview. This notification shall include:</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
444.			<u>(a) status information, acknowledging the submission of an application for travel authorisation; and</u>	<u>Provisionally agreed</u> (a) status information, acknowledging the submission of an application for travel authorisation; and
445.			<u>(b) the application number.</u>	<u>Provisionally agreed</u> (b) the application number. <b><u>Provisionally agreed</u></b> <b>The notification shall enable the applicant to make use of the verification tool provided for in Article 6(2)(ga).</b>
446.	<i>Article 18</i> <i>Automated processing</i>		<i>Article 18</i> <i>Automated processing</i>	<i>Article 18</i> <i>Automated processing</i>
447.	1. The application files shall be automatically processed by the ETIAS Central System to identify hit(s). The ETIAS Central System shall examine each application file individually.		1. The application files shall be automatically processed by the ETIAS Central System to identify hit(s). The ETIAS Central System shall examine each application file individually.	<u>Agreed text</u> 1. The application files shall be automatically processed by the ETIAS Central System to identify hit(s). The ETIAS Central System shall examine each application file individually.
448.	2. The ETIAS Central System shall compare the relevant data referred to in Article 15(2)(a),(b),(d),(f),(g),(m) and (8) to the data present in a record, file or alert registered in the ETIAS Central System, the Schengen Information System (SIS), [the Entry/Exit System (EES)], the Visa Information System (VIS), [the Eurodac], [the European Criminal		2. The ETIAS Central System shall compare the relevant data referred to in Article 15(2)(a),(b), <u>(c).</u> (d),(f),(g), <u>(ja)</u> <u>except in case of transit</u> , (m) and (8) to the data present in a record, file or alert registered in the ETIAS Central System, the Schengen Information System (SIS), [the Entry/Exit System (EES)], the Visa Information System (VIS), [the	<u>Agreed text</u> 2. The ETIAS Central System shall compare the relevant data referred to in Article 15(2)(a),(b), (c), (d),(f),(g), (j) <del>except in case of transit</del> , (m) and (8) to the data present in a record, file or alert registered in the ETIAS Central System, the Schengen Information System (SIS), {the Entry/Exit System (EES)}, the Visa

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	Records Information System (ECRIS)], the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD) and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN).		Eurodac], [the European Criminal Records Information System (ECRIS)], the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN).	Information System (VIS), [the Eurodac], [the European Criminal Records Information System (ECRIS-TCN)], the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN).
<b>449.</b>		<b>Amendment 117 Article 18(2)(2) Introductory part</b>		
<b>450.</b>	In particular, the ETIAS Central System shall verify:	The ETIAS Central System shall verify:	In particular, the ETIAS Central System shall verify:	<u>Agreed text</u> In particular, the ETIAS Central System shall verify:
<b>451.</b>	(a) whether the travel document used for the application corresponds to a travel document reported lost, stolen or invalidated in the SIS;		(a) whether the travel document used for the application corresponds to a travel document reported lost, stolen or invalidated in the SIS;	<u>Agreed text</u> (a) whether the travel document used for the application corresponds to a travel document reported lost, stolen or invalidated in the SIS;
<b>452.</b>	(b) whether the travel document used for the application corresponds to a travel document reported lost, stolen or invalidated in the SLTD;		(b) whether the travel document used for the application corresponds to a travel document reported lost, stolen or invalidated in the SLTD;	<u>Agreed text</u> (b) whether the travel document used for the application corresponds to a travel document reported lost, stolen or invalidated in the SLTD;
<b>453.</b>	(c) whether the applicant is subject to a refusal of entry alert recorded in the SIS;		(c) whether the applicant is subject to a refusal of entry alert recorded in the SIS;	<u>Agreed text</u> (c) whether the applicant is subject to a refusal of entry alert recorded in the SIS;
<b>454.</b>	(d) whether the applicant is subject to an alert in respect of		(d) whether the applicant is subject to an alert in respect of	<u>Agreed text</u> (d) whether the applicant is



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	persons wanted for arrest for surrender purposes on the basis of a European Arrest Warrant or wanted for arrest for extradition purposes in the SIS;		persons wanted for arrest for surrender purposes on the basis of a European Arrest Warrant or wanted for arrest for extradition purposes in the SIS;	subject to an alert in respect of persons wanted for arrest for surrender purposes on the basis of a European Arrest Warrant or wanted for arrest for extradition purposes in the SIS;
<b>455.</b>	(e) whether the applicant and the travel document correspond to a refused, revoked or annulled application for travel authorisation in the ETIAS Central System;		(e) whether the applicant and the travel document correspond to a refused, revoked or annulled <del>application for</del> travel authorisation in the ETIAS Central System;	<u>Provisionally agreed</u> (e) whether the applicant and the travel document correspond to a refused, revoked or annulled travel authorisation in the ETIAS Central System;
<b>456.</b>	(f) whether the data provided in the application concerning the travel document correspond to another application for travel authorisation associated with different identity data in the ETIAS Central System;		(f) whether the data provided in the application concerning the travel document correspond to another application for travel authorisation associated with different identity data <u>referred to in Article 15(2)(a) in the ETIAS Central System;</u>	<u>Provisionally agreed</u> (f) whether the data provided in the application concerning the travel document correspond to another application for travel authorisation associated with different identity data referred to in Article 15(2)(a) in the ETIAS Central System;
<b>457.</b>		<b>Amendment 118 Article 18(2)(2)(g)</b>		
<b>458.</b>	(g) [whether the applicant is currently reported as overstayer, whether he has been reported as overstayer in the past through consultation of the EES;]	(g) whether the applicant is currently reported as overstayer, whether he has been reported as overstayer in the past through consultation of the EES;	(g) [whether the applicant is currently reported as overstayer, whether he has been reported as overstayer in the past through consultation of the EES;]	<u>Provisionally agreed</u> (g) {whether the applicant is currently reported as overstayer, whether he <b>or she</b> has been reported as overstayer in the past through consultation of the EES;}
<b>459.</b>		<b>Amendment 119 Article 18(2)(2)(h)</b>		

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>460.</b>	(h) [whether the applicant was refused entry through consultation of the EES;]	(h) whether the applicant was refused entry through consultation of the EES;	(h) [whether the applicant was refused entry through consultation of the EES;]	<u>Provisionally agreed</u> (h) <del>whether the applicant was refused entry through consultation of the EES;</del>
<b>461.</b>	(i) whether the applicant has been subject to a decision to refuse, revoke or annul a short stay visa recorded in the VIS;		(i) whether the applicant has been subject to a decision to refuse, revoke or annul a short stay visa recorded in the VIS;	<u>Agreed text</u> (i) whether the applicant has been subject to a decision to refuse, revoke or annul a short stay visa recorded in the VIS;
<b>462.</b>	(j) whether the data provided in the application corresponds to data recorded in the Europol data;		(j) whether the data provided in the application corresponds to data recorded in the Europol data;	<u>Agreed text</u> (j) whether the data provided in the application corresponds to data recorded in the Europol data;
<b>463.</b>		<b>Amendment 120 Article 18(2)(2)(k)</b>		
<b>464.</b>	(k) [whether the applicant was subject to a return decision or a removal order issued following the withdrawal or rejection of the application for internal protection in the Eurodac;]	(k) [whether the applicant was subject to a return decision or a removal order <b>recorded</b> in the Eurodac;]	(k) [whether the applicant was subject to a return decision or a removal order issued following the withdrawal or rejection of the application for <del>internal</del> <u>international</u> protection in the Eurodac;]	<u>Provisionally agreed</u> (k) [whether the applicant was subject to a return decision or a removal order <del>issued following the withdrawal or rejection of the application for international protection</del> <b>recorded</b> in the Eurodac;]
<b>465.</b>	(l) [whether the applicant corresponds to a person whose data is recorded in the ECRIS;]		(l) [whether the applicant corresponds to a person whose data is recorded in the ECRIS;] <sup>88</sup>	<b>It is proposed to delete all references to ECRIS-TCN in this Regulation since this Regulation will be adopted before the ECRIS-TCN Regulation. The querying of ECRIS-TCN by ETIAS should be</b>

<sup>88</sup> This wording will need to be adapted to specify that a hit will only be triggered in relation to terrorism and other serious criminal offences depending on the relevant proposal on ECRIS.

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<p>provided for in the ECRIS-TCN Regulation, while the modalities for such interoperability should be foreseen in the interoperability Regulation.</p> <p>A recital could be introduced in this text concerning the interoperability between ETIAS and a system to be set up presenting the same features as ECRIS-TCN without expressly mentioning it, as it will not exist yet when the ETIAS Regulation is adopted.</p> <p><b>Recital:</b>  <b>"If a centralised criminal records database for third country nationals were to be established at EU level, ETIAS should be able to query it."</b></p>
466.	(m) whether the travel document used for the application corresponds to a travel document recorded in a file in the Interpol TDAWN;		(m) whether the travel document used for the application corresponds to a travel document recorded in a file in the Interpol TDAWN;	<p><u>Agreed text</u>  (m) whether the travel document used for the application corresponds to a travel document recorded in a file in the Interpol TDAWN;</p>
467.			(n) _____ in the case where an applicant is a minor, whether the applicant's parental authority or legal guardian:	<p><u>Provisionally agreed</u>  (n) _____ in the case where an applicant is a minor, whether the applicant's parental authority or legal guardian:</p>
468.			i) _____ is subject to an alert in respect of persons wanted for arrest	<p><u>Provisionally agreed</u>  i) _____ is subject to an alert in</p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
			<u>for surrender purposes on the basis of a European Arrest Warrant or wanted for arrest for extradition purposes in the SIS;</u>	respect of persons wanted for arrest for surrender purposes on the basis of a European Arrest Warrant or wanted for arrest for extradition purposes in the SIS;
<b>469.</b>			<u>ii) is subject to a refusal of entry alert recorded in the SIS.</u>	<u>Provisionally agreed</u> ii) is subject to a refusal of entry alert recorded in the SIS.
<b>470.</b>	3. The ETIAS Central System shall verify whether the applicant has replied affirmatively to any of the questions listed in Article 15(4) and whether the applicant has not provided a home address but only his city and country of residence, as referred to in Article 15(2)(f).		3. The ETIAS Central System shall verify whether the applicant has replied affirmatively to any of the questions listed in Article 15(4) and whether the applicant has not provided a home address but only his city and country of residence, as referred to in Article 15(2)(f).	<u>Agreed text</u> 3. The ETIAS Central System shall verify whether the applicant has replied affirmatively to any of the questions listed in Article 15(4) and whether the applicant has not provided a home address but only his city and country of residence, as referred to in Article 15(2)(f).
<b>471.</b>		<b>Amendment 121 Article 18(4)</b>		
<b>472.</b>	4. The ETIAS Central System shall compare the relevant data referred to in Article 15(2)(a), (b), (d), (f), (g), (i), (m) and (8) to the data present in the ETIAS watchlist referred to in Article 29.	4. The ETIAS Central System shall compare the relevant data referred to in Article 15(2)(a), (b), (d), (f), (g), (m) and (8) to the data present in the ETIAS watchlist referred to in Article 29.	4. The ETIAS Central System shall compare the relevant data referred to in Article 15(2)(a), (b), <u>(c)</u> , (d), (f), (g), (i), <u>(ja) except in case of transit, (k)</u> , (m) and (8) to the data present in the ETIAS watchlist referred to in Article 29.	<u>Provisionally agreed:</u> 4. The ETIAS Central System shall compare the relevant data referred to in Article 15(2)(a), (b), (c), (d), (f), (g), <del>(h)</del> , (j) <del>except in case of transit</del> , (k), (m) and (8) to the data present in the ETIAS watchlist referred to in Article 29.  NB: (i) relates to "occupation" - to be deleted since it does not make sense to compare "occupation" against the watchlist. COM agrees.

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>473.</b>		<b>Amendment 122 Article 18(5)</b>		
<b>474.</b>	5. The ETIAS Central System shall compare the relevant data referred to in Article 15(2)(a), (f), (h) and (i) and the specific risk indicators referred to in Article 28.	5. The ETIAS Central System shall compare the relevant data referred to in Article 15(2)(a) <i>and</i> (f) and the specific risk indicators referred to in Article 28.	5. The ETIAS Central System shall compare the relevant data referred to in Article 15(2)(a), (c), (f), (h), and (i) and the specific risk indicators referred to in Article 28.	<u>Provisionally agreed</u> 5. The ETIAS Central System shall compare the relevant data referred to in Article 15(2)(a), (c), (f), (h), and (i) and the specific risk indicators referred to in Article 28.
<b>475.</b>	6. The ETIAS Central System shall add a reference to any hit obtained pursuant to paragraphs (2) to (5) to the application file.		6. The ETIAS Central System shall add a reference to any hit obtained pursuant to paragraphs (2) to (5) to the application file.	<u>Agreed text</u> 6. The ETIAS Central System shall add a reference to any hit obtained pursuant to paragraphs (2) to (5) to the application file.
<b>476.</b>	7. For the purposes of Article 4(e), the ETIAS Central System shall allow the comparison of the relevant data referred to in Article 15(2)(a),(b) and (d) to the data present in the SIS in order to determine whether the applicant is subject to one of the following alerts:		<del>7. For the purposes of Article 4(e), the ETIAS Central System shall allow the comparison of the relevant data referred to in Article 15(2)(a),(b) and (d) to the data present in the SIS in order to determine whether the applicant is subject to one of the following alerts:</del>	<u>Provisionally agreed</u> since has been moved to Article 20a on supporting the objectives of SIS (rows 517 and below)
<b>477.</b>	(a) an alert in respect of persons wanted for arrest for surrender purposes or extradition purposes;		<del>(a) an alert in respect of persons wanted for arrest for surrender purposes or extradition purposes;</del>	
<b>478.</b>	(b) an alert in respect of missing persons;		<del>(b) an alert in respect of missing persons;</del>	
<b>479.</b>	(c) an alert in respect of persons sought to assist with a judicial procedure;		<del>(c) an alert in respect of persons sought to assist with a judicial procedure;</del>	
<b>480.</b>		<b>Amendment 123</b>	<del>(d)</del>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<b>Article 18(7)(1)(d)</b>		
481.	(d) an alert on persons and objects for discreet checks or specific checks.	(d) an alert on persons and objects for discreet checks [ <i>inquiry checks</i> ] or specific checks.	<del>(e) an alert on persons and objects for discreet checks or specific checks.</del>	
482.		<b>Amendment 124 Article 18(7)(2)</b>		
483.	Any hit resulting from this comparison shall be stored in the SIS.	Deleted	<del>Any hit resulting from this comparison shall be stored in the SIS.</del>	<u>Agreed text</u> Deleted
484.		<b>Amendment 125 Article 18(7a)(new)</b>		
485.		<i>7a. Where comparison under paragraph 7 reports one or several hits, the ETIAS Central System shall send an automated notification to the ETIAS Central Unit. The ETIAS Central Unit shall verify whether the applicant's personal data corresponds to the personal data contained in the alert having triggered that hit. The ETIAS Central System shall subsequently send an automated notification to the SIRENE Bureau of the Member State that created the alert. The SIRENE Bureau concerned shall further verify whether the applicant's personal data corresponds to the personal data contained in the alert having triggered the hit and take any</i>		COM to check this point with SIS colleagues

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>appropriate follow-up action.</i>		
486.		<b>Amendment 126</b> <b>Article 18(7b)(new)</b>		
487.		<i>7b. The notification sent to the SIRENE Bureau of the Member State that issued the alert shall contain the following data:</i>		
488.		<i>(a) surname(s), first name(s) and, if any, alias;</i>		
489.		<i>(b) place and date of birth;</i>		
490.		<i>(c) sex;</i>		
491.		<i>(d) nationality(ies);</i>		
492.		<i>(e) the applicant's home address or, if not available, his or her city and country of residence;</i>		Not included in the general approach text, but <u>provisionally agreed</u> to add it
493.		<i>(f) travel authorisation status information, indicating whether a travel authorisation has been issued, refused or whether the application is subject to manual processing pursuant to Article 22;</i>		
494.		<i>(g) a reference to any hits obtained, including their date and time.</i>		
495.		<b>Amendment 127</b> <b>Article 18(7c)(new)</b>		
496.		<i>7c. The ETIAS Central System shall add a reference to</i>		

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>any hit obtained to the application file.</i>		
497.		<b>Amendment 128</b> <b>Article 18(7d)(new)</b>		
498.		<i>7d. Where a hit concerns an alert in respect of persons wanted for arrest for surrender purposes, an ETIAS shall not be refused.</i>		
499.			<u>8. Where the data recorded in the application file corresponds to the data triggering a hit pursuant to paragraphs 2 and 4, the ETIAS Central System shall identify, where relevant, the Member State(s) that entered or supplied the data having triggered the hit(s) and shall record this in the application file.</u>	<u>Provisionally agreed</u> 8. Where the data recorded in the application file corresponds to the data triggering a hit pursuant to paragraphs 2 and 4, the ETIAS Central System shall identify, where relevant, the Member State(s) that entered or supplied the data having triggered the hit(s) and shall record this in the application file.
500.			<u>9. Following any hit pursuant to paragraphs (2)(j) and (4) and where no Member State had supplied the data having triggered the hit, the ETIAS Central System shall identify whether Europol entered the data and shall record this in the application file.</u>	<u>Provisionally agreed</u> 9. Following any hit pursuant to paragraphs (2)(j) and (4) and where no Member State had supplied the data having triggered the hit, the ETIAS Central System shall identify whether Europol entered the data and shall record this in the application file.
501.	<i>Article 19</i> <i>Results of the automated processing</i>		<i>Article 19</i> <i>Results of the automated processing</i>	<i>Article 19</i> <i>Results of the automated processing</i>
502.	1. Where the automated processing laid down in Article		1. Where the automated processing laid down in Article	<b>Provisionally agreed (see also rows 760 and 772)</b>



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	18(2) to (5) does not report any hit, the ETIAS Central System shall automatically issue a travel authorisation in accordance with Article 30 and shall immediately notify the applicant in accordance with Article 32.		18(2) to (5) does not report any hit, the ETIAS Central System shall automatically issue a travel authorisation in accordance with Article 30 and shall <del>immediately</del> notify the applicant in accordance with Article 32.	1. Where the automated processing laid down in Article 18(2) to (5) does not report any hit, the ETIAS Central System shall automatically issue a travel authorisation in accordance with Article 30 and shall notify the applicant in accordance with Article 32.
<b>503.</b>			<u>1a. Where the automated processing laid down in Article 18(2) to (5) reports one or several hit(s), the application shall be assessed in accordance with the procedure laid down in Article 20.</u>	<u>Provisionally agreed</u> 1a. Where the automated processing laid down in Article 18(2) to (5) reports one or several hit(s), the application shall be assessed in accordance with the procedure laid down in Article 20.
<b>504.</b>		<b>Amendment 129 Article 19(2)</b>		
<b>505.</b>	2. Where the automated processing laid down in Article 18(2) to (5) reports one or several hit(s), the application shall be assessed in accordance with the procedure laid down in Article 22.	2. Where the automated processing laid down in Article 18(2) to (5) reports one or several hit(s) <i>and the ETIAS Central System is in a position to certify that the data recorded in the application file corresponds to the data triggering a hit</i> , the application shall be assessed in accordance with the procedure laid down in Article 22.	2. <del>Where the automated processing laid down in Article 18(2) to (5) reports one or several hit(s);</del> <u>Where the verification process laid down in Article 20 certifies that the data recorded in the application file corresponds to the data triggering a hit during the automated processing pursuant to Article 18(2) to (5) or where doubts remain concerning the identity of the applicant,</u> the application shall be assessed in accordance with the procedure laid down in Article 22.	<u>Provisionally agreed</u> 2. Where the verification process laid down in Article 20 certifies that the data recorded in the application file corresponds to the data triggering a hit during the automated processing pursuant to Article 18(2) to (5) or where doubts remain concerning the identity of the applicant, the application shall be assessed in accordance with the procedure laid down in Article 22.

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
506.			<u>2a. Where the automated processing laid down in Article 18(3) reports that the applicant has replied affirmatively to any of the questions listed in Article 15(4), and if there is no other hit, the application shall be sent to the ETIAS National Unit of the responsible Member State for manual processing as set out in Article 22.</u>	<u>Provisionally agreed</u> 2a. Where the automated processing laid down in Article 18(3) reports that the applicant has replied affirmatively to any of the questions listed in Article 15(4), and if there is no other hit, the application shall be sent to the ETIAS National Unit of the responsible Member State for manual processing as set out in Article 22.
507.		<b>Amendment 130 Article 19(3)</b>		
508.	3. Where the automated processing laid down in Article 18(2) to (5) is inconclusive because the ETIAS Central System is not in a position to certify that the data recorded in the application file correspond to the data triggering a hit, the application shall be assessed in accordance with the procedure laid down in Article 20.	3. Where the automated processing laid down in Article 18(2) to (5) <b>reports one or several hits and</b> the ETIAS Central System is not in a position to certify that the data recorded in the application file <b>corresponds</b> to the data triggering a hit, the application shall be assessed in accordance with the procedure laid down in Article 20.	<del>3. — Where the automated processing laid down in Article 18(2) to (5) is inconclusive because the ETIAS Central System is not in a position to certify that the data recorded in the application file correspond to the data triggering a hit, the application shall be assessed in accordance with the procedure laid down in Article 20.</del>	<u>Provisionally agreed</u> Deleted
509.	<i>Article 20 Verification by the ETIAS Central Unit</i>		<i>Article 20 Verification by the ETIAS Central Unit</i>	<i>Article 20 Verification by the ETIAS Central Unit</i>
510.	1. Where the ETIAS Central System is not in a position to certify that the data recorded in the application file corresponds to the		1. Where the automated processing pursuant to Article 18(2) to (5) <u>reports one or several hit(s)</u> the ETIAS Central System shall	<u>Provisionally agreed</u> 1. Where the automated processing pursuant to Article 18(2) to (5) reports one or several hit(s)

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	data triggering a hit during the automated processing pursuant to Article 18(2) to (5) the ETIAS Central System shall automatically consult the ETIAS Central Unit.		automatically consult the ETIAS Central Unit.	the ETIAS Central System shall automatically consult the ETIAS Central Unit.
<b>511.</b>	2. Where consulted, the ETIAS Central Unit shall have access to the application file and the linked application file(s), if any, as well as to all the hits triggered during the automated processing pursuant to Article 18(2) to (5).		2. <u>The ETIAS Central Unit shall have access to the application file and the linked application file(s), if any, as well as to all the hits triggered during the automated processing pursuant to Article 18(2) to (5) and to the information identified by the ETIAS Central System according to Article 18(8) and (9).</u>	<u>Provisionally agreed</u> 2. <b>Where consulted</b> , the ETIAS Central Unit shall have access to the application file and the linked application file(s), if any, as well as to all the hits triggered during the automated processing pursuant to Article 18(2) to (5) and to the information identified by the ETIAS Central System according to Article 18(8) and (9).
<b>512.</b>		<b>Amendment 131 Article 20(3)</b>		
<b>513.</b>	3. The ETIAS Central Unit shall verify whether the data recorded in the application file corresponds to the data present in one of the consulted information systems/databases, the ETIAS watchlist referred to in Article 29 or the specific risk indicators referred to in Article 28.	3. The ETIAS Central Unit shall verify whether the data recorded in the application file corresponds to the data present in <b>the ETIAS Central System or</b> one of the consulted information systems/databases, the ETIAS watchlist referred to in Article 29 or the specific risk indicators referred to in Article 28.	3. The ETIAS Central Unit shall verify whether the data recorded in the application file corresponds to the data present in one of the consulted information systems/databases, the ETIAS watchlist referred to in Article 29 or the specific risk indicators referred to in Article 28.	<u>Provisionally agreed</u> 3. The ETIAS Central Unit shall verify whether the data recorded in the application file corresponds to the data present in <b>the ETIAS Central System or</b> one of the consulted information systems/databases, the ETIAS watchlist referred to in Article 29 or the specific risk indicators referred to in Article 28.
<b>514.</b>	4. Where the data do not correspond, and no other hit has been reported during the automated		4. Where the data do not correspond, and no other hit has been reported during the automated	<u>Agreed text</u> 4. Where the data do not correspond, and no other hit has

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	processing pursuant to Article 18(2) to (5), the ETIAS Central Unit shall delete the false hit from the application file and the ETIAS Central System shall automatically issue a travel authorisation in accordance with Article 30.		processing pursuant to Article 18(2) to (5), the ETIAS Central Unit shall delete the false hit from the application file and the ETIAS Central System shall automatically issue a travel authorisation in accordance with Article 30.	been reported during the automated processing pursuant to Article 18(2) to (5), the ETIAS Central Unit shall delete the false hit from the application file and the ETIAS Central System shall automatically issue a travel authorisation in accordance with Article 30.
<b>515.</b>	5. Where the data correspond to or where doubts remain concerning the identity of the applicant, the application shall be assessed in accordance with the procedure laid down in Article 22.		5. Where the data correspond to or where doubts remain concerning the identity of the applicant, the application shall be assessed in accordance with the procedure laid down in Article 22.	<u>Agreed text</u> 5. Where the data correspond to or where doubts remain concerning the identity of the applicant, the application shall be assessed in accordance with the procedure laid down in Article 22.
<b>516.</b>	6. The ETIAS Central Unit shall complete the manual examination within a maximum of 12 hours from receipt of the application file.		6. The ETIAS Central Unit shall complete the manual examination within a maximum of 12 hours from receipt of the application file.	<u>Agreed text</u> 6. The ETIAS Central Unit shall complete the manual examination within a maximum of 12 hours from receipt of the application file.
<b>517.</b>			<i>Article 20a</i> <u>Support of the objectives of the Schengen Information System</u>	LIBE agrees in principle to have a separate Article  <b>Awaiting COM proposals to make sure that the objectives of SIS are not negatively impacted by this provision (in particular as regards European Arrest Warrant and discreet checks)</b>  <i>Article 20a</i> <i>Support of the objectives of the Schengen Information System</i>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
518. <i>r</i>			1. <u>For the purposes of Article 4(e), the ETIAS Central System shall compare the data referred to in Article 15(2)(a),(b) and (d) to the data present in the SIS in order to determine whether the applicant is subject to one of the following alerts:</u>	
519.			(a) <u>an alert on missing persons;</u>	
520.			(b) <u>an alert on persons sought to assist with a judicial procedure;</u>	
521.			(c) <u>an alert on persons for discreet checks, [inquiry checks] or specific checks.</u>	
522.			2. <u>Where the comparison referred to in paragraph 1 reports one or several hit(s), the ETIAS Central System shall send an automated notification to the ETIAS Central Unit which shall verify whether the applicant personal data corresponds to the personal data contained in the alert having triggered that hit and upon confirmation, the ETIAS Central System shall send an automated notification to the SIRENE Bureau of the Member State that issued the alert. The ETIAS Central System shall also send an automated notification to the SIRENE Bureau of the Member State that issued an alert having triggered a hit against</u>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>the SIS during the automated processing referred to in Article 18, where, following verification by the ETIAS Central Unit as referred to in Article 20, such alert led to manual processing of the application in accordance with Article 22.</u>	
523.			<u>3. The notification provided to the SIRENE Bureau of the Member State that issued the alert shall contain the following data:</u>	
524.			<u>(a) surname(s), first name(s) and, if any, alias;</u>	
525.			<u>(b) place and date of birth;</u>	
526.			<u>(c) sex;</u>	
527.			<u>(d) nationality(ies);</u>	
528.			<u>(e) address of the first intended stay or, in case of transit, Member State of first intended transit;</u>	
529.			<u>(f) travel authorisation status information, indicating whether a travel authorisation has been issued, refused or whether the application is subject to a manual assessment pursuant to Article 22;</u>	
530.			<u>(g) a reference to the hit(s) obtained in accordance with paragraphs 1 and 2, including the date and time of the hit.</u>	
531.			<u>4. The ETIAS Central System shall add a reference to any hit</u>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>obtained pursuant to paragraph (1) to the application file.</u>	
532.	<i>Article 21 Specific rules for family members of EU citizens or of other third country nationals enjoying the right of free movement under Union law</i>		<i>Article 21 Specific rules for family members of EU citizens or of other third country nationals enjoying the right of free movement under Union law</i>	<i>Article 21 Specific rules for family members of EU citizens or of other third country nationals enjoying the right of free movement under Union law</i>
533.		<b>Amendment 132 Article 21(1)</b>		
534.	1. For third country nationals referred to in Article 2(1)(c), the travel authorisation as defined in Article 3(d) shall be understood as a decision issued in accordance with this Regulation indicating that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses a security or public health risk in accordance with Directive 2004/38/EC.	1. For third country nationals referred to in Article 2(1)(c), the travel authorisation as defined in Article 3(d) shall be understood as a decision issued in accordance with this Regulation indicating that there are no <b>reasonable grounds based on</b> factual indications to conclude that the presence of the person on the territory of the Member States poses a <b>threat to</b> security or <b>a high epidemic</b> risk in accordance with Directive 2004/38/EC.	1. For third country nationals referred to in Article 2(1)(c), the travel authorisation as defined in Article 3(d) shall be understood as a decision issued in accordance with this Regulation indicating that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses a security or public health risk in accordance with Directive 2004/38/EC.	<u>Provisionally agreed</u> 1. For third country nationals referred to in Article 2(1)(c), the travel authorisation as defined in Article 3(d) shall be understood as a decision issued in accordance with this Regulation indicating that there are no factual indications or reasonable grounds <b>based on factual indications</b> to conclude that the presence of the person on the territory of the Member States poses a security or public health risk in accordance with Directive 2004/38/EC. <b>[agreement in principle by LIBE subject to further discussions on the definition of "security risk"/"threat to security"]</b>
535.	2. When a third country national referred to in Article 2(1)(c) applies for a travel authorisation, the following specific		2. When a third country national referred to in Article 2(1)(c) applies for a travel authorisation, the following specific	<u>Agreed text</u> 2. When a third country national referred to in Article 2(1)(c) applies for a travel

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	rules shall apply:		rules shall apply:	authorisation, the following specific rules shall apply:
<b>536.</b>	(a) the applicant shall provide the additional personal data referred to in Article 15(2)(l);		<del>(a) the applicant shall provide the additional personal data referred to in Article 15(2)(l);</del>	<u>Provisionally agreed</u> Deleted
<b>537.</b>	(b) the applicant shall not reply to the question referred to in Article 15(4)(d);		(b) the applicant shall not reply to the question referred to in Article 15(4)(d);	<u>Agreed text</u> (b) the applicant shall not reply to the question referred to in Article 15(4)(d);
<b>538.</b>	(c) the fee referred to in Article 16 shall be waived.		(c) the fee referred to in Article 16 shall be waived.	<u>Agreed text</u> (c) the fee referred to in Article 16 shall be waived.
<b>539.</b>		<b>Amendment 133 Article 21(3)(1)</b>		
<b>540.</b>	3. [When processing an application for a travel authorisation for a third country national referred to in Article 2(1)(c), the ETIAS Central Systems shall not verify whether:	3. When processing an application for a travel authorisation for a third country national referred to in Article 2(1)(c), the ETIAS Central Systems shall not verify whether:	3. [When processing an application for a travel authorisation for a third country national referred to in Article 2(1)(c), the ETIAS Central Systems shall not verify whether:	<u>Agreed text</u> 3. {When processing an application for a travel authorisation for a third country national referred to in Article 2(1)(c), the ETIAS Central Systems shall not verify whether:
<b>541.</b>	(a) the applicant is currently reported as overstayer, whether he or she has been reported as overstayer in the past through consultation of the EES as referred to in Article 18(2)(g);	(a) the applicant is currently reported as overstayer, whether he or she has been reported as overstayer in the past through consultation of the EES as referred to in Article 18(2)(g);	(a) the applicant is currently reported as <u>an overstayer</u> , or whether he or she has been reported as <u>an overstayer</u> in the past through consultation of the EES as referred to in Article 18(2)(g);	<u>Provisionally agreed</u> (a) the applicant is currently reported as an overstayer or whether he or she has been reported as an overstayer in the past through consultation of the EES as referred to in Article 18(2)(g);
<b>542.</b>	(b) the applicant corresponds to a person whose data is recorded in the Eurodac as referred to in Article 18(2)(j).]	(b) the applicant corresponds to a person whose data is recorded in the Eurodac as referred to in	(b) the applicant corresponds to a person whose data is recorded in the Eurodac as referred to in Article 18(2)( <del>j</del> )(k).]	<u>Provisionally agreed</u> (b) the applicant corresponds to a person whose data is recorded in the Eurodac as referred to in



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		Article 18(2)(j).		Article 18(2)(k).†
<b>543.</b>	The specific risk indicators based on irregular migration risks determined pursuant to Article 28(2) shall not apply.		The specific risk indicators based on <del>irregular</del> <b>illegal</b> immigration risks determined pursuant to Article 28(2) shall not apply.	To be further discussed in the context of Article 28 on screening rules
<b>544.</b>	4. An application for a travel authorisation shall not be refused on the ground of an irregular migration risk as referred to in Article 31(1)(b).		4. An application for a travel authorisation shall not be refused on the ground of an <del>irregular</del> <b>illegal</b> immigration risk as referred to in Article 31(1)(c)( <del>b</del> ).	<u>Provisionally agreed, subject to terminology (illegal vs irregular migration)</u> 4. An application for a travel authorisation shall not be refused on the ground of an illegal immigration risk as referred to in Article 31(1)(c).
<b>545.</b>	5. The following rules shall also apply:		5. The following rules shall also apply:	<u>Agreed text</u> 5. The following rules shall also apply:
<b>546.</b>	(a) in the notification laid down in Article 32(1) the applicant shall receive information regarding the fact that he or she needs to be able to prove when crossing the external border his or her status as family member of a citizen exercising the right of free movement as referred to in Article 15(2)(1), which shall also include a reminder that the family member of a citizen exercising the right of free movement who is in possession of a travel authorisation only has a right to enter if the family member accompanies or joins the citizen		(a) in the notification laid down in Article 32(1) the applicant shall receive information regarding the fact that he or she needs to be able to prove when crossing the external border his or her status as family member of a citizen exercising the right of free movement as referred to in Article 15(2)(1), which shall also include a reminder that the family member of a citizen exercising the right of free movement who is in possession of a travel authorisation only has a right to enter if the family member accompanies or joins the citizen	<u>Agreed text</u> (a) in the notification laid down in Article 32(1) the applicant shall receive information regarding the fact that he or she needs to be able to prove when crossing the external border his or her status as family member of a citizen exercising the right of free movement as referred to in Article 15(2)(1), which shall also include a reminder that the family member of a citizen exercising the right of free movement who is in possession of a travel authorisation only has a right to enter if the family member

Updated 1 February. LIBE comments marked green. Council comments marked yellow. COM input marked turquoise.

Texts still under discussion at technical level marked blue. Texts resulting from the trilogue on 12.12.2017 marked pink when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	exercising its right of free movement;		exercising its right of free movement;	accompanies or joins the citizen exercising its right of free movement;
547.		<b>Amendment 134</b> <b>Article 21(5)(b)</b>		
548.	(b) an appeal as referred to in Article 32 shall be made in accordance with Directive 2004/38/EC;	(b) <i>a remedy procedure</i> as referred to in Article 32 shall be made in accordance with Directive 2004/38/EC;	(b) an appeal as referred to in Article 32 shall be made in accordance with Directive 2004/38/EC;	<u>Provisionally agreed</u> (b) an appeal as referred to in Article 32 shall be made in accordance with Directive 2004/38/EC;
549.	(c) the retention period of the application file referred to in Article 47(1) shall be:		(c) the retention period of the application file referred to in Article 47(1) shall be:	<u>Agreed text</u> (c) the retention period of the application file referred to in Article 47(1) shall be:
550.	i) the period of validity of the travel authorisation;		i) the period of validity of the travel authorisation;	<u>Agreed text</u> i) the period of validity of the travel authorisation;
551.		<b>Amendment 135</b> <b>Article 21(5)(c)(ii)</b>		
552.	ii) [one year from the last entry record of the applicant stored in the EES, where that period of one year ends on a later date than the period of validity of the travel authorisation; or]	Deleted	ii) [one year from the last entry record of the applicant stored in the EES, where that period of one year ends on a later date than the period of validity of the travel authorisation; or]	<u>Provisionally agreed</u> Deleted
553.		<b>Amendment 136</b> <b>Article 21(5)(c)(iii)</b>		
554.	iii) five years from the last decision to refuse, revoke or annul the travel authorisation in	iii) five years from the last decision to refuse, revoke or annul the travel authorisation in	iii) five years from the last decision to refuse, revoke or annul the travel authorisation in	<u>Provisionally agreed</u> <u>same wording as Article 47 (row 982)</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	accordance with Articles 31, 34 and 35.	accordance with Articles 31, 34 and 35 <i>or for a shorter period of time than five years if the alert giving rise to the decision is deleted earlier.</i>	accordance with Articles 31, 34 and 35.	iii) five years from the last decision to refuse, revoke or annul the travel authorisation in accordance with Articles 31, 34 and 35. <b>If the data giving rise to this decision is deleted earlier, the application file shall be deleted within seven days.</b>
555.		<b>Amendment 137</b> <b>Article 21(5)(c)(2)</b>		
556.		<i>For the purpose of facilitating a new application after the expiry of the period of validity of an ETIAS travel authorisation, the application file may be stored in the ETIAS Central System for an additional period of no more than one year after the end of the period of validity of the travel authorisation only where, following a request for consent, the applicant freely and explicitly consents by means of an electronically signed declaration. Requests for consent shall be presented in a manner which is clearly distinguishable from other matters, in an intelligible and easily accessible form, using clear and plain language in accordance with Article 7 of Regulation (EU) 2016/679 of the European</i>		Not necessary to copy-paste this provision here again as it is already in row 984

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>Parliament and of the Council. Consent shall be given following the automatic information provided for in Article 13(2c). The automatic information shall remind the applicant about the purpose of the data retention on the basis of the information referred to in Article 61(ea).</i>		
557.	<b>CHAPTER IV Examination of the application by the ETIAS National Units</b>		<b>CHAPTER IV Examination of the application by the ETIAS National Units</b>	<b>CHAPTER IV Examination of the application by the ETIAS National Units</b>
558.			<i>Article 21a Responsible Member State</i>	<i>Article 21a Responsible Member State</i>
559.			<u>1. The Member State responsible for the manual processing of applications as referred to in Article 22 (the 'responsible Member State') shall be identified by the ETIAS Central System as follows:</u>	<u>Provisionally agreed</u> 1. The Member State responsible for the manual processing of applications as referred to in Article 22 (the 'responsible Member State') shall be identified by the ETIAS Central System as follows:
560.			<u>(a) Where only one Member State is identified as having entered or supplied the data that triggered the hit pursuant to Article 18, that Member State shall be the responsible Member State.</u>	<u>Provisionally agreed</u> (a) Where only one Member State is identified as having entered or supplied the data that triggered the hit pursuant to Article 18, that Member State shall be the responsible Member State.

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
561.			<u>(b) Where several Member States are identified as having entered or supplied the data that triggered the hits pursuant to Article 18, the Member State that has entered or supplied the most recent data corresponding to points (a) or (c) of Article 18(2), shall be the responsible Member State.</u>	<u>Provisionally agreed</u> (b) Where several Member States are identified as having entered or supplied the data that triggered the hits pursuant to Article 18, the Member State that has entered or supplied the most recent data corresponding to points (a) or (c) of Article 18(2), shall be the responsible Member State.
562.			<u>(c) Where several Member States are identified as having entered or supplied the data that triggered the hits pursuant to Article 18, but none of that data corresponds to points (a) and (c) of Article 18(2), the responsible Member State shall be the one that entered or supplied the most recent data.</u>	<u>Provisionally agreed</u> (c) Where several Member States are identified as having entered or supplied the data that triggered the hits pursuant to Article 18, but none of that data corresponds to points (a) and (c) of Article 18(2), the responsible Member State shall be the one that entered or supplied the most recent data.
563.			<u>(d) For the purposes of paragraphs (a) <del>to</del> and (c), hits triggered by data not entered or supplied by a Member State shall not be taken into account in order to identify the responsible Member State. Where the manual processing of an application is not triggered by data entered or supplied by a Member State, the responsible Member State shall be the Member State of first intended stay or, in</u>	<b>Awaiting COM proposal</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>case of transit, the Member State of first intended transit as declared by the applicant in accordance with Article 15(2)(j).</u>	
564.			<u>2. The ETIAS Central System shall indicate the Member State responsible in the application file.</u>	Provisionally agreed 2. The ETIAS Central System shall indicate the Member State responsible in the application file. <b>Where the ETIAS Central System is not able to identify the responsible Member State, as referred to in paragraph 1, the ETIAS Central Unit shall identify it.</b>
565.	<i>Article 22 Manual processing of applications by the ETIAS National Units</i>		<i>Article 22 Manual processing of applications by the ETIAS National Units</i>	<i>Article 22 Manual processing of applications by the ETIAS National Units</i>
566.		<b>Amendment 138 Article 22(1)</b>		
567.	1. The Member State responsible for the manual processing of applications pursuant to this Article (the 'responsible Member State') shall be the Member State of first entry as declared by the applicant in accordance with Article 15(2)(j).	1. The Member State responsible for the manual processing of applications pursuant to this Article (the 'responsible Member State') shall be:	<del>{1. The Member State responsible for the manual processing of applications pursuant to this Article (the 'responsible Member State') shall be the Member State of first entry as declared by the applicant in accordance with Article 15(2)(j).}</del>	LIBE withdraws its amendment
568.		<i>(a) in the case of a hit from any of the checked systems, the Member State that entered the most recent alert resulting in a hit;</i>		LIBE withdraws its amendment

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>569.</b>		<i>(b) in the case of a hit from the ETIAS watchlist, the Member State which provided the data for the watchlist;</i>		LIBE withdraws its amendment
<b>570.</b>		<i>(c) in all other cases, the Member State of first entry as declared by the applicant in accordance with Article 15 (2)(j).</i>		LIBE withdraws its amendment
<b>571.</b>		<b>Amendment 139 Article 22(1 a) (new)</b>		
<b>572.</b>		<i>1a. The responsible Member State shall be indicated by the ETIAS Central Unit.</i>		LIBE withdraws its amendment (covered in line 564)
<b>573.</b>		<b>Amendment 140 Article 22(1 )b (new)</b>		
<b>574.</b>		<i>1b. A Member State consulted in accordance with Article 24 may request the ETIAS Central Unit to be the responsible Member State for reasons of national security.</i>		LIBE withdraws its amendment
<b>575.</b>	2. Where the automated processing laid down in Article 18(2) to (5) reported one or several hit(s), the application shall be processed manually by the ETIAS National Unit of the responsible Member State. The ETIAS National Unit shall have access to the application file and the linked application file(s), if any, as well as		2. Where the automated processing laid down in Article 18(2) to (5) reported one or several hit(s), the application shall be processed manually by the ETIAS National Unit of the responsible Member State. <del>The</del> <u>That</u> ETIAS National Unit shall have access to the application file and the linked application file(s), if any, as well as	<u>Provisionally agreed</u> 2. Where the automated processing laid down in Article 18(2) to (5) reported one or several hit(s), the application shall be processed manually by the ETIAS National Unit of the responsible Member State. <u>That</u> ETIAS National Unit shall have access to the application file and the linked

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	to all the hits triggered during the automated processing laid down in Article 18(2) to (5).		to all the hits triggered during the automated processing laid down in Article 18(2) to (5). <u>The ETIAS Central Unit shall inform the ETIAS National Unit of the responsible Member State whether one or several other Member States or Europol were identified as having entered or supplied the data that triggered the hit pursuant to Article 18(2) or (4). Where one or several Member States were identified as having entered or supplied the data that triggered such hit, the ETIAS Central Unit shall also specify the Member States concerned.</u>	application file(s), if any, as well as to all the hits triggered during the automated processing laid down in Article 18(2) to (5). The ETIAS Central Unit shall inform the ETIAS National Unit of the responsible Member State whether one or several other Member States or Europol were identified as having entered or supplied the data that triggered the hit pursuant to Article 18(2) or (4). Where one or several Member States were identified as having entered or supplied the data that triggered such hit, the ETIAS Central Unit shall also specify the Member States concerned.
<b>576.</b>	3. Following the manual processing of the application, the ETIAS National Unit of the responsible Member State shall:		3. Following the manual processing of the application, the ETIAS National Unit of the responsible Member State shall:	<u>Agreed text</u> 3. Following the manual processing of the application, the ETIAS National Unit of the responsible Member State shall:
<b>577.</b>	(a) issue a travel authorisation; or		(a) issue a travel authorisation; or	<u>Agreed text</u> (a) issue a travel authorisation; or
<b>578.</b>	(b) refuse a travel authorisation.		(b) refuse a travel authorisation.	<u>Agreed text</u> (b) refuse a travel authorisation.
<b>579.</b>	4. Where the automated processing laid down in Article 18(2) has reported a hit, the ETIAS National Unit of the responsible		4. Where the automated processing laid down in Article 18(2) has reported a hit, the ETIAS National Unit of the responsible	<u>Agreed text</u> 4. Where the automated processing laid down in Article 18(2) has reported a hit, the ETIAS



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	Member State shall:		Member State shall:	National Unit of the responsible Member State shall:
<b>580.</b>		<b>Amendment 141 Article 22(4)(a)</b>		
<b>581.</b>	(a) where the hit corresponds to one or several of the categories laid down in Article 18(2)(a) to (c), refuse a travel authorisation.	(a) where the hit corresponds to Article 18(2)(c), refuse a travel authorisation.	(a) where the hit corresponds to one or several of the categories laid down in Article 18(2)(a) <del>to</del> <u>and</u> (c), refuse a travel authorisation.	<u>Provisionally agreed</u> (a) where the hit corresponds to one or several of the categories laid down in Article 18(2)(a) and (c), refuse a travel authorisation.
<b>582.</b>		<b>Amendment 142 Article 22(4)(b)</b>		
<b>583.</b>	(b) where the hit corresponds to one or several of the categories laid down in Article 18(2)(d) to (m), assess the security or irregular migration risk and decide whether to issue or refuse a travel authorisation.	(b) where the hit corresponds to one or several of the categories laid down in Article 18(2)(a),(b) <i>or</i> (d) to (m), assess the <i>threat to</i> security or irregular migration risk and decide whether to issue or refuse a travel authorisation.	(b) where the hit corresponds to one or several of the categories laid down in Article 18(2)(b) and (d) to (m), assess the security or <del>irregular illegal</del> immigration risk and decide whether to issue or refuse a travel authorisation.	<u>Provisionally agreed, subject to further discussions on the definition of "security risk"/"threat to security"</u> (b) where the hit corresponds to one or several of the categories laid down in Article 18(2)(b) and (d) to (m), assess the security or illegal immigration risk and decide whether to issue or refuse a travel authorisation.
<b>584.</b>		<b>Amendment 143 Article 22(4a) new</b>		
<b>585.</b>		<i>4a. Where the hit corresponds to an alert referred to in Article 18(2)(d), the ETIAS National Unit shall issue a pro forma travel authorisation that is marked in the ETIAS Central System with a flag</i>		LIBE withdraws its amendment

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>indicating to the border authorities to proceed with an arrest of the third-country national.</i>		
<b>586.</b>		<b>Amendment 144</b> <b>Article 22(5)</b>		
<b>587.</b>	5. Where the automated processing laid down in Article 18(3) has reported that the applicant replied affirmatively to one of the questions referred to in Article 15(4), the ETIAS National Unit of the responsible Member State shall assess the irregular migration, security or public health risk and decide whether to issue or refuse a travel authorisation.	5. Where the automated processing laid down in Article 18(3) has reported that the applicant replied affirmatively to one of the questions referred to in Article 15(4), the ETIAS National Unit of the responsible Member State shall assess the irregular migration <b>risk or the threat to</b> security and decide whether to issue or refuse a travel authorisation.	5. Where the automated processing laid down in Article 18(3) has reported that the applicant replied affirmatively to one of the questions referred to in Article 15(4), the ETIAS National Unit of the responsible Member State shall assess the <u>security, irregular illegal immigration, security</u> or public health risk and decide whether to issue or refuse a travel authorisation.	<u>Provisionally agreed subject to further discussions on the definition of "security risk"/"threat to security"</u> 5. Where the automated processing laid down in Article 18(3) has reported that the applicant replied affirmatively to one of the questions referred to in Article 15(4), the ETIAS National Unit of the responsible Member State shall assess the security <b>or</b> illegal immigration <b>or public health risk</b> and decide whether to issue or refuse a travel authorisation.
<b>588.</b>		<b>Amendment 145</b> <b>Article 22(6)</b>		
<b>589.</b>	6. Where the automated processing laid down in Article 18(4) has reported a hit, the ETIAS National Unit of the responsible Member State shall assess the security risk and decide whether to issue or refuse a travel	6. Where the automated processing laid down in Article 18(4) has reported a hit, the ETIAS National Unit of the responsible Member State shall assess the <b>threat to</b> security and decide whether to issue or refuse a travel	6. Where the automated processing laid down in Article 18(4) has reported a hit, the ETIAS National Unit of the responsible Member State shall assess the security risk and decide whether to issue or refuse a travel	<u>Provisionally agreed, subject to further discussions on the definition of "security risk"/"threat to security"</u> 6. Where the automated processing laid down in Article 18(4) has reported a hit, the ETIAS

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	authorisation.	authorisation.	authorisation.	National Unit of the responsible Member State shall assess the security risk and decide whether to issue or refuse a travel authorisation.
<b>590.</b>		<b>Amendment 146</b> <b>Article 22(7)</b>		
<b>591.</b>	7. Where the automated processing laid down in Article 18(5) has reported a hit, the ETIAS National Unit of the responsible Member State shall assess the irregular migration, security or public health risk and decide whether to issue or refuse a travel authorisation.	7. Where the automated processing laid down in Article 18(5) has reported a hit, the ETIAS National Unit of the responsible Member State shall assess the irregular migration <i>risk, the threat to</i> security or <i>the high epidemic risk</i> and decide whether to issue or refuse a travel authorisation. <b><i>In no circumstances may the ETIAS National Unit of the responsible Member State take a decision only on the basis of a hit based on specific risk indicators. The ETIAS National Unit of the responsible Member State shall individually assess the irregular migration risk, the threat to security and the high epidemic risks in all cases.</i></b>	7. Where the automated processing laid down in Article 18(5) has reported a hit, the ETIAS National Unit of the responsible Member State shall assess the <u>security, irregular illegal immigration, security</u> or public health risk and decide whether to issue or refuse a travel authorisation.	<u>Provisionally agreed, subject to further discussions on the definition of "security risk"/"threat to security"</u>  7. Where the automated processing laid down in Article 18(5) has reported a hit, the ETIAS National Unit of the responsible Member State shall assess the irregular migration <b>risk, the threat to</b> security or <b>the high epidemic risk</b> and decide whether to issue or refuse a travel authorisation. <b>In no circumstances may the ETIAS National Unit of the responsible Member State take a decision automatically on the basis of a hit based on specific risk indicators. The ETIAS National Unit of the responsible Member State shall individually assess the irregular migration risk, the threat to security and the high epidemic risks in all cases.</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
592.	<i>Article 23 Request for additional information or documentation from the applicant</i>		<i>Article 23 Request for additional information or documentation from the applicant</i>	<i>Article 23 Request for additional information or documentation from the applicant</i>
593.		<b>Amendment 147 Article 23(1)</b>		
594.	1. Where the information provided by the applicant in the application form does not allow the ETIAS National Unit of the responsible Member State to decide whether to issue or refuse a travel authorisation, that ETIAS National Unit may request the applicant for additional information or documentation.	1. Where the information provided by the applicant in the application form does not allow the ETIAS National Unit of the responsible Member State to decide whether to issue or refuse a travel authorisation, that ETIAS National Unit <b>shall</b> request additional information or documentation <b>from the applicant</b> .	1. Where <u>the ETIAS National Unit of the responsible Member State deems</u> the information provided by the applicant in the application form <u>to be insufficient to enable it</u> <del>does not allow the ETIAS National Unit of the responsible Member State</del> to decide whether to issue or refuse a travel authorisation, that ETIAS National Unit may request the applicant for additional information or documentation. <u>The ETIAS National Unit of the responsible Member State shall request additional information or documentation upon request of a Member State consulted in accordance with Article 24.</u>	<u>Provisionally agreed</u> 1. Where the ETIAS National Unit of the responsible Member State deems the information provided by the applicant in the application form to be insufficient to enable it to decide whether to issue or refuse a travel authorisation, that ETIAS National Unit may request the applicant for additional information or documentation. The ETIAS National Unit of the responsible Member State shall request additional information or documentation upon request of a Member State consulted in accordance with Article 24.
595.		<b>Amendment 148 Article 23(2)</b>		
596.	2. The request for additional information or documentation shall be notified to the contact e-mail	2. The request for additional information or documentation shall be notified to the contact e-mail	2. The request for additional information or documentation shall be notified <u>through the email</u>	<u>NB: this deadline of 12 calendar days to be further considered</u> <b>Issue of languages and "official"</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	<p>address recorded in the application file. The request for additional information or documentation shall clearly indicate the information or documentation that the applicant is required provide. The applicant shall provide the additional information or documentation directly to the ETIAS National Unit through the secure account service referred to in Article 6(2)(g) within 7 working days of the date of receipt of the request.</p>	<p>address recorded in the application file. The request for additional information or documentation shall clearly indicate the information or documentation that the applicant is required <i>to</i> provide. The applicant shall provide the additional information or documentation directly to the ETIAS National Unit through the secure account service referred to in Article 6(2)(g) within <b>14</b> working days of the date of receipt of the request. <b><i>Only additional information or documentation necessary for the assessment of the ETIAS application may be requested.</i></b></p>	<p><u>service referred to in Article 6(2)(f) to the contact e-mail address recorded in the application file. The request for additional information or documentation shall clearly indicate the information or documentation that the applicant is required to provide, as well as a list of the languages in which the information or documentation may be submitted. That list shall include at least English or French or German unless it includes a language which is an official language of the third country which the applicant has declared to be a national of. Where additional documentation is requested, a copy of the original document(s) shall also be requested. The applicant shall provide the additional information or documentation directly to the ETIAS National Unit through the secure account service referred to in Article 6(2)(g) within 7 12 calendar working days from of the date of receipt of the request. The applicant shall provide such information or documentation in one of the languages notified in the request.</u></p>	<p><b>translations to be further discussed - Possible compromise discussed at TM on 13/12/2017: two languages compulsory, instead of three (see row 845)</b>                  2. The request for additional information or documentation shall be notified through the email service referred to in Article 6(2)(f) to the contact e-mail address recorded in the application file. The request for additional information or documentation shall clearly indicate the information or documentation that the applicant is required to provide, as well as a list of the languages in which the information or documentation may be submitted. That list shall include at least <b>English, <del>or French or</del> and German</b> [English or French or German] unless it includes a language which is an official language of the third country which the applicant has declared to be a national of. Where additional documentation is requested, an <b>electronic</b> copy of the original document(s) shall also be requested. The applicant shall provide the additional information or documentation directly to the ETIAS National Unit through the</p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<p>secure account service referred to in Article 6(2)(g) within 12 calendar days from the date of receipt of the request. The applicant shall provide such information or documentation in one of the languages notified in the request. <b>Only additional information or documentation necessary for the assessment of the ETIAS application may be requested.</b></p> <p><b>COM text proposal</b></p> <p>2. The request for additional information or documentation shall be notified through the email service referred to in Article 6(2)(f) to the contact e-mail address recorded in the application file. The request for additional information or documentation shall clearly indicate the information or documentation that the applicant is required to provide, as well as a list of the languages in which the information or documentation may be submitted. <b><u>In addition to the official language(s) of the Member State requesting the additional information or documentation, that list shall, unless it includes a language which is an official language of</u></b></p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<p><b><u>the third country which the applicant has declared to be a national of, include at least two of the following languages: English, French, German.</u></b> Where additional documentation is requested, an <b>electronic</b> copy of the original document(s) shall also be requested.</p> <p>The applicant shall provide the additional information or documentation directly to the ETIAS National Unit through the secure account service referred to in Article 6(2)(g) within 12 calendar days from the date of receipt of the request. The applicant shall provide such information or documentation in one of the languages notified in the request. <b><u>If the additional documentation is established in a language which is not notified in the request, the applicant shall provide a translation, either official or unofficial, in one of the notified languages.</u></b> Only additional information or documentation necessary for the assessment of the ETIAS application may be requested.</p> <p>NB: Article 74 could also provide</p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				that the costs of working in multiple languages, as defined in Article 23, shall be covered.
597.			2a. For the purpose of <u>requesting additional information or documentation as referred to in paragraph 1, the ETIAS National Unit shall use a predetermined list of options. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to lay down the content and format of that predetermined list of options.</u>	Presidency compromise proposal 2a. For the purpose of requesting additional information or documentation as referred to in paragraph 1, the ETIAS National Unit shall use a predetermined list of options. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to lay down the content and format of that predetermined list of options.
598.	3. The ETIAS National Unit shall process the additional information or documentation within 72 hours of the date of the submission by the applicant.		<del>3. The ETIAS National Unit shall process the additional information or documentation within 72 hours of the date of the submission by the applicant.</del>	
599.		<b>Amendment 149</b> <b>Article 23(4)</b>		
600.	4. In exceptional circumstances, the ETIAS National Unit may invite the applicant for an interview at a consulate in his or her country of residence.	4. In exceptional circumstances, <b><i>and after processing the additional documentation and information in accordance with paragraph 3,</i></b> the ETIAS National Unit may invite the applicant for an interview at <b><i>any</i></b> consulate <b><i>of a Union Member State located</i></b> in his or her country	4. In exceptional circumstances, where the necessary arrangements have been made by the Member State concerned to enable this, the ETIAS National Unit <u>of the responsible Member State</u> may invite the applicant for an interview at a consulate in his or her country of residence.	<b>LIBE proposal</b> 4. In exceptional circumstances, <del>where the necessary arrangements have been made by the Member State concerned to enable this</del> <b>and after processing the additional documentation and information in accordance with paragraph 3,</b> the ETIAS National



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<p>of residence, <i>or use modern means of communication to carry out an interview with the applicant.</i>  <i>Where an interview is conducted the deadline referred to in Article 27(2a) shall apply.</i></p>		<p>Unit of the responsible Member State may invite the applicant for an interview at <b>the a-consulate of a Union Member State which is located closest to his or her place of residence</b> in his or her country of residence.</p> <p><b>Presidency compromise proposal (to be tested with delegations)</b></p> <p>4. In exceptional circumstances, and after processing the additional documentation and information in accordance with paragraph 3, the ETIAS National Unit of the responsible Member State may invite the applicant for an interview at a consulate of <b>the responsible Union</b> Member State which is located closest to his or her place of residence.</p> <p><b>NB: at technical meeting on 11 December, the following was provisionally agreed:</b></p> <ul style="list-style-type: none"> <li>- the first part of the deadlines (i.e. 96 hours, as per the Council position);</li> <li>- references to calendar days and not working days;</li> <li>- two-step approach: additional documentation, and possibly after, interview;</li> </ul>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				- introduction of a recital clarifying that interviews should be used as a last resort
601.		<b>Amendment 150</b> <b>Article 23(5)</b>		
602.	5. The invitation shall be notified to the applicant by the ETIAS National Unit of the Member and shall be notified to the contact e-mail address recorded in the application file.	5. The invitation shall be notified to the applicant <i>at least 5 working days before the scheduled interview</i> by the ETIAS National Unit of the <i>responsible</i> Member State and shall be notified to the contact e-mail address recorded in the application file. <i>The applicant shall have the option to indicate a preference for being interviewed at a specific consulate or for the use of modern means of communication. Wherever possible, the interview shall take place in the consulate indicated by the applicant or, if requested, through modern means of communication.</i>	5. The invitation shall be notified to the applicant by the ETIAS National Unit <u>through the email service referred to in Article 6(2)(f) of the Member and shall be notified</u> to the contact e-mail address recorded in the application file. <u>Such notification shall take place within 96 hours from the lodging of an application which is admissible or 72 hours from the submission of the additional information or documentation pursuant to paragraph 2. The invitation shall include information as to the Member State issuing that invitation and the contact details of the consulate where the interview may take place. The interview shall take place within 10 8 calendar days from the notification of the invitation. The invitation shall be recorded in the application file by the ETIAS Central System.</u>	<u>Provisionally agreed (except the deadline of 8 calendar days)</u> 5. The invitation shall be notified to the applicant by the ETIAS National Unit through the email service referred to in Article 6(2)(f) to the contact e-mail address recorded in the application file. Such notification shall take place within 96 hours from the lodging of an application which is admissible or 72 hours from the submission of the additional information or documentation pursuant to paragraph 2. The invitation shall include information as to the Member State issuing that invitation and the contact details of the consulate where the interview may take place. The interview shall take place within 8 calendar days from the notification of the invitation. The invitation shall be recorded in the application file by the ETIAS Central System.  <b>LIBE proposal</b> as addition to this

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<u>paragraph</u> <b>The applicant shall be offered two different dates with at least three days between them for the interview.</b>
<b>603.</b>		<b>Amendment 151</b> <b>Article 23(6)</b>		
<b>604.</b>	6. Where the applicant fails to reply to the invitation within the deadline or where the applicant fails to attend the interview, the application shall be refused in accordance with Article 31(1) and the ETIAS National Unit of the responsible Member State shall inform the applicant without delay.	6. Where the applicant fails to reply to the invitation within the deadline or where the applicant fails to attend the interview <i>without providing a substantiated justification</i> , the application shall be refused in accordance with Article 31(1) and the ETIAS National Unit of the responsible Member State shall inform the applicant without delay.	6. <del>Where the applicant fails to reply to the invitation within the deadline or</del> Where the applicant fails to attend the interview <u>following the notification of the invitation in accordance with paragraph 5</u> , the application shall be refused in accordance with Article 31(1) and the ETIAS National Unit of the responsible Member State shall inform the applicant without delay.	<u>LIBE proposal</u> <b>6. The applicant shall reply to the invitation by indicating which of the two dates he or she is able to attend. Where the applicant chooses the first date and fails to attend due to unforeseen circumstances, he or she shall be able to attend the interview at the second proposed date.</b> Where the applicant fails to attend the interview following the notification of the invitation in accordance with <b>paragraph 5</b> , the application shall be refused in accordance with Article 31(1) and the ETIAS National Unit of the responsible Member State shall inform the applicant without delay.  <b>[Council lawyer-linguist comment: shouldn't it be paragraph 4 instead of 5, as in point 6aa below?]</b>
<b>605.</b>				<u>COM proposal</u> <b>(6aa) For the purpose of the</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<p><b>interview as referred to in paragraph 4, the ETIAS National Unit shall prepare a form containing questions to be asked by the interviewer. These questions shall be selected in a predetermined list of options. The answers provided by the applicant shall be reported on the form which shall be signed by the applicant and the interviewer at the end of the interview. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to lay down the form to be used for the interview as well as the content and format of that predetermined list of options.</b></p>
			<p><u>6a. Upon submission of the additional information or documentation in accordance with paragraph 2, the ETIAS Central System shall record and store that information or documentation in the application file. Additional information or documentation provided during an interview in accordance with paragraph 5 shall be added to the application file by the ETIAS National Unit of the responsible Member State.</u></p>	<p><b>COM proposal</b> (6a) Upon submission of the additional information or documentation in accordance with paragraph 2, the ETIAS Central System shall record and store that information or documentation in the application file. <b>The form used for the interview in accordance with paragraph 6aa shall be recorded in the application file.</b> Additional information or documentation provided during an interview in accordance with</p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				paragraph 5 shall be added to the application file by the ETIAS National Unit of the responsible Member State. <b>The form used for the interview and the additional information or documentation recorded in the application file shall be consulted only for the purpose of assessing and deciding on the application, for the purpose of managing an appeal procedure as well as for the purpose of processing a new application of the same applicant.</b>
<b>606.</b>	7. The ETIAS National Unit shall resume the examination of the application from the moment the applicant provides the additional information or documentation.		7. The ETIAS National Unit shall resume the examination of the application from the moment the applicant provides the additional information or documentation <u>or, where applicable, from the date of the interview.</u>	<u>Provisionally agreed</u> 7. The ETIAS National Unit shall resume the examination of the application from the moment the applicant provides the additional information or documentation or, where applicable, from the date of the interview.
<b>607.</b>	<i>Article 24 Consultation of other Member States</i>		<i>Article 24 Consultation of other Member States</i>	<i>Article 24 Consultation of other Member States</i>
<b>608.</b>		<b>Amendment 152 Article 24(1)</b>		
<b>609.</b>	1. For the purpose of carrying out the assessment referred to in Article 22(4)(b) the ETIAS National Unit of the responsible Member State shall consult the	1. For the purpose of carrying out the assessment referred to in Article 22(4)(b) the ETIAS National Unit of the responsible Member State shall consult the	<del>1. For the purpose of carrying out the assessment referred to in Article 22(4)(b) the ETIAS National Unit of the responsible Member State shall consult the authorities of the</del>	<u>Provisionally agreed</u> Where one or several Member States are identified as having entered or supplied the data having triggered a hit in accordance with

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	authorities of the Member State(s) responsible for the data having triggered a hit pursuant to Article 18(2)(d),(e),(g),(h),(i) or (k).	authorities of the Member State(s) responsible for the data having triggered a hit pursuant to Article 18(2)(a),(d),(e),(g),(h),(i) or (k).	<del>Member State(s) responsible for the data having triggered a hit pursuant to Article 18(2)(d),(e),(g),(h),(i) or (k).</del> <u>Where one or several Member States are identified as having entered or supplied the data having triggered a hit in accordance with Article 18(8), the ETIAS Central Unit shall notify the ETIAS National Unit of the Member State(s) involved, thereby launching a consultation process between them and the ETIAS National Unit of the responsible Member State.</u>	Article 18(8), <b>following the verification process outlined in Article 20</b> , the ETIAS Central Unit shall notify the ETIAS National Unit of the Member State(s) involved, thereby launching a consultation process between them and the ETIAS National Unit of the responsible Member State.
<b>610.</b>	2. For the purpose of carrying out the assessment referred to in Article 22(4)(b), (6) and (7) the ETIAS National Unit of the responsible Member State may consult the authorities of one or several Member States.		<del>2. For the purpose of carrying out the assessment referred to in Article 22(4)(b), (6) and (7) the ETIAS National Unit of the responsible Member State may consult the authorities of one or several Member States.</del>	<u>Provisionally agreed</u> Deleted
<b>611.</b>		<b>Amendment 153</b> <b>Article 24(2a) new</b>		
<b>612.</b>		<b>2a. Where an ETIAS National Unit is considering issuing a travel authorisation with limited territorial validity covering several Member States, the Member State responsible shall consult those Member States.</b>		<u>Provisionally agreed (but to be inserted between rows 836 and 837)</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>613.</b>		<b>Amendment 154 Article 24(3)</b>		
<b>614.</b>	3. Where the responsible Member State consults with one or several Member States during the manual processing of an application, the ETIAS National Units of those Member States shall have access to the relevant data of the application file as well as to the hits obtained by the automated system pursuant to Article 18 (2), (4) and (5) which are necessary for the purpose the consultation. The ETIAS National Units of the Member States consulted shall also have access to the relevant additional information or documentation provided by the applicant following a request from the responsible Member State in relation to the matter for which they are being consulted.	3. Where the responsible Member State consults with one or several Member States during the manual processing of an application, the ETIAS National Units of those Member States shall have access to the relevant data of the application file as well as to the hits obtained by the automated system pursuant to Article 18 (2), (4) and (5) which are necessary for the purpose <i>of</i> the consultation. The ETIAS National Units of the Member States consulted shall also have access to the relevant additional information or documentation provided by the applicant following a request from the responsible Member State in relation to the matter for which they are being consulted.	3. <del>Where the responsible Member State consults with one or several Member States during the manual processing of an application,</del> The ETIAS National Units of <del>those</del> <u>the</u> Member States <u>consulted</u> shall have access to the <del>relevant data of the</del> application file as well as to the hits obtained by the automated system pursuant to Article 18 (2), (4) and (5) which are <del>necessary</del> for the purpose <u>of</u> the consultation. <del>The ETIAS National Units of the Member States consulted shall also have access to the relevant additional information or documentation provided by the applicant following a request from the responsible Member State in relation to the matter for which they are being consulted.</del>	<u>Provisionally agreed</u> 3. The ETIAS National Units of the Member States consulted shall have access to the application file for the purpose of the consultation.
<b>615.</b>	4. The ETIAS National Unit of the Member States consulted shall:		4. The ETIAS National Unit of the Member States consulted shall:	<u>Agreed text</u> 4. The ETIAS National Unit of the Member States consulted shall:
<b>616.</b>	(a) provide a reasoned positive opinion on the application; or		(a) provide a reasoned positive opinion on the application; or	<u>Agreed text</u> (a) provide a reasoned positive opinion on the application; or
<b>617.</b>	(b) provide a reasoned negative		(b) provide a reasoned negative	<u>Agreed text</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	opinion on the application.		opinion on the application.	(b) provide a reasoned negative opinion on the application.
<b>618.</b>	The positive or negative opinion shall be recorded in the application file by the ETIAS National Unit of the Member State consulted.		The positive or negative opinion shall be recorded in the application file by the ETIAS National Unit of the Member State consulted.	<u>Agreed text</u> The positive or negative opinion shall be recorded in the application file by the ETIAS National Unit of the Member State consulted.
<b>619.</b>		<b>Amendment 155 Article 24(5)</b>		
<b>620.</b>	5. The ETIAS National Unit of the Member States consulted shall reply within 24 hours from the date of the notification of the consultation. The failure by Member States to reply within the deadline shall be considered as a positive opinion on the application.	5. The ETIAS National Unit of the Member States consulted shall reply within <b>48</b> hours from the date of the notification of the consultation. The failure by Member States to reply within the deadline shall be considered as a positive opinion on the application.	<del>5. The ETIAS National Unit of the Member States consulted shall reply within 24 hours from the date of the notification of the consultation. The failure by Member States to reply within the deadline shall be considered as a positive opinion on the application.</del>	<u>Provisionally agreed</u> Deleted and moved to row 622
<b>621.</b>	6. Where several Member States are consulted, the ETIAS National Unit of the responsible Member State shall ensure the coordination.		<u>6. The ETIAS National Unit of the responsible Member State may also consult the ETIAS National Units of one or several Member States following the reply of an applicant to a request for additional information. Where such additional information was requested on behalf of a consulted Member State pursuant to Article 23(1), the ETIAS National Unit of the responsible Member State shall consult the ETIAS National Unit of that consulted Member State</u>	<u>Provisionally agreed</u> 6. The ETIAS National Unit of the responsible Member State may also consult the ETIAS National Units of one or several Member States following the reply of an applicant to a request for additional information. Where such additional information was requested on behalf of a consulted Member State pursuant to Article 23(1), the ETIAS National Unit of the responsible Member State shall consult the ETIAS National Unit of



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>following the reply of the applicant to that request for additional information. In such a cases, the ETIAS National Units of the Member States consulted shall also have access to the relevant additional information or documentation provided by the applicant following a request from the responsible Member State in relation to the matter for which they are being consulted.</u> Where several Member States are consulted, the ETIAS National Unit of the responsible Member State shall ensure the coordination.	that consulted Member State following the reply of the applicant to that request for additional information. In such a cases, the ETIAS National Units of the Member States consulted shall also have access to the relevant additional information or documentation provided by the applicant following a request from the responsible Member State in relation to the matter for which they are being consulted. Where several Member States are consulted, the ETIAS National Unit of the responsible Member State shall ensure the coordination.
<b>622.</b>			<u>6a. The ETIAS National Unit of the Member States consulted shall reply within 60 hours from the date of the notification of the consultation. The failure by Member States to reply within the deadline shall be considered as a positive opinion on the application.</u>	<u>Provisionally agreed</u> 6a. The ETIAS National Unit of the Member States consulted shall reply within 60 hours from the date of the notification of the consultation. The failure by Member States to reply within the deadline shall be considered as a positive opinion on the application.
<b>623.</b>	7. During this consultation process, the consultation request and the replies thereto shall be transmitted through the ETIAS Communication Infrastructure.		7. During this consultation process, the consultation request and the replies thereto shall be transmitted through the <u>software referred to in Article 6(2)(j) ETIAS Communication Infrastructure and shall be made available to the</u>	<u>Provisionally agreed</u> 7. During this consultation process, the consultation request and the replies thereto shall be transmitted through the software referred to in Article 6(2)(j) and shall be made available to the

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>ETIAS National Unit of the responsible Member State.</u>	ETIAS National Unit of the responsible Member State.
624.		<b>Amendment 156</b> <b>Article 24(8)</b>		
625.	8. Where one or several Member States consulted provide a negative opinion on the application, the responsible Member State shall refuse the travel authorisation pursuant to Article 31.	8. <b><i>Without prejudice to Article 38, where</i></b> one or several Member States consulted provide a negative opinion on the application, the responsible Member State shall refuse the travel authorisation pursuant to Article 31.	8. Where one or several Member States consulted provide a negative opinion on the application, the responsible Member State shall refuse the travel authorisation pursuant to Article 31.	<u>Provisionally agreed</u> 8. Where one or several Member States consulted provide a negative opinion on the application, the responsible Member State shall refuse the travel authorisation pursuant to Article 31. <b>This is without prejudice to Article 38.</b>
626.		<b>Amendment 157</b> <b>Article 24(8a) new</b>		
627.		<b>8a. Where necessary the ETIAS Central Unit shall facilitate the consultations between Member States referred to in this Article.</b>		<u>Provisionally agreed</u> <b>8a. Where necessary in case of technical problem or unforeseen circumstances, the ETIAS Central Unit shall determine the responsible Member State, Member States to be consulted and facilitate the consultations between Member States referred to in this Article.</b>
628.	<i>Article 25</i> <i>Consultation of Europol</i>		<i>Article 25</i> <i>Consultation of Europol</i>	<i>Article 25</i> <i>Consultation of Europol</i>
629.		<b>Amendment 158</b> <b>Article 25(1)</b>		
630.	1. For the purpose of carrying out the assessment of security risks following a hit pursuant to Article	1. For the purpose of carrying out the assessment of <b><i>the threat to</i></b> security following a hit pursuant to	1. <del>For the purpose of carrying out the assessment of security risks following a hit pursuant to Article</del>	<b>To be tested with delegations</b> EP text "in accordance with

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	18(2)(j) and (4), the ETIAS National Unit of the responsible Member State shall consult Europol in cases falling under Europol's mandate. The consultation shall take place through existing communication channels between the Member State and Europol as established under Article 7 of Regulation (EU) 2016/794.	Article 18(2)(j) and (4), the ETIAS National Unit of the responsible Member State shall consult Europol in cases falling under Europol's mandate. The consultation shall take place through existing communication channels between the Member State and Europol as established under Article 7 of Regulation (EU) 2016/794 <i>and in accordance with that Regulation.</i>	<del>18(2)(j) and (4), the ETIAS National Unit of the responsible Member State shall consult Europol in cases falling under Europol's mandate. The consultation shall take place through existing communication channels between the Member State and Europol as established under Article 7 of Regulation (EU) 2016/794.</del> <u>Where Europol is identified as having supplied the data having triggered a hit in accordance with Article 18(9), the ETIAS Central Unit shall notify it, thereby launching a consultation process between Europol and the ETIAS National Unit of the responsible Member State. Such consultation shall take place without prejudice to Chapter IV of Regulation (EU) 2016/794.</u>	Regulation (EU) 2016/794" or Council text "without prejudice to Chapter IV of Regulation (EU) 2016/794"?
<b>631.</b>		<b>Amendment 159 Article 25(2)</b>		
<b>632.</b>	2. Where the responsible Member State consults Europol, the ETIAS National Unit of that Member State shall transmit to Europol the relevant data of the application file as well as the hit(s) which are necessary for the purpose of the consultation. The ETIAS National Unit may transmit to	2. Where the responsible Member State consults Europol, the ETIAS National Unit of that Member State shall transmit to Europol the relevant data of the application file as well as the hit(s) which are necessary for the purpose of the consultation. The ETIAS National Unit <i>shall also</i> transmit to	2. Where <del>the responsible Member State consults Europol</del> <u>is consulted</u> , the ETIAS <del>National Unit of that Member State</del> <u>Central Unit</u> shall transmit to Europol the relevant data of the application file as well as the hit(s) which are necessary for the purpose of the consultation. <del>The ETIAS National</del>	<u>Provisionally agreed</u> 2. Where Europol is consulted, the ETIAS Central Unit shall transmit to Europol the relevant data of the application file as well as the hit(s) which are necessary for the purpose of the consultation.

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	Europol the relevant additional information or documentation provided by the applicant in relation to the request for travel authorisation for which Europol is consulted.	Europol the relevant additional information or documentation provided by the applicant in relation to the request for travel authorisation for which Europol is consulted.	<del>Unit may transmit to Europol the relevant additional information or documentation provided by the applicant in relation to the request for travel authorisation for which Europol is consulted.</del>	
<b>633.</b>		<b>Amendment 160 Article 25(3)</b>		
<b>634.</b>	3. In any case, Europol shall not have access to the personal data concerning the education of the applicant as referred to in Article 15(2)(h) and the health of the applicant as referred to in Article 15(4)(a).	Deleted	3. In any case, Europol shall not have access to the personal data concerning the education of the applicant as referred to in Article 15(2)(h) and the health of the applicant as referred to in Article 15(4)(a).	<u>Provisionally agreed</u> 3. In any case, Europol shall not have access to the personal data concerning the education of the applicant as referred to in Article 15(2)(h) <del>and the health of the applicant as referred to in Article 15(4)(a).</del>
<b>635.</b>	4. Where consulted in accordance with paragraph 1, Europol shall provide a reasoned opinion on the application. Europol's opinion shall be recorded in the application file by the responsible Member State.		4. Where consulted in accordance with paragraph 1, Europol shall provide a reasoned opinion on the application. Europol's opinion shall be <u>made available to the ETIAS National Unit of the responsible Member State which shall</u> <del>recorded it</del> in the application file <del>by the responsible Member State.</del>	<u>Provisionally agreed</u> 4. Where consulted in accordance with paragraph 1, Europol shall provide a reasoned opinion on the application. Europol's opinion shall be made available to the ETIAS National Unit of the responsible Member State which shall record it in the application file.
<b>636.</b>			4a. <u>The ETIAS National Unit of the responsible Member State may consult Europol following the reply of an applicant to a request for additional information. In such</u>	<u>Provisionally agreed</u> 4a. The ETIAS National Unit of the responsible Member State may consult Europol following the reply of an applicant to a request

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>a case, the ETIAS National Unit may transmit to Europol the relevant additional information or documentation provided by the applicant in relation to the request for travel authorisation for which Europol is consulted.</u>	for additional information. In such a case, the ETIAS National Unit <del>may</del> <b>shall</b> transmit to Europol the relevant additional information or documentation provided by the applicant in relation to the request for travel authorisation for which Europol is consulted.
<b>637.</b>		<b>Amendment 161</b> <b>Article 25(5)</b>		
<b>638.</b>	5. Europol shall reply within 24 hours of the date of the notification of the consultation. The failure by Europol to reply within the deadline shall be considered as a positive opinion on the application.	5. Europol shall reply within <b>48</b> hours of the date of the notification of the consultation. The failure by Europol to reply within the deadline shall be considered as a positive opinion on the application.	5. Europol shall reply within 24 <u>60</u> hours of the date of the notification of the consultation. The failure by Europol to reply within the deadline shall be considered as a positive opinion on the application.	<u>Provisionally agreed</u> 5. Europol shall reply within 60 hours of the date of the notification of the consultation. The failure by Europol to reply within the deadline shall be considered as a positive opinion on the application.
<b>639.</b>			5a. <u>During this consultation process, the consultation request and the replies thereto shall be transmitted through the software referred to in Article 6(2)(j) and shall be made available to the ETIAS National Unit of the responsible Member State.</u>	<u>Provisionally agreed</u> 5a. During this consultation process, the consultation request and the replies thereto shall be transmitted through the software referred to in Article 6(2)(j) and shall be made available to the ETIAS National Unit of the responsible Member State.
<b>640.</b>	6. Where Europol provides a negative opinion on the application and the responsible Member State decides to issue the travel authorisation, the ETIAS National		6. Where Europol provides a negative opinion on the application and the responsible Member State decides to issue the travel authorisation, the ETIAS National	<u>Agreed text</u> 6. Where Europol provides a negative opinion on the application and the responsible Member State decides to issue the travel

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	Unit shall justify its decision and shall record it in the application file.		Unit shall justify its decision and shall record it in the application file.	authorisation, the ETIAS National Unit shall justify its decision and shall record it in the application file.
<b>641.</b>		<b>Amendment 162</b> <b>Article 25(6a) new</b>		
<b>642.</b>		<i>6a. Where necessary the ETIAS Central Unit shall facilitate the consultations between the responsible Member State and Europol referred to in this Article.</i>		<u>Provisionally agreed</u> (idem row 627 between Member States) <b>6a. Where necessary in case of technical problem or unforeseen circumstances, the ETIAS Central Unit shall determine the responsible Member State and facilitate the consultations between the responsible Member State and Europol referred to in this Article.</b>
<b>643.</b>	<i>Article 26 Deadlines for notification to the applicant</i>		<i>Article 26 Deadlines for notification to the applicant</i>	<i>Article 26 Deadlines for notification to the applicant</i>
<b>644.</b>		<b>Amendment 163</b> <b>Article 26(-1) new</b>		LIBE withdraws this amendment 163
<b>645.</b>		<i>-1. When an ETIAS application has been deemed admissible, but the ETIAS Central System has not automatically issued the authorisation, the applicant shall immediately receive a notification via the email service:</i>		
<b>646.</b>		<i>(a) acknowledging receipt of</i>		

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>the application;</i>		
647.		<i>(b) stating the maximum period within which the application will be processed;</i>		
648.		<i>(c) explaining that, during processing of the application, the applicant may be asked to provide additional information or documentation or, in exceptional circumstances, attend an interview at a consulate or through the use of modern means of communication;</i>		
649.		<i>(d) giving the application number, enabling the applicant to make use of the verification tool provided for in Article 26a.</i>		
650.	Within 72 hours of the date of the lodging of an application which is admissible in accordance with Article 17, the applicant shall receive a notification indicating:		Within <del>72</del> 96 hours <u>from</u> the lodging of an application which is admissible in accordance with Article 17, the applicant shall receive a notification indicating:	<u>Provisionally agreed</u> Within 96 hours from the lodging of an application which is admissible in accordance with Article 17, the applicant shall receive a notification indicating:
651.	(a) whether his or her travel authorisation has been issued or refused, or		(a) whether his or her travel authorisation has been issued or refused, or	<u>Agreed text</u> (a) whether his or her travel authorisation has been issued or refused, or
652.				
653.	(b) if additional information or documentation is requested.	(b) if additional information or documentation is requested	(b) <del>if</del> <u>that</u> additional information or documentation is	<u>Presidency compromise proposal</u> (b) that additional information

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>indicating the maximum processing time referred to in Article 27(2).</i>	requested <u>and/or (e)</u> that the <u>applicant is invited to an interview.</u>	or documentation is requested and/or that the applicant is invited to an interview, <b>indicating the maximum processing time referred to in Article 27(2).</b>
654.		<b>Amendment 165</b> <b>Article 26a (new)</b>		
655.		<i>Article 26a</i> <i>Verification tool</i>		<i>Article 26a</i> <i>Verification tool</i>
656.		<i>The Commission shall set up a verification tool for applicants to track the progress of their applications and to check the period of validity and status of their travel authorisations (valid, denied, annulled or revoked).</i>		Awaiting COM proposal
657.		<i>The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to further define the verification tool.</i>		Awaiting COM proposal
658.	<i>Article 27</i> <i>Decision on the application</i>		<i>Article 27</i> <i>Decision on the application</i>	<i>Article 27</i> <i>Decision on the application</i>
659.	1. Applications shall be decided on no later than 72 hours after the lodging of an application which is admissible in accordance with Article 17.		1. Applications shall be decided on no later than <u>72</u> <u>96</u> hours after the lodging of an application which is admissible in accordance with Article 17.	Provisionally agreed 1. Applications shall be decided on no later than 96 hours after the lodging of an application which is admissible in accordance with Article 17.
660.	2. Exceptionally, when a request for additional information		2. Exceptionally, when a request for additional information	Provisionally agreed at technical meeting on 13 December



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	or documentation is notified, the period laid down in paragraph 1 shall be extended in accordance with Article 23. Such application shall in all cases be decided on no later than 72 hours after the submission of the additional information or documentation by the applicant.		or documentation is notified, <u>or when the applicant is invited to an interview</u> , the period laid down in paragraph 1 shall be extended <u>and in accordance with Article 23</u> . such application shall <del>in all cases</del> be decided on no later than <del>72</del> <u>96</u> hours after the submission of the additional information or documentation by the applicant <u>or 48 hours after the interview</u> .	2. Exceptionally, when a request for additional information or documentation is notified, <u>or</u> when the applicant is invited to an interview, the period laid down in paragraph 1 shall be extended and such application shall be decided on no later than 96 hours after the submission of the additional information or documentation by the applicant or 48 hours after the interview.
<b>661.</b>		<b>Amendment 166</b> <b>Article 27 (2a) new</b>		
<b>662.</b>		<i>2a. In the exceptional case of an applicant being invited to a consulate under Article 23(4) the period in paragraph 1 shall be extended by seven working days.</i>		<u>NB</u> : this deadline to be further considered
<b>663.</b>		<b>Amendment 167</b> <b>Article 27(3) new</b>		
<b>664.</b>	3. Before expiry of the deadlines referred to in paragraphs 1 and 2 a decision shall be taken to:	3. Before expiry of the deadlines referred to in paragraphs 1, 2 <i>and 2a</i> a decision shall be taken to:	3. Before expiry of the deadlines referred to in paragraphs 1 and 2 a decision shall be taken to:	<u>Provisionally agreed</u> 3. Before expiry of the deadlines referred to in paragraphs 1 and 2 a decision shall be taken to:
<b>665.</b>	(a) issue a travel authorisation in accordance with Article 30; or		(a) issue a travel authorisation in accordance with Article 30; or	<u>Agreed text</u> (a) issue a travel authorisation in accordance with Article 30; or
<b>666.</b>	(b) refuse a travel authorisation in accordance with Article 31;		(b) refuse a travel authorisation in accordance with Article 31.	<u>Agreed text</u> (b) refuse a travel authorisation

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				in accordance with Article 31.
<b>667.</b>	<b>CHAPTER V</b> <b>The ETIAS screening rules and the ETIAS watchlist</b>		<b>CHAPTER V</b> <b>The ETIAS screening rules and the ETIAS watchlist</b>	<b>CHAPTER V</b> <b>The ETIAS screening rules and the ETIAS watchlist</b>
<b>668.</b>	<i>Article 28</i> <i>The ETIAS screening rules</i>		<i>Article 28</i> <i>The ETIAS screening rules</i>	<i>Article 28</i> <i>The ETIAS screening rules</i>
<b>669.</b>		<b>Amendment 168</b> <b>Article 28(1)</b>		
<b>670.</b>	1. The ETIAS screening rules shall be an algorithm enabling the comparison between the data recorded in an application file of the ETIAS Central System and specific risk indicators pointing to irregular migration, security or public health risks. The ETIAS screening rules shall be registered in the ETIAS Central System.	1. The ETIAS screening rules shall be an algorithm enabling <b>profiling as defined in Article 4(4) of Regulation (EU) 2016/679 through</b> the comparison between the data recorded in an application file of the ETIAS Central System and specific risk indicators pointing to irregular migration <b>risk, threat to</b> security or <b>high epidemic</b> risks. The ETIAS screening rules shall be registered in the ETIAS Central System.	1. <del>The ETIAS screening rules shall be an algorithm enabling the comparison between the data recorded in an application file of the ETIAS Central System and specific risk indicators pointing to irregular migration, security or public health risks. The ETIAS screening rules shall be registered in the ETIAS Central System.</del>	Text provisionally agreed at trilogue on 12 December 1. The ETIAS screening rules shall be an algorithm enabling <b>profiling as defined in Article 4(4) of Regulation (EU) 2016/679 through</b> the comparison between the data recorded in an application file of the ETIAS Central System and specific risk indicators pointing to security, illegal immigration or public health risks in accordance with Article 18. The Central Unit shall register the ETIAS screening rules in the ETIAS Central System.  <b>BUT open issues:</b> - what about definition of "security risk" and "threat to security"? To be discussed further? - CLS has concerns as regards the inclusion of the concept of "profiling as defined in Article 4(4) GDPR" since it is rather unusual

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				and would create legal uncertainty.
<b>671.</b>		<b>Amendment 169</b> <b>Article 28(2)</b>		
<b>672.</b>	2. The irregular migration, security or public health risks shall be determined on the basis of:	2. The irregular migration <i>risk, the threat to</i> security or <i>the high epidemic</i> risks shall be determined on the basis of:	2. <u>The Commission shall be empowered to adopt an implementing act in accordance with the examination procedure referred to in Article 79(2) to identify specific risks relating to the security, irregular illegal immigration, security or public health risks shall be determined</u> on the basis of:	Provisionally agreed: <b>2. The Commission shall be empowered to adopt a delegated act in accordance with Article 78 for further defining identifying the these risks related to illegal migration, security or public health on the basis of:</b> <b>BUT open issue:</b> - what about definition of "security risk" and "threat to security"? To be discussed further?
<b>673.</b>	(a) [statistics generated by the EES indicating abnormal rates of overstayers and refusals of entry for a specific group of travellers;]		(a) [statistics generated by the EES indicating abnormal rates of overstayers and refusals of entry for a specific group of travellers; ]	<u>Agreed text</u> (a) {statistics generated by the EES indicating abnormal rates of overstayers and refusals of entry for a specific group of travellers; }
<b>674.</b>		<b>Amendment 170</b> <b>Article 28(2)(b)</b>		
<b>675.</b>	(b) statistics generated by the ETIAS in accordance with Article 73 indicating abnormal rates of refusals of travel authorisations due to an irregular migration, security or public health risk associated with a specific group of travellers;	(b) statistics generated by the ETIAS in accordance with Article 73 indicating abnormal rates of refusals of travel authorisations due to an irregular migration <i>risk, a threat to</i> security or <i>a high epidemic</i> risk associated with a	(b) statistics generated by the ETIAS in accordance with Article 73 indicating abnormal rates of refusals of travel authorisations due to a <u>an security, irregular illegal immigration, security</u> or public health risk associated with a specific group of travellers;	<b>Issue of terminology</b> (b) statistics generated by the ETIAS in accordance with Article 73 indicating abnormal rates of refusals of travel authorisations due to a <b>an security, irregular illegal immigration, security</b> or public health risk associated with a

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		specific group of travellers;		specific group of travellers;  <b>BUT open issue:</b> - what about definition of "security risk" and "threat to security"? To be discussed further
<b>676.</b>	(c) [statistics generated by the ETIAS in accordance with Article 73 and the EES indicating correlations between information collected through the application form and overstay or refusals of entry;]		(c) [statistics generated by the ETIAS in accordance with Article 73 and the EES indicating correlations between information collected through the application form and overstay or refusals of entry;]	<u>Agreed text</u> (c) {statistics generated by the ETIAS in accordance with Article 73 and the EES indicating correlations between information collected through the application form and overstay or refusals of entry;}
<b>677.</b>		<b>Amendment 171</b> <b>Article 28(2)(d)</b>		
<b>678.</b>	(d) information provided by Member States concerning specific security risk indicators or threats identified by that Member State;	(d) information provided by Member States concerning specific security risk indicators or threats identified by that Member State <b>substantiated by objective and evidence-based elements</b> ;	(d) information provided by Member States concerning specific security risk indicators or threats identified by that Member State;	<u>Presidency compromise proposal</u> (d) information <b>substantiated by factual and evidence-based elements</b> provided by Member States concerning specific security risk indicators or threats identified by that Member State;
<b>679.</b>		<b>Amendment 172</b> <b>Article 28(2)(e)</b>		
<b>680.</b>	(e) information provided by Member States concerning abnormal rates of overstayers and refusals of entry for a specific group of travellers for that Member	(e) information provided by Member States concerning abnormal rates of overstayers and refusals of entry for a specific group of travellers for that Member	(e) information provided by Member States concerning abnormal rates of overstayers and refusals of entry for a specific group of travellers for that Member	<u>Presidency compromise proposal</u> (e) information <b>substantiated by factual and evidence-based elements</b> provided by Member States concerning abnormal rates of

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	State;	State <i>substantiated by objective and evidence-based elements</i> ;	State;	overstayers and refusals of entry for a specific group of travellers for that Member State;
681.	(f) information concerning specific public health risks provided by Member States as well as epidemiological surveillance information and risk assessments provided by the European Centre for Disease Prevention and Control (ECDC).		(f) information concerning specific public health risks provided by Member States as well as epidemiological surveillance information and risk assessments provided by the European Centre for Disease Prevention and Control (ECDC).	<u>Provisionally agreed</u> (f) information concerning specific public health risks provided by Member States as well as epidemiological surveillance information and risk assessments provided by the European Centre for Disease Prevention and Control (ECDC) <b>and disease outbreaks reported by the World Health Organisation (WHO)</b> .
682.			<u>The specific risks shall be reviewed at least every six months and, where necessary, a new implementing act shall be adopted by the Commission in accordance with the examination procedure referred to in Article 79(2).</u>	<u>NB: moved to paragraph 3</u>
683.		<b>Amendment 173 Article 28(3)</b>		
684.	3. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to further specify the irregular migration, security or public health risks referred to in paragraph 2.	3. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to further specify the irregular migration <i>risk, the threat to security or the high epidemic</i> risks referred to in paragraph 2.	<del>3. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to further specify the irregular migration, security or public health risks referred to in paragraph 2.</del>	<u>Provisionally agreed:</u> <b>3. The Commission shall be empowered to adopt an implementing act in accordance with the examination procedure referred to in Article 79(2) to specify the risks, as defined in this Regulation and in the delegated act referred to in</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<p>paragraph 2, on which <del>to be considered for establishing</del> the specific risks indicators as referred to in paragraph 4 shall be based.</p> <p><u>The specific risks shall be reviewed at least every six months and, where necessary, a new implementing act shall be adopted by the Commission in accordance with the examination procedure referred to in Article 79(2).</u></p> <p><u>Council lawyer-linguist suggests this slight redrafting to make it in line with the standard language for IA/DA:</u></p> <p>3. The Commission shall <del>be empowered to adopt an implementing act in accordance with the examination procedure referred to in Article 79(2) to specify</del> <u>specifying</u> the risks, as defined in this Regulation and in the delegated act referred to in paragraph 2, on which <del>to be considered for establishing</del> the specific risks indicators as referred to in paragraph 4 shall be based. <u>That implementing act shall be adopted in accordance with the examination procedure</u></p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b>referred to in Article 79(2).</b> <b>The specific risks shall be reviewed at least every six months and, where necessary, a new implementing act shall be adopted by the Commission in accordance with the examination procedure referred to in Article 79(2).</b>
<b>685.</b>		<b>Amendment 174</b> <b>Article 28(4)</b>		
<b>686.</b>	4. Based on the risks determined in accordance with paragraph 2, the ETIAS Central Unit shall establish the specific risk indicators consisting of a combination of data including one or several of the following:	4. Based on the risks determined in accordance with paragraph 2 <i>and delegated acts adopted under paragraph 3</i> , the ETIAS Central Unit shall establish the specific risk indicators consisting of a combination of data including one or several of the following:	4. Based on the risks determined in accordance with paragraph 2, the ETIAS Central Unit shall establish the specific risk indicators consisting of a combination of data including one or several of the following:	<u>Provisionally agreed:</u> 4. Based on the <b>specific</b> risks determined in accordance with paragraph 2 <b>3</b> , the ETIAS Central Unit shall establish the specific risk indicators consisting of a combination of data including one or several of the following:
<b>687.</b>	(a) age range, sex, current nationality;		(a) age range, sex, <del>current</del> nationality;	<u>Provisionally agreed</u> (a) age range, sex, nationality;
<b>688.</b>	(b) country and city of residence;		(b) country and city of residence;	<u>Agreed text</u> (b) country and city of residence;
<b>689.</b>		<b>Amendment 175</b> <b>Article 28(4)(c)</b>		
<b>690.</b>	(c) education level;	Deleted	(c) education level;	<u>Provisionally agreed</u> (c) <del>education level of</del> <b>education (primary, secondary,</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b>higher or none);</b>
<b>691.</b>		<b>Amendment 176 Article 28(4)(d)</b>		
<b>692.</b>	(d) current occupation.	Deleted	(d) current occupation.	Provisionally agreed (d) current occupation ( <b>job group</b> ).
<b>693.</b>	5. The specific risk indicators shall be targeted and proportionate. They shall in no circumstances be based on a person's race or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, sexual life or sexual orientation.		5. The specific risk indicators shall be targeted and proportionate. They shall in no circumstances be based on a person's <u>sex, race, or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, sexual life disability, age or sexual orientation.</u>	<b>LIBE proposal to be tested again with delegations</b>  <b>Plus addition of wording of Art. 9 GDPR:</b> 1.Processing of <b>personal data revealing</b> racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.  5. The specific risk indicators shall be targeted and proportionate. They shall in no circumstances be based solely on a person's <b>sex or age or information revealing a person's colour</b> , race, ethnic or social origin, <b>genetic features, language, political or any other</b>



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<p>opinions, religion or philosophical beliefs, trade union-membership, membership of a national minority, property, birth, disability, age sexual life or sexual orientation.</p> <p>NB: idem row 342 (wording of Article 19 TFEU)            NB: They should not be exclusively based on one single risk indicator. Necessary to add "solely" ("They shall in no circumstances be based solely on..")</p>
694.	6. The specific risk indicators shall be defined, modified, added and deleted by the ETIAS Central Unit after consultation of the ETIAS Screening Board.		6. <u>The specific risk indicators shall be established defined,</u> modified, added and deleted by the ETIAS Central Unit after consultation of the ETIAS Screening Board.	Provisionally agreed 6. The specific risk indicators shall be established, modified, added and deleted by the ETIAS Central Unit after consultation of the ETIAS Screening Board.
695.			7. <u>The ETIAS screening rules shall be an algorithm enabling the comparison between the data recorded in an application file of the ETIAS Central System and specific risk indicators pointing to security, illegal immigration or public health risks in accordance with Article 18. The Central Unit shall register the ETIAS screening rules in the ETIAS Central System.</u>	Provisionally agreed: Deleted
696.	<i>Article 29 The ETIAS watchlist</i>		<i>Article 29 The ETIAS watchlist</i>	<i>Article 29 The ETIAS watchlist</i>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
697.			01. <u>The ETIAS watchlist shall be hosted by Europol. The technical specifications shall be established by means of an implementing measure adopted in accordance with the examination procedure referred to in Article 79(2).</u>	<u>Provisionally agreed</u> Deleted
698.		<b>Amendment 177</b> <b>Article 29(1)</b>		
699.	1. The ETIAS watchlist shall consist of data related to persons who are suspected of having committed or taken part in a criminal offence or persons regarding whom there are factual indications or reasonable grounds to believe that they will commit criminal offences.	1. The ETIAS watchlist, <i>as part of the Central System</i> , shall consist of data related to persons who are suspected <i>by one or several Member States</i> of having committed or taken part in a <i>serious</i> criminal offence <i>or a terrorist offence</i> or persons regarding whom there are factual indications or reasonable grounds, <i>based on an overall assessment of a person, in particular on the basis of past offences</i> , to believe that they will commit <i>terrorist</i> offences.	1. The ETIAS watchlist shall consist of data related to persons who <u>have committed or</u> are suspected of having committed or taken part in a <u>serious</u> criminal offence or persons regarding whom there are factual indications or reasonable grounds to believe that they will commit <u>serious</u> criminal offences.	<u>Provisionally agreed:</u> 1. The ETIAS watchlist, <b>as part of the ETIAS Central System</b> , shall consist of data related to persons who are suspected of having committed or taken part in a terrorist offence or other <b>serious</b> criminal offence <del>or a terrorist offence</del> or persons regarding whom there are factual indications or reasonable grounds, <b>based on an overall assessment of a person</b> , to believe that they will commit a terrorist offence or other <b>serious</b> criminal offences <del>or terrorist offences</del> .
700.	2. The ETIAS watchlist shall be established on the basis of:		2. The ETIAS watchlist shall <u>contain information related to:</u> <del>be established on the basis of:</del>	<u>Provisionally agreed</u> 2. The ETIAS watchlist shall <b>be established on the basis of</b> <del>contain information related to:</del>
701.	(a) the United Nations list of war criminals;		(a) the United Nations list of war criminals	<u>Agreed text</u> (a) the United Nations list of war criminals

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
702.		<b>Amendment 178</b> <b>Article 29(2)(b)</b>		
703.	(b) information related to terrorist offences or other serious criminal offences provided by Member States;	(b) information related to terrorist offences or other serious criminal offences;	(b) <del>information related to</del> terrorist offences or other serious criminal offences provided by Member States;	Provisionally agreed (b) <b>information related to</b> terrorist offences or other serious criminal offences <del>provided by Member States;</del>
704.		<b>Amendment 179</b> <b>Article 29(2)(c)</b>		
705.	(c) information related to terrorist offences or other serious criminal offences obtained through international cooperation.	Deleted	(c) <del>information related to</del> terrorist offences or other serious criminal offences obtained by <u>Europol</u> through international cooperation.	Provisionally agreed Deleted
706.			<u>2a. The information referred to in paragraph 2(a) and (c) shall be entered into the watchlist by Europol, without prejudice to Regulation (EU) 2016/794 in relation to international cooperation. It shall be responsible for each data element it enters. The ETIAS watchlist shall indicate, for each data element, the date and time of storing.</u>	<b>Presidency compromise proposal to be tested with delegations</b> (linked to row 725) 2a. The information referred to in paragraph 2(a) <del>and (c)</del> shall be entered into the watchlist by Europol, without prejudice to Regulation (EU) 2016/794 in relation to international cooperation. <b>It shall be responsible for each data element it enters.</b> The ETIAS watchlist shall indicate, for each data element, the date and time of storing.
707.			<u>2b. The information referred to in paragraph 2(b) shall be entered</u>	Provisionally agreed 2b. The information referred to in

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>into the watchlist by Member States. They shall be responsible for each data element they enter. The ETIAS watchlist shall indicate, for each data element, the date and time of storing and the Member State that entered it.</u>	paragraph 2(b) shall be entered into the watchlist by <b>Europol without prejudice to Regulation (EU) 2016/794 or by Member States.</b> They shall be responsible for each data element they enter. The ETIAS watchlist shall indicate, for each data element, the date and time of storing by Europol or the Member State that entered it <del>and the Member State that entered it or Europol.</del>
708.		<b>Amendment 180</b> <b>Article 29(3)</b>		
709.	3. On the basis of the information referred to in paragraph 2 and relevant Europol data, Europol shall establish the ETIAS watchlist composed of items consisting of one or more of the following data elements:	3. On the basis of the information referred to in paragraph 2 and relevant Europol data, Europol shall <i>manage</i> the ETIAS watchlist composed of items consisting of one or more of the following:	3. On the basis of the information referred to in paragraph 2 <del>and relevant Europol data, Europol shall establish</del> the ETIAS watchlist <u>shall be</u> composed of items consisting of one or more of the following data elements:	<u>Provisionally agreed</u> 3. On the basis of the information referred to in paragraph ,2 the ETIAS watchlist shall be composed of items consisting of one or more of the following data elements:
710.	(a) surname, first name(s), surname at birth; date of birth, place of birth, country of birth, sex, nationality;	(a) surname;	(a) surname, <u>and, if available,</u> first name(s), surname at birth, date of birth, place of birth, country of birth, sex, nationality;	<u>Provisionally agreed</u> (a) <del>surname, and, if available, first name(s), surname at birth; date of birth, place of birth, country of birth, sex, nationality;</del>
711.		<i>(aa) surname at birth;</i>		<u>Provisionally agreed</u> <b>(aa) surname at birth;</b>
712.		<i>(ab) date of birth;</i>		<u>Provisionally agreed</u> <b>(ab) date of birth;</b>
713.	(b) other names (alias(es),	(b) other names (alias(es),	(b) other names (alias(es),	<u>Provisionally agreed</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	artistic name(s), usual name(s));	artistic name(s), usual name(s));	artistic name(s), usual name(s));	(b) other names (alias(es), artistic name(s), usual name(s));
<b>714.</b>	(c) a travel document (type, number and country of issuance of the travel document);	(c) a travel document (type, number and country of issuance of the travel document);	(c) <del>a</del> travel document(s) (type, number and country of issuance of the travel document(s));	<u>Provisionally agreed</u> (c) travel document(s) (type, number and country of issuance of the travel document(s));
<b>715.</b>	(d) home address;	(d) home address;	(d) <del>home</del> address;	<u>Provisionally agreed</u> (d) <b>home</b> address;
<b>716.</b>	(e) e-mail address, phone number;	(e) e-mail address;	(e) e-mail address:	<u>Text provisionally agreed at trilogue on 12 December</u> (e) e-mail address:
<b>717.</b>		<i>(ea) phone number</i>	<u>(ea)</u> phone number;	<u>Provisionally agreed</u> <b>(ea) phone number</b>
<b>718.</b>	(f) the name, e-mail address, mailing address, phone number of a firm or organization;	(f) the name, e-mail address, mailing address, phone number of a firm or organization;	(f) the name, e-mail address, mailing address, phone number of a firm or organization;	<u>Provisionally agreed</u> (f) the name, e-mail address, mailing address, phone number of a firm or organisation;
<b>719.</b>	(g) IP address.	(g) IP address.	(g) IP address.	<u>Provisionally agreed</u> (g) IP address.
<b>720.</b>		<i>If available, first name(s), place of birth, country of birth, sex and nationality shall be added.</i>		<u>Provisionally agreed</u> <b>If available, the following elements shall be added to the corresponding item constituted of at least one of the elements listed above: first name(s), place of birth, country of birth, sex and nationality.</b>
<b>721.</b>		<b>Amendment 181 Article 29a (new)</b>		
<b>722.</b>		<i>Article 29a Responsibilities and tasks</i>		<u>Provisionally agreed</u> <i>Article 29a</i>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>regarding the ETIAS watchlist</i>		<i>Responsibilities and tasks regarding the ETIAS watchlist</i>
723.		<i>1. Before inserting data into the ETIAS watchlist, Europol shall carry out a thorough assessment of the reasons for the insertion and verify it is necessary and proportionate.</i>		<b>1. Before inserting data into the ETIAS watchlist, Europol shall have determined whether the information is adequate, accurate and important enough to be included in the ETIAS watchlist. Before <b>activating entering</b> new data elements introduced in the ETIAS watchlist, Europol shall assess their potential impact on the proportion of applications manually processed. Eu-LISA shall for the purpose of this assessment implement a specific tool.</b>
724.		<i>2. When the data are inserted on the basis of information provided by a Member State, that Member State shall have determined whether the information is adequate, accurate and important enough to be included in the ETIAS watchlist.</i>		<b>2. When the data are inserted by a Member State, that Member State shall have determined whether the information is adequate, accurate and important enough to be included in the ETIAS watchlist. Before <b>activating entering</b> new data elements introduced in the ETIAS watchlist, Member States shall assess their potential impact on the proportion of applications manually processed. Eu-LISA shall for the purpose of this assessment implement a specific</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b>tool.</b>
725.		3. <i>Member States and Europol shall be responsible for the accuracy of the data in the ETIAS watchlist and for keeping them up to date.</i>		<b>Presidency compromise proposal to be tested with delegations</b> (linked to row 706) 3. Member States and Europol shall be responsible for the accuracy of the data <b>they entered</b> in the ETIAS watchlist and for keeping them up to date.
726.		4. <i>Europol shall foresee a procedure to review and verify regularly the accuracy and up-to-datedness of the data elements present in the ETIAS watchlist. The Member States having provided information related to terrorist offences or other serious criminal offences shall be associated to the review procedure.</i>		<b>Awaiting COM text re regular review</b> 4. Europol shall implement a procedure to review and verify regularly the accuracy and up-to-datedness of the data elements it inserted in the ETIAS watchlist as well as to ensure that the accuracy and up-to-datedness of the data elements inserted by Member States in the ETIAS watchlist are regularly reviewed and verified by the Member State having inserted the data elements.
727.		5. <i>Following a review, items of data shall be withdrawn from the ETIAS watchlist if it is proven that the reasons for which they were inserted no longer hold, or that the data elements are obsolete or not up-to-date.</i>		5. <b>Following a review, Member States and Europol shall withdraw data elements shall be withdrawn</b> from the ETIAS watchlist if it is proven that the reasons for which they were inserted no longer hold, or that the data elements are obsolete or not up-to-date.

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
728.		<i>6. The Agency for the operational management of large-scale information systems in the area of freedom, security and justice ('eu-LISA') shall be responsible for the technical management of the ETIAS watchlist, as it is responsible for the development and the technical management of the ETIAS Information System.</i>		<b>6. The ETIAS watchlist and the assessment tool referred to in paragraphs 1 and 2 shall be developed <b>technically</b> and <b>technically</b> hosted by eu-LISA. The technical specifications of the watchlist and of the assessment tool shall be established by means of an implementing measure adopted in accordance with the examination procedure referred to in Article 79(2).</b>
729.		<i>7. One year after ETIAS comes into operation, and every two years thereafter, the European Data Protection Supervisor shall carry out a data protection audit of the ETIAS watchlist and submit a report to the European Parliament, to the Council and to the Commission.</i>		<u>Provisionally agreed</u> Deleted
730.	<b>CHAPTER VI Issuing, refusal, annulment or revocation of a travel authorisation</b>		<b>CHAPTER VI Issuing, refusal, annulment or revocation of a travel authorisation</b>	<b>CHAPTER VI Issuing, refusal, annulment or revocation of a travel authorisation</b>
731.	<i>Article 30 Issuing of a travel authorisation</i>		<i>Article 30 Issuing of a travel authorisation</i>	<i>Article 30 Issuing of a travel authorisation</i>
732.		<b>Amendment 182 Article 30(1)</b>		
733.	1. Where the examination of an application pursuant to the	1. Where the examination of an application pursuant to the	1. Where the examination of an application pursuant to the	<u>Provisionally agreed</u> 1. Where the examination of



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	procedures laid down in Chapters III, IV and V indicates that there are no factual indications or reasonable grounds to conclude that the presence of the person on the territory of the Member States poses an irregular migration, security or public health risk, a travel authorisation shall be issued by the ETIAS Central System or the ETIAS National Unit of the responsible Member State.	procedures laid down in Chapters III, IV and V indicates that there are no or reasonable grounds <b>based on factual indications</b> to conclude that the presence of the person on the territory of the Member States poses an irregular migration <b>risk, a threat to</b> security or <b>a high epidemic</b> risk, a travel authorisation shall be issued by the ETIAS Central System or the ETIAS National Unit of the responsible Member State.	procedures laid down in Chapters III, IV and V indicates that there are no factual indications or reasonable grounds to <del>conclude</del> <u>consider</u> that the presence of the person on the territory of the Member States <u>will</u> poses an <del>an</del> <u>security, irregular illegal immigration, security</u> or public health risk, a travel authorisation shall be issued by the ETIAS Central System or the ETIAS National Unit of the responsible Member State.	an application pursuant to the procedures laid down in Chapters III, IV and V indicates that there are no factual indications or reasonable grounds <b>based on factual indications to conclude</b> <del>consider</del> that the presence of the person on the territory of the Member States <del>will</del> poses [...] a travel authorisation shall be issued by the ETIAS Central System or the ETIAS National Unit of the responsible Member State.
734.		<b>Amendment 183</b> <b>Article 30(1a)(new)</b>		
735.		<i>1a. ETIAS National Units shall have the possibility, in case of doubt, to issue a travel authorisation with a flag recommending to border guards to proceed to a second line check.</i>	<u>1a. The ETIAS National Unit of the responsible Member State may attach a flag to the travel authorisation it issues, recommending further or specific checks at the border crossing point. Such flag may also be attached upon the request of a consulted Member State. This flag shall only be visible to the border guards and it shall indicate the reason for such flag. The flag shall be removed automatically once the border guard has carried out the check and has entered the entry/exit record in the EES. In case of refusal of entry, the</u>	To be further discussed <b>1a. The ETIAS National Unit of the responsible Member State shall have the possibility, in case of doubt concerning the existence of sufficient reasons to refuse the travel authorisation, to issue a travel authorisation with a flag recommending to border guards to proceed with a check of the reasons referred to in Article 33(1)(ea).</b> <b>The ETIAS National Unit of the responsible Member State may also attach such a flag upon the request of a consulted Member</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>flag shall remain attached to the travel authorisation.</u>	<b>State. This flag shall only be visible to the border guards.</b>
736.		<b>Amendment 184</b> <b>Article 30(1b)(new)</b>		
737.		<i>1b. The ETIAS Central Unit and the ETIAS National Units shall have the possibility to add a flag indicating to border authorities and other authorities with access to the data of the ETIAS Central System that a specific hit triggered during the processing of the application has been assessed and that it has been verified that the hit constituted a false hit or that the manual processing has shown that there was no reason for the refusal of an ETIAS.</i>		<p><b>COM proposal not part of trilogue on 12 December, still to be discussed</b></p> <p><b>1b. The ETIAS National Unit of the responsible Member State shall have the possibility to add a flag indicating to border guards and other authorities with access to the data of the ETIAS Central System that a specific hit triggered during the processing of the application has been assessed and that it has been verified that the hit constituted a false hit or that the manual processing has shown that there was no reason for the refusal of the travel authorisation.</b></p> <p><b>COM to check if wording OK</b></p> <p><b>1c. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to foresee adequate safeguards and rules to avoid conflicts with alerts in other information systems and to define the conditions, the criteria and the duration of the flagging.</b></p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
738.		<b>Amendment 185</b> <b>Article 30(2)</b>		
739.	2. A travel authorisation shall be valid for five years or until the end of validity of the travel document registered during application, whichever comes first, and shall be valid for the territory of the Member States.	2. A travel authorisation shall be valid for <i>three</i> years or until the end of validity of the travel document registered during application, whichever comes first, and shall be valid for the territory of the Member States.	2. A travel authorisation shall be valid for <u>three</u> <del>five</del> years or until the end of validity of the travel document registered during application, whichever comes first, and shall be valid for the territory of the Member States.	<u>Provisionally agreed:</u> 2. A travel authorisation shall be valid for three years or until the end of validity of the travel document registered during application, whichever comes first, and shall be valid for the territory of the Member States.
740.		<b>Amendment 186</b> <b>Article 30(3)</b>		
741.	3. A travel authorisation shall not confer an automatic right of entry.	3. <i>In accordance with Article 6(1)(b) of Regulation (EU) 2016/399 the possession of a valid travel authorisation constitutes one of the entry conditions. However, it does</i> not confer an automatic right of entry.	3. A travel authorisation shall not confer an automatic right of entry <u>or stay</u> .	<u>Provisionally agreed</u> 3. A travel authorisation shall not confer an automatic right of entry or stay.
742.	<i>Article 31</i> <i>Refusal of a travel authorisation</i>		<i>Article 31</i> <i>Refusal of a travel authorisation</i>	<i>Article 31</i> <i>Refusal of a travel authorisation</i>
743.	1. A travel authorisation shall be refused if the applicant:		1. A travel authorisation shall be refused if the applicant:	<u>Agreed text</u> 1. A travel authorisation shall be refused if the applicant:
744.		<b>Amendment 187</b> <b>Article 31(1)(a)</b>		
745.	(a) presents a travel document which is reported as lost, stolen or	Deleted	(a) <del>presents</del> <u>used a lost, stolen or invalidated</u> travel document	<u>COM to check this point</u> (a) used a travel document

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	invalidated;		<del>which is reported as lost, stolen or invalidated;</del>	which is reported as lost, stolen or invalidated <b>in the SIS (or the SLTD)</b> ; (NB: see Article 18(2)(a))
<b>746.</b>	(b) poses an irregular migration risk;		(b) poses an <del>irregular migration security</del> risk;	To be discussed
<b>747.</b>		<b>Amendment 188</b> <b>Article 31(1)(c)</b>		
<b>748.</b>	(c) poses a security risk;	(c) poses a <i>threat to</i> security;	(c) poses an <u>illegal immigration-security</u> risk;	To be discussed
<b>749.</b>		<b>Amendment 189</b> <b>Article 31(1)(d)</b>		
<b>750.</b>	(d) poses a public health risk;	(d) poses a <i>a high epidemic</i> risk;	(d) poses a public health risk;	To be discussed
<b>751.</b>	(e) is a person for whom an alert has been issued in the SIS for the purpose of refusing entry;		(e) is a person for whom an alert has been issued in the SIS for the purpose of refusing entry;	<u>Agreed text</u> (e) is a person for whom an alert has been issued in the SIS for the purpose of refusing entry;
<b>752.</b>	(f) fails to reply to a request for additional information or documentation within the deadlines referred to in Article 23.		(f) fails to reply to a request for additional information or documentation within the deadlines referred to in Article 23.	<u>Agreed text</u> (f) fails to reply to a request for additional information or documentation within the deadlines referred to in Article 23.
<b>753.</b>		<b>Amendment 190</b> <b>Article 31(1)(2)</b>		
<b>754.</b>	A travel authorisation shall also be refused if there are reasonable doubts as to the authenticity of the data, the reliability of the	A travel authorisation shall also be refused if there are reasonable, <i>serious, and substantiated</i> doubts as to the authenticity of the data,	<u>(1a)</u> A travel authorisation shall also be refused if there are reasonable doubts as to the authenticity of the data, the	<u>Provisionally agreed:</u> (1a) A travel authorisation shall also be refused if, <b>at the time of the application</b> , there are

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	statements made by the applicant, the supporting documents provided by the applicant or the veracity of their contents.	the reliability of the statements made by the applicant, the supporting documents provided by the applicant or the veracity of their contents.	reliability of the statements made by the applicant, the supporting documents provided by the applicant or the veracity of their contents, <u>with reference to the situation obtaining at the time of the application.</u>	reasonable <b>and serious</b> doubts as to the authenticity of the data, the reliability of the statements made by the applicant, the supporting documents provided by the applicant or the veracity of their contents.
755.		<b>Amendment 191</b> <b>Article 31(2)</b>		
756.	2. Applicants who have been refused a travel authorisation shall have the right to appeal. Appeals shall be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State. The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the procedure to be followed in the event of an appeal.	2. Applicants who have been refused a travel authorisation shall have the right to <b><i>an effective remedy. Remedy procedures</i></b> shall be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State, <b><i>which shall include the possibility for a judicial remedy.</i></b> The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the procedure to be followed in <b><i>a language that applicants can reasonably be assumed to understand.</i></b>	2. Applicants who have been refused a travel authorisation shall have the right to appeal. Appeals shall be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State. The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the procedure to be followed in the event of an appeal.	<b><u>LIBE proposal (same as rows 805 and 815):</u></b> 2. Applicants who have been refused a travel authorisation shall have the right to appeal. Appeals shall be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State. The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the procedure to be followed in <b>the event of an appeal</b> <b>a language that applicants can reasonably be assumed to understand.</b>  <b><u>Presidency compromise proposal (same as rows 805 and 815):</u></b> 2. Applicants who have been refused a travel authorisation shall have the right to appeal. Appeals

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				shall be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State. The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the <b>appeal</b> procedure <del>to be followed in the event of an appeal</del> <b>one of the official languages of the countries listed in Annex II of Council Regulation (EC) 539/2001 which the applicant is a national of.</b>
757.		<b>Amendment 192</b> <b>Article 31(2a)(new)</b>		
758.		<i>2a. A previous refusal of a travel authorisation shall not lead to an automatic refusal of a new application. A new application shall be assessed on the basis of all available information.</i>		<b>Presidency compromise proposal to be tested with delegations</b> <b>LIBE: could also be moved to Article 22</b>
759.	<i>Article 32</i> <i>Notification on the issuing or refusal of a travel authorisation</i>		<i>Article 32</i> <i>Notification on the issuing or refusal of a travel authorisation</i>	<i>Article 32</i> <i>Notification on the issuing or refusal of a travel authorisation</i>
760.	1. Where a travel authorisation has been issued, the applicant shall immediately receive a notification via the e-mail service, including:		1. Where a travel authorisation has been issued, the applicant shall <del>immediately</del> receive a notification via the e-mail service, including:	<b>Presidency compromise proposal to be tested again with delegations</b> <b>(see also rows 502 and 772):</b> 1. Where a travel authorisation has been issued, the

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				applicant shall <b>immediately</b> receive a notification via the e-mail service, including:
761.	(a) a clear indication that the travel authorisation has been issued and the travel authorisation application number;		(a) a clear indication that the travel authorisation has been issued and the travel authorisation application number;	<u>Agreed text</u> (a) a clear indication that the travel authorisation has been issued and the travel authorisation application number;
762.	(b) the commencement and expiry dates of the validity period of the travel authorisation;		(b) the commencement and expiry dates of the validity period of the travel authorisation;	<u>Agreed text</u> (b) the commencement and expiry dates of the validity period of the travel authorisation;
763.		<b>Amendment 193</b> <b>Article 32(1)(ba) (new)</b>		
764.		<i>(ba) a clear indication that upon entry the applicant will have to present the same travel document as that indicated in the application form and that any change of travel document will require a new application for a travel authorisation;</i>		<u>Provisionally agreed:</u> <b>(ba) a clear indication that upon entry the applicant will have to present the same travel document as that indicated in the application form and that any change of travel document will require a new application for a travel authorisation;</b>
765.		<b>Amendment 194</b> <b>Article 32(1)(bb) (new)</b>		
766.		<i>(bb) a reminder about the entry conditions laid down in Article 6 of Regulation (EU) No 2016/319 and the need to carry relevant supporting documents at each</i>		<u>Provisionally agreed</u> (covers rows 766 and 769): <b>(bb) a reminder about the entry conditions laid down in Article 6 of Regulation (EU) No 2016/399, including the need to</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>entry;</i>		<p>carry relevant supporting documents at each entry and the duration of authorised short stay (90 days in any 180-day period);</p> <p>(bba) a reminder about the fact that the possession of a valid travel authorisation is a condition for stay that has to be fulfilled during the entire duration of a short stay on the territory of Member States;</p> <p>(bc) a link to the web service referred to in Article 13 of Regulation EU [Entry/Exit] enabling third-country nationals to verify at any moment the remaining authorised stay;</p>
767.		<p><b>Amendment 195</b></p> <p><b>Article 32(1)(bc) (new)</b></p>		
768.		<i>(bc) where applicable, the territory or territories of the Member States to which the applicant is authorised to travel;</i>		<p><u>Provisionally agreed :</u></p> <p><b>(bd) where applicable, the Member States to which the applicant is authorised to travel;</b></p>
769.	(c) where applicable, a reminder of the calculation of the duration of authorised short stay (90 days in any 180-day period) and of the rights derived from an issued travel authorisation pursuant		(c) <del>where applicable, a reminder of the calculation of the duration of authorised short stay (90 days in any 180-day period), and of the rights derived from an issued travel authorisation pursuant</del>	<p><u>Provisionally agreed:</u></p> <p>Deleted</p> <p><u>NB:</u> covered under row 766</p>



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	to Article 30(3); and		to Article 30(3), <del>as well as a reminder of the entry conditions</del> as set out in Article 6 of Regulation (EU) N°2016/399 and of the calculation of the duration of authorised short stay (90 days in any 180-day period); and	
<b>770.</b>		<b>Amendment 196</b> <b>Article 32(1)(d)</b>		
<b>771.</b>	(d) a link to the ETIAS public website containing information on the possibility for the applicant to revoke the travel authorisation.	(d) a link to the ETIAS public website containing information on the possibility <i>that</i> the travel authorisation <i>may be revoked or annulled and the conditions for such a revocation or annulment</i> .	(d) a link to the ETIAS public website containing information on the possibility for the applicant to <u>request the revocation</u> <del>ke</del> <u>of the travel authorisation and the possibility for the travel authorisation to be revoked if the conditions for issuing it are no longer met and to be annulled where it becomes evident that the conditions for issuing it were not met at the time it was issued.</u>	<u>Provisionally agreed:</u> (d) a link to the ETIAS public website containing information on the possibility for the applicant to request the revocation of the travel authorisation and the possibility for the travel authorisation to be revoked if the conditions for issuing it are no longer met and to be annulled where it becomes evident that the conditions for issuing it were not met at the time it was issued.
<b>772.</b>	2. Where a travel authorisation has been refused, the applicant shall immediately receive a notification via the e-mail service including:		2. Where a travel authorisation has been refused, the applicant shall <del>immediately</del> receive a notification via the e-mail service including:	<u>Provisionally agreed (see also rows 502 and 760):</u> 2. Where a travel authorisation has been refused, the applicant shall immediately receive a notification via the e-mail service including:
<b>773.</b>	(a) a clear indication that the travel authorisation has been refused and the travel authorisation		(a) a clear indication that the travel authorisation has been refused and the travel authorisation	<u>Agreed text</u> (a) a clear indication that the travel authorisation has been

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	application number;		application number;	refused and the travel authorisation application number;
774.	(b) a reference to the authority that refused the travel authorisation and its location;		(b) a reference to the <del>authority</del> <u>ETIAS National Unit</u> that refused the travel authorisation and its location;	<u>Provisionally agreed:</u> (b) a reference to the ETIAS National Unit that refused the travel authorisation and its <b>address location</b> ;
775.		<b>Amendment 197</b> <b>Article 32(2)(c)</b>		
776.	(c) the ground(s) for refusal of the travel authorisation, as laid down in Article 31(1);	(c) the ground(s) for refusal of the travel authorisation <b>enabling the applicant to apply for a remedy</b> , as laid down in Article 31(1);	(c) the ground(s) for refusal of the travel authorisation, as laid down in Article 31(1);	<u>Provisionally agreed:</u> (c) the ground(s) for refusal of the travel authorisation, by indicating the relevant ground from those listed in Article 31(1) <b>and (1a) enabling the applicant to lodge an appeal</b> ;
777.		<b>Amendment 198</b> <b>Article 32(2)(d)</b>		
778.	(d) information on the procedure to be followed for an appeal.	(d) information on the procedure to be followed <b>to apply</b> for an <b>effective remedy</b> . <b><i>This information shall include at least the references to the national law applicable to the remedy, the competent authority and how to apply for a remedy, information as to any assistance that may be provided by the national data protection authority, as well as the time limit for applying for a</i></b>	(d) information on the procedure to be followed for an appeal.	<u>Provisionally agreed</u> (d) information on the <del>procedure to be followed for</del> <b>right to lodge an appeal, the time limit for doing so and a link to the relevant information on the website as referred to in Article 14(6a)</b> .  <i>See also changes under Article 14(6a) (same as row 824)</i>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>remedy.</i>		
779.		<b>Amendment 199</b> <b>Article 32(2a)(new)</b>		
780.		<i>2a. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 in order to establish a standard form for refusal of a travel authorisation.</i>		<u>Provisionally agreed</u> <b>2a. The Commission shall, by means of implementing acts, adopt a standard form for refusal, annulation or revocation of a travel authorisation.</b>
781.	<i>Article 33</i> <i>Data to be added to the application file following the decision to issue or refuse a travel authorisation</i>		<i>Article 33</i> <i>Data to be added to the application file following the decision to issue or refuse a travel authorisation</i>	<i>Article 33</i> <i>Data to be added to the application file following the decision to issue or refuse a travel authorisation</i>
782.	Where a decision has been taken to issue or refuse a travel authorisation, the ETIAS Central System or, where relevant, the ETIAS National Units of the responsible Member State shall add the following data to the application file:		<u>1.</u> Where a decision has been taken to issue <del>or refuse</del> a travel authorisation, the ETIAS Central System or, where the decision has been taken following manual processing as provided for in Chapter IV, <del>relevant</del> , the ETIAS National Units of the responsible Member State shall add the following data to the application file <u>without delay</u> :	<u>Provisionally agreed:</u> 1. Where a decision has been taken to issue a travel authorisation, the ETIAS Central System or, where the decision has been taken following manual processing as provided for in Chapter IV, the ETIAS National Units of the responsible Member State shall add the following data to the application file without delay:
783.	(a) status information indicating that the travel authorisation has been issued or refused;		(a) status information indicating that the travel authorisation has been issued <del>or refused</del> ;	<u>Provisionally agreed:</u> (a) status information indicating that the travel authorisation has been issued;
784.	(b) a reference to the authority that issued or refused the travel		(b) <del>a reference to the authority that issued or refused the travel</del>	<b><u>Presidency compromise proposal to be tested with delegations</u></b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	authorisation and its location;		<del>authorisation and its location;</del>	<b>(b) a reference as to whether the travel authorisation was issued by the ETIAS Central System or following a manual assessment; in the latter case a reference to the ETIAS National Unit which has taken the decision and its address shall be added;</b>
<b>785.</b>		<b>Amendment 200 Article 33(1)(c)</b>		
<b>786.</b>	(c) place and date of the decision to issue or refuse the travel authorisation;	(c) date of the decision to issue or refuse the travel authorisation;	(c) place and date of the decision to issue <del>or refuse</del> the travel authorisation;	<u>Provisionally agreed:</u> (c) <del>place and</del> date of the decision to issue <del>or refuse</del> the travel authorisation;
<b>787.</b>		<b>Amendment 201 Article 33(1)(d)</b>		
<b>788.</b>	(d) the commencement and expiry dates of the validity period of the travel authorisation;	(d) <i>where a travel authorisation is issued</i> , the commencement and expiry dates of the validity period of the travel authorisation;	(d) the commencement and expiry dates of the validity period of the travel authorisation;	<u>Provisionally agreed:</u> (d) the commencement and expiry dates of the validity period of the travel authorisation;
<b>789.</b>		<b>Amendment 202 Article 33(1)(e)</b>		
<b>790.</b>	(e) the ground(s) for refusal of the travel authorisation as laid down in Article 31(1).	(e) <i>where a travel authorisation is refused</i> , the ground(s) for refusal of the travel authorisation as laid down in Article 31(1).	<del>(e) the ground(s) for refusal of the travel authorisation as laid down in Article 31(1);</del>	<u>Provisionally agreed:</u> Deleted

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
791.		<b>Amendment 203</b> <b>Article 33(1)(ea)(new)</b>		
792.		<i>(ea) any flags as referred to in Article 22(4a), 30(1a) and 30(1b) together with additional information relevant to second-line checks related to them.</i>	<u>(f) any flag attached to the travel authorisation, as laid down in Article 30(1a).</u>	To be further discussed <b>(ea) any flags attached to the travel authorisation as laid down in Article 30(1a) and 30(1b) together with an indication of the reasons for such flag(s).</b>
793.		<b>Amendment 204</b> <b>Article 33(1a) (new)</b>		
794.		<i>1a. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to define the type of additional information that may be added and its formats.</i>		To be further discussed <b>1a. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to define the type of additional information that may be added and its formats.</b>
795.			<u>2. Where a decision has been taken to refuse a travel authorisation, the ETIAS National Unit of the responsible Member State shall add the following data to the application file:</u>	Provisionally agreed: 2. Where a decision has been taken to refuse a travel authorisation, the ETIAS National Unit of the responsible Member State shall add the following data to the application file:
796.			<u>(a) status information indicating that the travel authorisation has been refused;</u>	Provisionally agreed: (a) status information indicating that the travel authorisation has been refused;
797.			<u>(b) a reference to the ETIAS National Unit that refused the travel authorisation and its location;</u>	Provisionally agreed: (b) a reference to the ETIAS National Unit that refused the travel

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				authorisation and its <b>address location</b> ;
798.			(c) <u>place and date of the decision to refuse the travel authorisation</u> ;	Provisionally agreed: (c) <del>place and</del> date of the decision to refuse the travel authorisation;
799.			(d) <u>the ground(s) for refusal of the travel authorisation, by indicating the relevant ground from those listed in Article 31(1).</u>	Provisionally agreed: (d) the ground(s) for refusal of the travel authorisation, by indicating the <del>relevant</del> ground from those listed in Article 31(1) <b>and (1a)</b> .
800.			3. <u>In addition to the data referred to in paragraphs 1 and 2, where a decision has been taken to issue or refuse a travel authorisation, the ETIAS National Unit of the responsible Member State shall also add the reasons for its final decision, unless that decision is a refusal based on a negative opinion from a consulted Member State.</u>	Provisionally agreed: 3. In addition to the data referred to in paragraphs 1 and 2, where a decision has been taken to issue or refuse a travel authorisation, the ETIAS National Unit of the responsible Member State shall also add the reasons for its final decision, unless that decision is a refusal based on a negative opinion from a consulted Member State.
801.	<i>Article 34 Annulment of a travel authorisation</i>		<i>Article 34 Annulment of a travel authorisation</i>	
802.	1. A travel authorisation shall be annulled where it becomes evident that the conditions for issuing it were not met at the time it was issued. The travel authorisation shall be annulled on the basis of		1. A travel authorisation shall be annulled where it becomes evident that the conditions for issuing it were not met at the time it was issued. The travel authorisation shall be annulled on the basis of	Provisionally agreed: 1. A travel authorisation shall be annulled where it becomes evident that the conditions for issuing it were not met at the time it was issued. The travel authorisation

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	one or more of the grounds for refusal of the travel authorisation laid down in Article 31(1).		one or more of the grounds for refusal of the travel authorisation laid down in Article 31(1) <u>and (1a)</u> .	shall be annulled on the basis of one or more of the grounds for refusal of the travel authorisation laid down in Article 31(1) and (1a).
<b>803.</b>	2. Where a Member State is in possession of evidence that the conditions for issuing a travel authorisation were not met at the time it was issued, the ETIAS National Unit of that Member State shall annul the travel authorisation.		2. Where a Member State is in possession of evidence that the conditions for issuing a travel authorisation were not met at the time it was issued, the ETIAS National Unit of that Member State shall annul the travel authorisation.	<u>Agreed text</u> 2. Where a Member State is in possession of evidence that the conditions for issuing a travel authorisation were not met at the time it was issued, the ETIAS National Unit of that Member State shall annul the travel authorisation.
<b>804.</b>		<b>Amendment 205 Article 34(3)</b>		
<b>805.</b>	3. A person whose travel authorisation has been annulled shall have the right to appeal. Appeals shall be conducted in the Member State that has taken the decision on the annulment in accordance with the national law of that Member State.	3. A person whose travel authorisation has been annulled shall have the right to <b><i>an effective remedy. Remedy procedures</i></b> shall be conducted in the Member State that has taken the decision on the annulment in accordance with the national law of that Member State. <b><i>The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the procedure to be followed in a language that applicants can reasonably be assumed to understand.</i></b>	3. A person whose travel authorisation has been annulled shall have the right to appeal. Appeals shall be conducted in the Member State that has taken the decision on the annulment in accordance with the national law of that Member State.	<b>LIBE proposal (same as rows 756 and 815):</b> 3. A person whose travel authorisation has been annulled shall have the right to appeal. Appeals shall be conducted in the Member State that has taken the decision on the annulment in accordance with the national law of that Member State. <b>The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the procedure to be followed in a language that applicants can reasonably be assumed to understand.</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b>Presidency compromise proposal (same as rows 756 and 815):</b> 3. A person whose travel authorisation has been annulled shall have the right to appeal. Appeals shall be conducted in the Member State that has taken the decision on the annulment in accordance with the national law of that Member State. <b>The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the appeal procedure in one of the official languages of the countries listed in Annex II of Council Regulation (EC) 539/2001 which the applicant is a national of.</b>
<b>806.</b>	<i>Article 35 Revocation of a travel authorisation</i>		<i>Article 35 Revocation of a travel authorisation</i>	<i>Article 35 Revocation of a travel authorisation</i>
<b>807.</b>	1. A travel authorisation shall be revoked where it becomes evident that the conditions for issuing it are no longer met. The travel authorisation shall be revoked on the basis of one or more of the grounds for refusal of the travel authorisation laid down in Article 31(1).		1. A travel authorisation shall be revoked where it becomes evident that the conditions for issuing it are no longer met. The travel authorisation shall be revoked on the basis of one or more of the grounds for refusal of the travel authorisation laid down in Article 31(1).	<u>Agreed text</u> 1. A travel authorisation shall be revoked where it becomes evident that the conditions for issuing it are no longer met. The travel authorisation shall be revoked on the basis of one or more of the grounds for refusal of the travel authorisation laid down in Article 31(1).



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>808.</b>	2. Where a Member State is in possession of evidence that the conditions for issuing the travel authorisation are no longer met, the ETIAS National Unit of that Member State shall revoke the travel authorisation.		2. Where a Member State is in possession of evidence that the conditions for issuing the travel authorisation are no longer met, the ETIAS National Unit of that Member State shall revoke the travel authorisation.	<u>Agreed text</u> 2. Where a Member State is in possession of evidence that the conditions for issuing the travel authorisation are no longer met, the ETIAS National Unit of that Member State shall revoke the travel authorisation.
<b>809.</b>		<b>Amendment 206 Article 35(3)</b>		
<b>810.</b>	3. Without prejudice to paragraph 2, where a new refusal of entry alert or a travel document as lost, stolen or invalidated is reported in the SIS, the SIS shall inform the ETIAS Central System. The ETIAS Central System shall verify whether this new alert corresponds to a valid travel authorisation. Where this is the case, the ETIAS Central System shall transfer the application file to the ETIAS National Unit of the Member State having created the alert which shall revoke the travel authorisation.	3. Without prejudice to paragraph 2, where a new refusal of entry alert or a travel document as lost, stolen or invalidated is reported in the SIS, the SIS shall inform the ETIAS Central System. The ETIAS Central System shall verify whether this new alert corresponds to a valid travel authorisation. Where this is the case, the ETIAS Central System shall transfer the application file to the ETIAS National Unit of the Member State having created the alert. <i>Where a new refusal of entry alert has been reported, the ETIAS National Unit shall revoke the travel authorisation. Where the travel authorisation is linked to a travel document reported as lost, stolen or invalidated in SIS, the ETIAS National Unit shall</i>	3. Without prejudice to paragraph 2, where a new refusal of entry alert or a travel document as lost, stolen or invalidated is reported in the SIS, the SIS shall inform the ETIAS Central System. The ETIAS Central System shall verify whether this new alert corresponds to a valid travel authorisation. Where this is the case, the ETIAS Central System shall transfer the application file to the ETIAS National Unit of the Member State having created the alert which shall revoke the travel authorisation.	<u>COM text proposal</u> 3. Without prejudice to paragraph 2, where a new refusal of entry alert or a travel document as lost, stolen or invalidated is reported in the SIS, the SIS shall inform the ETIAS Central System. The ETIAS Central System shall verify whether this new alert corresponds to a valid travel authorisation. Where this is the case, the ETIAS Central System shall transfer the application file to the ETIAS National Unit of the Member State having created the alert. Where a new refusal of entry alert has been reported, the ETIAS National Unit shall revoke the travel authorisation. Where the travel authorisation is linked to a travel document reported as lost, stolen or invalidated in SIS <b>or</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>manually review the application file.</i>		<b>SLTD</b> , the ETIAS National Unit shall manually review the application file.
<b>811.</b>		<b>Amendment 207</b> <b>Article 35(4)</b>		
<b>812.</b>	4. New elements introduced by Europol in the ETIAS watchlist shall be compared to the data of the application files in the ETIAS Central System. Where the comparison results in a hit, the ETIAS National Unit of the Member State of first entry as declared by the applicant in accordance with Article 15(2)(j) shall assess the security risk and, where it concludes that the conditions for granting are no longer met, it shall revoke the travel authorisation.	4. New elements introduced by Europol in the ETIAS watchlist shall be compared to the data of the application files in the ETIAS Central System. Where the comparison results in a hit, the ETIAS National Unit of the Member State <b>responsible under Article 22</b> shall assess the <b>threat to security</b> and, where it concludes that the conditions for granting are no longer met, it shall revoke the travel authorisation.	4. New elements introduced by Europol in the ETIAS watchlist shall be compared to the data of the application files in the ETIAS Central System. <u>The ETIAS Central System shall verify whether that new element corresponds to a valid travel authorisation.</u> Where <u>this is the case, the ETIAS Central System shall transfer the application file to the ETIAS National Unit of the Member State having entered the new element, or where Europol entered the new element, to the comparison results in a hit, the</u> ETIAS National Unit of the Member State of first <u>intended stay or, in the case of transit, Member State of first intended transit entry</u> as declared by the applicant in accordance with Article 15(2)(j). <u>That ETIAS National Unit shall assess the security risk and, it shall revoke the travel authorisation where it concludes that the conditions for granting it are no longer met.</u>	<b>Provisionally agreed (with the exception of the wording re security risk):</b> 4. New elements introduced in the ETIAS watchlist shall be compared to the data of the application files in the ETIAS Central System. The ETIAS Central System shall verify whether that new element corresponds to a valid travel authorisation. Where this is the case, the ETIAS Central System shall transfer the application file to the ETIAS National Unit of the Member State having entered the new element, or where Europol entered the new element, to the ETIAS National Unit of the Member State of first intended stay <del>or, in the case of transit, Member State of first intended transit</del> as declared by the applicant in accordance with Article 15(2)(j). That ETIAS National Unit shall assess the <b>security risk</b> and shall revoke the travel authorisation where it concludes that the

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				conditions for granting it are no longer met.
813.			4a. <u>Where a refusal of entry record concerning the holder of a valid travel authorisation justified by reasons B, G or I listed in Annex V, Part B of Regulation (EU) 2016/399 is entered in the EES, the ETIAS Central System shall transfer the application file to the ETIAS National Unit of the Member State having refused entry. That ETIAS National Unit shall assess whether the conditions for granting the travel authorisation are still met, and if not, shall revoke the travel authorisation.</u>	Provisionally agreed: 4a. Where a refusal of entry record concerning the holder of a valid travel authorisation justified by reasons B, <del>G</del> or I listed in Annex V, Part B of Regulation (EU) 2016/399 is entered in the EES, the ETIAS Central System shall transfer the application file to the ETIAS National Unit of the Member State having refused entry. That ETIAS National Unit shall assess whether the conditions for granting the travel authorisation are still met, and if not, shall revoke the travel authorisation.
814.		<b>Amendment 208</b> <b>Article 35(5)</b>		
815.	5. An applicant whose travel authorisation has been revoked shall have the right to appeal. Appeals shall be conducted in the Member State that has taken the decision on the revocation and in accordance with the national law of that Member State.	5. An applicant whose travel authorisation has been revoked shall have the right to <b><i>an effective remedy. Remedy procedures</i></b> shall be conducted in the Member State that has taken the decision on the revocation and in accordance with the national law of that Member State. <b><i>The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the</i></b>	5. An applicant whose travel authorisation has been revoked shall have the right to appeal. Appeals shall be conducted in the Member State that has taken the decision on the revocation and in accordance with the national law of that Member State.	<b>LIBE proposal (same as rows 756 and 805):</b> 5. An applicant whose travel authorisation has been revoked shall have the right to appeal. Appeals shall be conducted in the Member State that has taken the decision on the revocation and in accordance with the national law of that Member State. <b>The ETIAS National Unit of the responsible Member State shall provide</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>procedure to be followed in a language that applicants can reasonably be assumed to understand.</i>		<p><b>applicants with information regarding the procedure to be followed in a language that applicants can reasonably be assumed to understand.</b></p> <p><b>Presidency compromise proposal (same as rows 756 and 805):</b></p> <p>5. An applicant whose travel authorisation has been revoked shall have the right to appeal. Appeals shall be conducted in the Member State that has taken the decision on the revocation and in accordance with the national law of that Member State. <b>The ETIAS National Unit of the responsible Member State shall provide applicants with information regarding the appeal procedure in one of the official languages of the countries listed in Annex II of Council Regulation (EC) 539/2001 which the applicant is a national of.</b></p>
<b>816.</b>	6. A travel authorisation may be revoked at the request of the applicant.		6. A travel authorisation may be revoked at the request of the applicant. <u>No appeal shall be possible against such revocation of a travel authorisation at the request of the applicant.</u>	<p><u>Provisionally agreed</u></p> <p>6. A travel authorisation may be revoked at the request of the applicant. No appeal shall be possible against such revocation of a travel authorisation at the request of the applicant. <b>If the applicant is</b></p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b>present on the territory of a Member State when this request is introduced, the revocation shall become effective at the moment the applicant is exiting the territory and the corresponding entry/exit record is created in the EES in accordance with Article 16(3) and 17(2) of Regulation (EU) 2017/2226.</b>
<b>817.</b>	<i>t</i> <i>Article 36</i> <i>Notification on the annulment or revocation of a travel authorisation</i>		<i>Article 36</i> <i>Notification on the annulment or revocation of a travel authorisation</i>	<i>Article 36</i> <i>Notification on the annulment or revocation of a travel authorisation</i>
<b>818.</b>	Where a travel authorisation has been annulled or revoked, the applicant shall immediately receive a notification via the e-mail service including:		Where a travel authorisation has been annulled or revoked, the applicant shall immediately receive a notification via the e-mail service including:	<u>Agreed text</u> Where a travel authorisation has been annulled or revoked, the applicant shall immediately receive a notification via the e-mail service including:
<b>819.</b>	(a) a clear indication that the travel authorisation has been annulled or revoked and the travel authorisation application number;		(a) a clear indication that the travel authorisation has been annulled or revoked and the travel authorisation application number;	<u>Agreed text</u> (a) a clear indication that the travel authorisation has been annulled or revoked and the travel authorisation application number;
<b>820.</b>	(b) a reference to the authority that annulled or revoked the travel authorisation and its location;		(b) a reference to the <del>authority</del> <u>ETIAS National Unit</u> that annulled or revoked the travel authorisation and its location;	<u>Provisionally agreed:</u> (b) a reference to the ETIAS National Unit that annulled or revoked the travel authorisation and its <del>address</del> <u>location</u> ;
<b>821.</b>		<b>Amendment 209</b> <b>Article 36(1)(c)</b>		
<b>822.</b>	(c) the ground(s) for the	(c) the ground(s) for the	(c) the ground(s) for the	<u>Provisionally agreed:</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	annulment or revocation of the travel authorisation, as laid down in Article 31(1);	annulment or revocation of the travel authorisation <b>enabling the applicant to apply for a remedy</b> , as laid down in Article 31(1);	annulment or revocation of the travel authorisation, <b>by indicating the relevant ground from those listed as laid down</b> in Article 31(1);	(c) the ground(s) for the annulment or revocation of the travel authorisation, by indicating the relevant ground from those listed in Article 31(1) and (1a) <b>enabling the applicant to lodge an appeal</b> ,
823.		<b>Amendment 210</b> <b>Article 36(1)(d)</b>		
824.	(d) information on the procedure to be followed for an appeal.	(d) information on the procedure to be followed for an <b>effective remedy. This information shall include at least the references to the national law applicable to the remedy, the competent authority and how to apply for a remedy, information as to any assistance that may be provided by the national data protection authority, as well as the time limit for applying for a remedy.</b>	(d) information on the procedure to be followed for an appeal.	<u>Provisionally agreed</u> (d) information on the <del>procedure to be followed for</del> <b>right to lodge an appeal, the time limit for doing so and a link to the relevant information on the website as referred to in Article 14(6a).</b>  <u>NB:</u> see also changes under Article 14(6a) (same as row 778) <u>Provisionally agreed</u> <b>(e) a clear indication that the possession of a valid travel authorisation is a condition for stay that has to be fulfilled during the entire duration of a short stay on the territory of Member States.</b>
825.	<i>Article 37</i> <i>Data to be added to the application file following the annulment or</i>		<i>Article 37</i> <i>Data to be added to the application file following the annulment or</i>	<i>Article 37</i> <i>Data to be added to the application file following the annulment or</i>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	<i>revocation of a travel authorisation</i>		<i>revocation of a travel authorisation</i>	<i>revocation of a travel authorisation</i>
<b>826.</b>		<b>Amendment 211</b> <b>Article 37(1) - introductory part</b>		
<b>827.</b>	1. Where a decision has been taken to annul or to revoke a travel authorisation, the Member State responsible for the revocation or annulment of the travel authorisation shall add the following data to the application file:	1. Where a decision has been taken to annul or to revoke a travel authorisation, the <b><i>ETIAS National Unit of the</i></b> Member State responsible for the revocation or annulment of the travel authorisation shall add the following data to the application file:	1. Where a decision has been taken to annul or to revoke a travel authorisation, <u>the ETIAS National Unit that annulled or revoked the Member State responsible for the revocation or annulment of the travel authorisation</u> shall add the following data to the application file <u>without delay</u> :	<u>Provisionally agreed:</u> 1. Where a decision has been taken to annul or to revoke a travel authorisation, the ETIAS National Unit that annulled or revoked the travel authorisation shall add the following data to the application file without delay:
<b>828.</b>	(a) status information indicating that the travel authorisation has been annulled or revoked;		(a) status information indicating that the travel authorisation has been annulled or revoked;	<u>Agreed text</u> (a) status information indicating that the travel authorisation has been annulled or revoked;
<b>829.</b>	(b) a reference to the authority that revoked or annulled the travel authorisation and its location;		(b) a reference to the <u>ETIAS National Unit</u> <del>authority</del> that revoked or annulled the travel authorisation and its location;	<u>Provisionally agreed:</u> (b) a reference to the ETIAS National Unit that revoked or annulled the travel authorisation and its <b>address</b> <del>location</del> ;
<b>830.</b>	(c) place and date of the decision.		(c) place and date of the decision <u>to annul or revoke the travel authorisation</u> .	<u>Provisionally agreed:</u> (c) <del>place and</del> date of the decision to annul or revoke the travel authorisation.
<b>831.</b>	2. The application file shall also indicate the ground(s) for annulment or revocation as laid down in Article 31(1).		2. The <u>ETIAS National Unit that annulled or revoked the travel authorisation shall also indicate in the application file</u> <del>shall also indicate</del> the <u>relevant</u> ground(s) for	<u>Provisionally agreed:</u> 2. The ETIAS National Unit that annulled or revoked the travel authorisation shall also indicate in the application file the ground(s)

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			annulment or revocation <del>as laid down from those listed in Article 31(1) or that the travel authorisation was revoked at the request of the applicant as refered to in Article 35(6).</del>	for annulment or revocation from those listed in Article 31(1) and (1a) or that the travel authorisation was revoked at the request of the applicant as refered to in Article 35(6).
832.	<i>Article 38</i> <i>Issuing of a travel authorisation with limited territorial validity on humanitarian grounds, for reasons of national interest or because of international obligations</i>		<i>Article 38</i> <i>Issuing of a travel authorisation with limited territorial validity on humanitarian grounds, for reasons of national interest or because of international obligations</i>	<i>Article 38</i> <i>Issuing of a travel authorisation with limited territorial validity on humanitarian grounds, for reasons of national interest or because of international obligations</i>
833.		<b>Amendment 212</b> <b>Article 38(1)</b>		
834.	1. A travel authorisation with limited territorial validity may be issued exceptionally, when the Member State concerned considers it necessary on humanitarian grounds, for reasons of national interest or because of international obligations notwithstanding the fact that the manual assessment process pursuant to Article 22 is not yet completed or that a travel authorisation has been refused, annulled or revoked.	1. A travel authorisation with limited territorial validity <i>shall</i> be issued exceptionally, when the Member State <i>responsible under paragraph 3</i> considers it necessary on humanitarian grounds, for reasons of national interest or because of international obligations.	1. <u>Where an application has been deemed admissible in accordance with Article 17, the Member State to which the third country national intends to travel a Member State may exceptionally issue a travel authorisation with limited territorial validity</u> <del>may be issued exceptionally, when the that Member State concerned</del> considers it necessary on humanitarian grounds <u>in accordance with national law</u> , for reasons of national interest or because of international obligations, notwithstanding the fact that	<u>Provisionally agreed</u> 1. Where an application has been deemed admissible in accordance with Article 17, the Member State to which the third country national intends to travel may exceptionally issue a travel authorisation with limited territorial validity, when that Member State considers it necessary on humanitarian grounds in accordance with national law, for reasons of national interest or because of international obligations, notwithstanding the fact that
835.			(a) the manual assessment	<u>Provisionally agreed:</u>



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			process pursuant to Article 22 is not yet completed or <del>that</del>	(a) the manual assessment process pursuant to Article 22 is not yet completed or
836.			(b) a travel authorisation has been refused, annulled or revoked.	Provisionally agreed: (b) a travel authorisation has been refused, annulled or revoked.
837.			Where a <u>travel authorisation with limited territorial validity has been issued in the circumstances referred to in point (a) of this paragraph, this shall not interrupt the manual assessment process on the application, for the purposes of a travel authorisation which does not have limited territorial validity.</u>	Provisionally agreed (AM 153 in row 612) <b>Where an ETIAS National Unit is considering issuing a travel authorisation with limited territorial validity covering several Member States, the Member State responsible shall consult those Member States.</b> Provisionally agreed: Where a travel authorisation with limited territorial validity has been <b>requested or</b> issued in the circumstances referred to in point (a) of this paragraph, this shall not interrupt the manual assessment process on the application, for the purposes of a travel authorisation which does not have limited territorial validity.
838.		<b>Amendment 213 Article 38(1a)</b>		
839.		<i>1a. Following the refusal of a travel authorisation in accordance with Article 31, the applicant shall have the possibility to apply for a</i>		EP withdraws AM

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>travel authorisation with limited territorial validity.</i>		
840.		<b>Amendment 214</b> <b>Article 38(1b)</b>		
841.		<i><b>1b</b> In cases of urgency, notwithstanding the fact that the manual assessment process pursuant to Article 22 is not yet completed or that a travel authorisation has been refused, annulled or revoked the applicant may apply for a travel authorisation with limited territorial validity.</i>		EP withdraws AM
842.		<b>Amendment 215</b> <b>Article 38(2)</b>		
843.	2. For the purposes of paragraph 1, the applicant may apply for a travel authorisation with limited territorial validity to the Member State to which he or she intends to travel. He or she and shall indicate the humanitarian grounds, the reasons of national interest or the international obligations in his or her application.	2. For the purposes of <i>paragraphs 1, 1a and 1b</i> the applicant may apply for a travel authorisation with limited territorial validity to the Member State to which he or she intends to travel. He or she and shall indicate the humanitarian grounds, the reasons of national interest or the international obligations in his or her application.	2. For the purposes of paragraph 1, the applicant may <u>contact the ETIAS Central Unit indicating his or her application number, the Member State to which he or she intends to travel and that the purpose of his or her travel is based on</u> <del>apply for a travel authorisation with limited territorial validity to the Member State to which he or she intends to travel. He or she and shall indicate the humanitarian grounds or is linked to, the reasons of national interest</del>	<b>Presidency compromise proposal to be tested with delegations (change necessary following the deletion of the contact form in line 368)</b> 2. For the purposes of paragraph 1, the applicant may contact the ETIAS Central Unit indicating his or her application number, the Member State to which he or she intends to travel and that the purpose of his or her travel is based on humanitarian grounds or is linked to international obligations, <b>as referred to in the</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<p><del>or the international obligations,</del>  <u>using a contact form as referred to in Article 14 in his or her application.</u> Where such contact form is received, the ETIAS Central Unit shall inform the ETIAS National Unit of the Member State to which the third country national intends to travel and shall record the information from the contact form in the application file.</p>	<p><b>public website and the mobile app for mobile devices</b> <del>using a contact form as referred to in Article 14.</del> Where such contact <b>has been made</b> <del>form is received,</del> the ETIAS Central Unit shall inform the ETIAS National Unit of the Member State to which the third country national intends to travel and shall record the information from the contact form in the application file.</p>
844.	<p>3. The Member State to which the third country national intends to travel shall be the Member State responsible for deciding whether to issue or refuse a travel authorisation with limited territorial validity.</p>		<p><del>3. The Member State to which the third country national intends to travel may shall be the Member State responsible for deciding decide whether to issue or refuse a travel authorisation with limited territorial validity.</del></p>	<p><u>Provisionally agreed:</u> Deleted.</p>
845.			<p>3a. <u>The ETIAS National Unit of the Member State to which the third country national intends to travel may request additional information or documentation from the applicant and may set the deadline within which such additional information or documentation is to be submitted. This request shall be notified through the email service referred to in Article 6(2)(f), to the contact email address recorded in the application file, and shall indicate</u></p>	<p><b>Issue of languages and "official" translations to be further discussed - Possible compromise discussed at TM on 13/12/2017: two languages compulsory, instead of three</b> (see row 596)            3a. The ETIAS National Unit of the Member State to which the third country national intends to travel may request additional information or documentation from the applicant and may set the deadline within which such additional information or</p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<p><u>the languages in which the information or documentation may be submitted. That list shall include at least English or French or German unless it includes an official language of the third country of which the applicant has declared to be a national. The applicant shall provide the additional information or documentation directly to the ETIAS National Unit through the secure account service referred to in Article 6(2)(g). Upon submission of the additional information or documentation, the ETIAS Central System shall record and store that information or documentation in the application file.</u></p>	<p>documentation is to be submitted. This request shall be notified through the email service referred to in Article 6(2)(f), to the contact email address recorded in the application file, and shall indicate the languages in which the information or documentation may be submitted. That list shall include at least <b>English, <del>or</del> French <del>or</del> and German</b> <b>[English or French or German]</b> unless it includes an official language of the third country of which the applicant has declared to be a national. The applicant shall provide the additional information or documentation directly to the ETIAS National Unit through the secure account service referred to in Article 6(2)(g). Upon submission of the additional information or documentation, the ETIAS Central System shall record and store that information or documentation in the application file. <b>The additional information or documentation recorded in the application file shall be consulted only for the purpose of assessing and deciding on the application, for the purpose of managing an appeal procedure as well as for the</b></p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<p><b>purpose of processing a new application of the same applicant.</b></p> <p><b>COM text proposal</b></p> <p>3a. The ETIAS National Unit of the Member State to which the third country national intends to travel may request additional information or documentation from the applicant and may set the deadline within which such additional information or documentation is to be submitted. This request shall be notified through the email service referred to in Article 6(2)(f), to the contact email address recorded in the application file, and shall indicate the languages in which the information or documentation may be submitted. <b><u>In addition to the official language(s) of the Member State requesting the additional information or documentation, that list shall, unless it includes a language which is an official language of the third country which the applicant has declared to be a national of, include at least two of the following languages: English, French, German.</u></b></p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<p>The applicant shall provide the additional information or documentation directly to the ETIAS National Unit through the secure account service referred to in Article 6(2)(g). . <b><u>The applicant shall provide such information or documentation in one of the languages notified in the request. If the additional documentation is established in a language which is not notified in the request, the applicant shall provide a translation, either official or unofficial, in one of the notified languages.</u></b></p> <p>Upon submission of the additional information or documentation, the ETIAS Central System shall record and store that information or documentation in the application file. <b>The additional information or documentation recorded in the application file shall be consulted only for the purpose of assessing and deciding on the application, for the purpose of managing an appeal procedure as well as for the purpose of processing a new application of the same applicant.</b></p>
846.		Amendment 216		

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<b>Article 38(4)</b>		
<b>847.</b>	4. A travel authorisation with limited territorial validity shall be valid for the territory of the issuing Member State and for a maximum of 15 days.	4. A travel authorisation with limited territorial validity shall be valid for the territory of the issuing Member State. <i>It may exceptionally be valid for the territory of more than one Member State, subject to the consent of each such Member State. It shall be valid for a maximum of 90 days within 180 days.</i>	4. A travel authorisation with limited territorial validity shall be valid <u>only</u> for the territory of the issuing Member State and for a maximum of <del>15</del> <u>90</u> days from the date of first entry on the basis of <u>that authorisation</u> <del>on which the authorisation was issued</del> . <u>It may be exceptionally valid for the territory of more than one Member State, subject to the consent of each such Member State through their ETIAS National Units.</u>	<u>Provisionally agreed:</u> 4. A travel authorisation with limited territorial validity shall be valid only for the territory of the issuing Member State and for a maximum of 90 days from the date of first entry on the basis of that authorisation. It may be exceptionally valid for the territory of more than one Member State, subject to the consent of each such Member State through their ETIAS National Units.
<b>848.</b>		<b>Amendment 217</b> <b>Article 38(4a)(new)</b>		
<b>849.</b>		<i>4a. Article 30 (1a) and (1b) shall apply.</i>		<b>COM proposal not part of trilogue on 12 December, still to be discussed</b> <b>4a. Article 30 (1a) and (1b) shall apply.</b>
<b>850.</b>		<b>Amendment 218</b> <b>Article 38(5)</b>		
<b>851.</b>	5. Where a travel authorisation with territorial validity is issued, the following data shall be entered in the application file:	5. Where a travel authorisation with <i>limited</i> territorial validity is issued <i>or refused</i> , the following data shall be entered in the application file:	5. Where a travel authorisation with <u>limited</u> territorial validity is issued, the following data shall be entered in the application file <u>by the ETIAS National Unit which issued that authorisation:</u>	<u>Provisionally agreed</u> 5. Where a travel authorisation with <b>limited</b> territorial validity is issued, the following data shall be entered in the application file by the ETIAS National Unit which issued or

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				refused that authorisation:
852.	(a) status information indicating that the travel authorisation with limited territorial validity has been issued or refused;		(a) status information indicating that <del>the a</del> travel authorisation with limited territorial validity has been issued <del>or refused</del> ;	<u>Provisionally agreed</u> (a) status information indicating that a travel authorisation with limited territorial validity has been issued;
853.		<b>Amendment 219</b> <b>Article 38(5)(b)</b>		
854.	(b) the territory in which the travel authorisation holder is entitled to travel;	(b) the <i>Member States</i> to which the travel authorisation holder is entitled to travel;	(b) the territory in which the travel authorisation holder is entitled to travel <u>and the duration of that travel authorisation</u> ;	<u>Provisionally agreed:</u> (b) the <b>Member States to territory</b> in which the travel authorisation holder is entitled to travel <u>and the duration of that travel authorisation</u> ;
855.		<b>Amendment 220</b> <b>Article 38(5)(ba)(new)</b>		
856.		<i>(ba) the period of validity of the travel authorisation with limited territorial validity;</i>		EP AM included in row 854
857.		<b>Amendment 221</b> <b>Article 38(5)(c)</b>		
858.	(c) the authority of the Member State that issued the travel authorisation with territorial validity;	(c) the <i>National Unit</i> of the Member State that issued <i>or refused</i> the travel authorisation with <i>limited</i> territorial validity;	(c) the <u>ETIAS National Unit</u> authority of the Member State that issued the travel authorisation with <u>limited</u> territorial validity;	<u>Provisionally agreed</u> (c) the ETIAS National Unit of the Member State that issued the travel authorisation with limited territorial validity <b>and its address</b> ;
859.		<b>Amendment 222</b> <b>Article 38(5)(ca)(new)</b>		



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
860.		<i>(ca) date of the decision to issue or refuse the travel authorisation with limited territorial validity;</i>		<u>Provisionally agreed</u> <b>(ca) date of the decision to issue the travel authorisation with limited territorial validity;</b>
861.		<b>Amendment 223</b> <b>Article 38(5)(d)</b>		
862.	(d) a reference to the humanitarian grounds, the reasons of national interest or the international obligations.	(d) <i>where appropriate</i> , a reference to the humanitarian grounds, the reasons of national interest or the international obligations.	(d) a reference to the humanitarian grounds, the reasons of national interest or the international obligations.	<u>Provisionally agreed:</u> (d) a reference to the humanitarian grounds, the reasons of national interest or the international obligations.
863.		<b>Amendment 224</b> <b>Article 38(5)(da)(new)</b>		
864.		<i>(da) any flags as referred to in Article 30 (1a) and (1b) together with additional information relevant to second-line checks related to them.</i>		<b>COM proposal not part of trilogue on 12 December, still to be discussed</b> <b>(da) any flags attached to the travel authorisation as laid down in Article 30(1a) and 30(1b) together with an indication of the reasons for such flag(s).</b>
865.			<u>Where an ETIAS National Unit issues a travel authorisation with limited territorial validity with no information or documentation having been submitted by the applicant, that ETIAS National Unit shall record and store appropriate information or documentation in the application file justifying that</u>	<u>Provisionally agreed:</u> Where an ETIAS National Unit issues a travel authorisation with limited territorial validity with no information or documentation having been submitted by the applicant, that ETIAS National Unit shall record and store appropriate information or documentation in

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>decision.</u>	the application file justifying that decision.
866.			<u>6. Where a travel authorisation with limited territorial validity has been issued, the applicant shall receive a notification via the e-mail service, including:</u>	Provisionally agreed: 6. Where a travel authorisation with limited territorial validity has been issued, the applicant shall receive a notification via the e-mail service, including:
867.			<u>(a) a clear indication that a travel authorisation with limited territorial validity has been issued and the travel authorisation application number;</u>	Provisionally agreed: (a) a clear indication that a travel authorisation with limited territorial validity has been issued and the travel authorisation application number;
868.			<u>(b) the commencement and expiry dates of the validity period of the travel authorisation with limited territorial validity,</u>	Provisionally agreed: (b) the commencement and expiry dates of the validity period of the travel authorisation with limited territorial validity,
869.			<u>(c) a clear indication of the territory on which the holder of that authorisation is entitled to travel and that he or she can only travel within that territory; and</u>	Provisionally agreed: (c) a clear indication of the <del>territory on</del> <b>Member States</b> to which the holder of that authorisation is entitled to travel and that he or she can only travel within <b>the territory of those Member States</b> <del>that territory</del> ; and
870.			<u>(d) the rights derived from an issued travel authorisation pursuant to Article 30(3), the entry conditions as set out in Article 6 of</u>	Provisionally agreed <b>(daa) a reminder about the fact that the possession of a valid travel autorisation is a condition</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>Regulation (EU) N°2016/399 and of the calculation of the duration of authorised short stay (90 days in any 180-day period).</u>	<b>for stay that has to be fulfilled during the entire duration of a short stay on the territory of the Member State for which the travel authorisation with limited territorial validity has been issued ;</b> <b>(da) a link to the web service referred to in Article 13 of Regulation (EU) 2017/2226 enabling third-country nationals to verify at any moment the remaining authorised stay;</b>
871.	<b>Chapter VII</b> <b>Use of ETIAS by carriers</b>		<b>Chapter VII</b> <b>Use of ETIAS by carriers</b>	<b>Chapter VII</b> <b>Use of ETIAS by carriers</b>
872.	<i>Article 39</i> <i>Access to data for verification by carriers</i>		<i>Article 39</i> <i>Access to data for verification by carriers</i>	<i>Article 39</i> <i>Access to data for verification by carriers</i>
873.		<b>Amendment 225</b> <b>Article 39(1)</b>		
874.	1. In accordance with Article 26 of the Convention Implementing the Schengen Agreement carriers shall consult the ETIAS Central System in order to verify whether or not third country nationals subject to the travel authorisation requirement are in possession of a valid travel authorisation.	1. <b>Air and sea</b> carriers shall <b>send a query to</b> the ETIAS Central System <b>at the latest at the time of boarding</b> in order to verify whether or not third country nationals subject to the travel authorisation requirement are in possession of a valid travel authorisation.	1. <del>In accordance with Article 26 of the Convention Implementing the Schengen Agreement</del> <u>Air carriers, sea carriers and international carriers transporting groups overland by coach</u> shall <del>consult</del> <u>send a query to</u> the ETIAS Central System in order to verify whether or not third country nationals subject to the travel authorisation requirement are in possession of a valid travel	<b>Text discussed at technical meeting;</b> 1. <del>In accordance with Article 26 of the Convention Implementing the Schengen Agreement,</del> air carriers, sea carriers and international carriers transporting groups overland by coach shall send a query to the ETIAS Central System in order to verify whether or not third country nationals subject to the travel

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			authorisation.	authorisation requirement are in possession of a valid travel authorisation.  NB: as explained by CLS, the reintroduction of the wording "in accordance with Article 26 CISA" is inaccurate since this provision does not cover ETIAS. NB: once the wording is agreed, add " <b>Without prejudice to Article 72,...</b> " to cover the transition period/period of grace.
875.		<b>Amendment 226</b> <b>Article 39(2)(1)</b>		
876.	2. A secure internet access to the carrier gateway, including the possibility to use mobile technical solutions, referred to in Article 6(2)(h) shall allow carriers to proceed with the consultation referred to in paragraph 1 prior to the boarding of a passenger. For this purpose, the carrier shall be permitted to consult the ETIAS Central System using the data contained in the machine readable zone of the travel document.	<b>Secure</b> access to the carrier gateway, including the possibility to use mobile technical solutions, referred to in Article 6(2)(h) shall allow carriers to proceed with the <b>query</b> referred to in paragraph 1 prior to the boarding of a passenger. For this purpose, the carrier shall <b>send a query to</b> the ETIAS Central System using the data contained in the machine readable zone of the travel document.	2. <del>As</del> Secure internet access to the carrier gateway, including the possibility to use mobile technical solutions, referred to in Article 6(2)(h) shall allow carriers to proceed with the <del>query consultation</del> referred to in paragraph 1 prior to the boarding of a passenger. For this purpose, the carrier shall <del>send the query to be permitted to consult</del> the ETIAS Central System using the data contained in the machine readable zone of the travel document.	<b>To be further discussed</b>  2. <b>Secure</b> access to the carrier gateway, including the possibility to use mobile technical solutions, referred to in Article 6(2)(h) shall allow carriers to proceed with the query referred to in paragraph 1 prior to the boarding of a passenger. For this purpose, the carrier shall send a query to the ETIAS Central System using the data contained in the machine readable zone of the travel document and <b>indicating the Member State of entry or indicating, where applicable, that the passenger will be in airport</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<p>transit.</p> <p><b>In the technical meeting suggested solution:</b>  indicating the Member State of entry. <del>or indicating,</del> By way of derogation, in case of airport transit the carrier shall not be obliged to verify whether the third country national is in possession of a valid travel authorisation...<del>where applicable,</del> that the passenger will be in airport transit.</p> <p><b>Recital</b>  With a view to limiting the impact of the obligations set out in this regulation on smaller carriers, user-friendly mobile solution should be made available.</p> <p><b>Presidency compromise text (to be tested with LIBE)</b>  With a view to limiting the impact of the obligations set out in this Regulation on smaller carriers, user-friendly mobile solution should be possible to use.</p>
877.		Amendment 227 Article 39(2)(2)		
878.	The ETIAS Central System shall	The ETIAS Central System shall	The ETIAS Central System shall	Commission proposal made after

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	<p>respond by indicating whether or not the person has a valid travel authorisation. Carriers may store the information sent and the answer received.</p>	<p>respond by indicating whether or not the person has a valid travel authorisation <i>and, where applicable, the territory or territories in which a travel authorisation with limited territorial validity is valid</i>. Carriers may store the information sent and the answer received.</p>	<p>respond by indicating whether or not the person has a valid travel authorisation, <u>providing the carriers with an OK/NOT OK answer. In case a travel authorisation has been issued with limited territorial validity in accordance with Article 38, the ETIAS Central System shall respond by indicating that the person has a valid travel authorisation and the Member State(s) for which that authorisation is valid, providing the carriers with an OK answer and an indication of the Member State(s) concerned.</u> Carriers may store the information sent and the answer received <u>in accordance with the applicable law.</u></p>	<p><b><u>the trilogue of 12 December To be further discussed Green marked text should be deleted (linked to row 876)</u></b>  The ETIAS Central System shall <del>respond</del> by <b><u>provide the carriers with an OK/NOT OK answer</u></b> indicating whether or not the person has a valid travel authorisation. <b><u>In case a travel authorisation has been issued with limited territorial validity in accordance with Article 38, the response provided by the ETIAS Central System shall take into account the Member State(s) for which the autorisation is valid as well as the Member State of entry indicated by the carrier. The response provided by the ETIAS Central System shall also take into account the indication that the passenger will be in airport transit.</u></b> Carriers may store the information sent and the answer received <b><u>in accordance with the applicable law. It shall not be possible to regard the OK/NOT OK answer as a decision to authorise or refuse entry in accordance with Regulation (EU) 2016/399.</u></b></p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b>The Commission shall adopt implementing acts concerning the detailed rules on the conditions for the operation of the carrier gateway and the data protection and security rules applicable. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 79(2).</b>
<b>879.</b>		<b>Amendment 228 Article 39(3)</b>		
<b>880.</b>	3. An authentication scheme, reserved exclusively for carriers, shall be set up in order to allow access to the carrier gateway for the purposes of paragraph 2 to the duly authorised members of the carriers' staff. The authentication scheme shall be adopted by the Commission by means of implementing acts in accordance with the examination procedure referred to in Article 79(2).	3. An authentication scheme, reserved exclusively for carriers, shall be set up in order to allow access to the carrier gateway for the purposes of paragraph 2 to the duly authorised members of the carriers' staff. The authentication scheme shall be adopted by the Commission by means of implementing acts in accordance with the examination procedure referred to in Article 79(2). <b><i>The authentication scheme shall be based on information security risk management and data protection by design and by default.</i></b>	3. An authentication scheme, reserved exclusively for carriers, shall be set up in order to allow access to the carrier gateway for the purposes of paragraph 2 to the duly authorised members of the carriers' staff. The authentication scheme shall be adopted by the Commission by means of implementing acts in accordance with the examination procedure referred to in Article 79(2).	<u>Provisionally agreed</u> 3. An authentication scheme, reserved exclusively for carriers, shall be set up in order to allow access to the carrier gateway for the purposes of paragraph 2 to the duly authorised members of the carriers' staff. The authentication scheme shall be adopted by the Commission by means of implementing acts in accordance with the examination procedure referred to in Article 79(2). <b>When setting up the authentication scheme, information security risk management and the principles of data protection by design and by default shall be taken into account.</b>
<b>881.</b>			4. The carriers referred to in	<b>To be further discussed</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>paragraph 1 shall be subject to the penalties provided for in accordance with Article 26(2) of the Convention Implementing the Schengen Agreement and Article 4 of Council Directive 2001/51/EC when they transport third country nationals who, although subject to the travel authorisation requirement, are not in possession of a valid travel authorisation.</u>	LIBE considers that this paragraph should be deleted
882.			<u>5. If third country nationals are refused entry, any carrier which brought them to the external borders by air, sea and land shall be obliged to immediately assume responsibility for them again. At the request of the authorities competent to carry out the border checks, the carriers shall be obliged to return the third country nationals to the third country from which they were transported or to the third country which issued the travel document on which they travelled or to any other third country to which they are certain to be admitted.</u>	To be further discussed LIBE considers that this paragraph should be deleted



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<p><b>To be further discussed</b></p> <p><b>6. By way of derogation from paragraph 1, for a period of three years starting at the ETIAS entry in operation, the verification referred to in paragraph 1 shall be optional for carriers transporting groups overland by coach and the provisions referred to in paragraph 4 and 5 shall not apply to them.</b></p> <p><b>Recital to be further discussed</b></p> <p><b>Within two years</b> following the start of operations of the ETIAS, the <b>appropriateness</b>, compatibility and coherence of provisions referred to in article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders<sup>89</sup> ('the Convention implementing the Schengen Agreement') <b>for the purposes of with</b> the ETIAS provisions for overland transport <b>by</b></p>

<sup>89</sup> OJ L 239, 22.9.2000, p. 19.

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<p><del>coaches</del> should be assessed by the Commission. The evolution of overland transport by coaches during the last years should be taken into account. The need of amending provisions concerning the overland transport <b>by coaches</b> referred to in article 26 of the Convention implementing the Schengen Agreement <b>or this regulation</b> should be considered.</p> <p><b>Presidency compromise proposal</b></p> <p><b>Within two years</b> following the start of operations of the ETIAS, the <b>appropriateness</b>, compatibility and coherence of provisions referred to in article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders<sup>90</sup> ('the Convention implementing the Schengen Agreement') <b>for the purposes of with</b> the ETIAS provisions for overland transport <b>by coaches</b> should be assessed by the</p>

<sup>90</sup> OJ L 239, 22.9.2000, p. 19.

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				Commission. The evolution of overland transport by coaches during the last years should be taken into account. The need of amending provisions concerning the overland transport <b>by coaches</b> referred to in article 26 of the Convention implementing the Schengen Agreement <b>or this Regulation</b> should be considered.
883.	<i>Article 40 Fall-back procedures in case of technical impossibility to access data by carriers</i>		<i>Article 40 Fall-back procedures in case of technical impossibility to access data by carriers</i>	<i>Article 40 Fall-back procedures in case of technical impossibility to access data by carriers</i>
884.	1. Where it is technically impossible to proceed with the consultation referred to in Article 39(1), because of a failure of the ETIAS Information System or for other reasons beyond the carriers' control, the carriers shall be exempted of the obligation to verify the possession of a valid travel authorisation. In case of a failure of the ETIAS Information System, the ETIAS Central Unit shall notify the carriers.		1. Where it is technically impossible to proceed with the <del>consultation</del> <u>query</u> referred to in Article 39(1), because of a failure of <u>any part of the</u> ETIAS Information System <del>or for other reasons beyond the carriers' control</del> , the carriers shall be exempted of the obligation to verify the possession of a valid travel authorisation. <u>Where such failure is detected by eu-LISA</u> <del>In case of a failure of the ETIAS Information System</del> , the ETIAS Central Unit shall notify the carriers. <u>It shall also notify the carriers when the failure is remedied. Where such failure is detected by the carriers, they may</u>	<u>Provisionally agreed</u> 1. Where it is technically impossible to proceed with the query referred to in Article 39(1), because of a failure of any part of the ETIAS Information System, the carriers shall be exempted of the obligation to verify the possession of a valid travel authorisation. Where such failure is detected by eu-LISA, the ETIAS Central Unit shall notify the carriers. It shall also notify the carriers when the failure is remedied. Where such failure is detected by the carriers, they may notify the ETIAS Central Unit.  NB: last paragraph moved in new

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>notify the ETIAS Central Unit.</u>	para 1b
<b>885.</b>			1a. <u>Penalties referred to in Article 39(4) shall not be imposed on carriers in the cases referred to in paragraph 1.</u>	<b>To be discussed further</b> 1a. Penalties referred to in Article 39(4) shall not be imposed on carriers in the cases referred to in paragraph 1. <u>Text provisionally agreed at trilogue on 12 December</u> <b>LIBE: this part could be deleted</b> <b>1b. Where it is technically impossible for a prolonged period of time to proceed with the consultation query referred to in Article 39(1), for other reasons than a failure of any part of the ETIAS Information System the carriers shall inform the ETIAS Central Unit.</b>
<b>886.</b>		<b>Amendment 229</b> <b>Article 40(2)</b>		
<b>887.</b>	2. The details of the fall-back procedures shall be laid down in an implementing act adopted in accordance with the examination procedure referred to in Article 79(2).	2. The details of the fall-back procedures shall be laid down in an implementing act adopted in accordance with the examination procedure referred to in Article 79(2). <b><i>Such procedures shall take into account information security risk management and data protection by design and by default.</i></b>	2. The details of the fall-back procedures shall be laid down in an implementing act adopted in accordance with the examination procedure referred to in Article 79(2).	<u>Provisionally agreed</u> 2. The details of the fall-back procedures shall be laid down in an implementing act adopted in accordance with the examination procedure referred to in Article 79(2).
<b>888.</b>	<b>CHAPTER VIII</b>		<b>CHAPTER VIII</b>	<b>CHAPTER VIII</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	<b>Use of ETIAS by border authorities at the external borders</b>		<b>Use of ETIAS by border authorities at the external borders</b>	<b>Use of ETIAS by border authorities at the external borders</b>
<b>889.</b>	<i>Article 41 Access to data for verification at the external borders</i>		<i>Article 41 Access to data for verification at the external borders</i>	<i>Article 41 Access to data for verification at the external borders</i>
<b>890.</b>	1. For the sole purpose of verifying whether the person has a valid travel authorisation the authorities competent for carrying out checks at external border crossing points in accordance with Regulation (EU) 2016/399 shall be permitted to consult the ETIAS Central System using the data contained in the machine readable zone of the travel document.		1. For the sole purpose of verifying whether the person has a valid travel authorisation, the authorities <del>border guards</del> <b>border guards</b> competent for carrying out border checks at external border crossing points in accordance with Regulation (EU) 2016/399 shall be permitted to consult the ETIAS Central System using the data contained in the machine readable zone of the travel document.	<b>LIBE compromise proposal</b> 1. <b>The border authorities</b> <del>border guards</del> <b>border guards</b> competent for carrying out border checks at external border crossing points in accordance with Regulation (EU) 2016/399 shall consult the ETIAS Central System using the data contained in the machine readable zone of the travel document.  <b>Needs to be further discussed - Under scrutiny by CLS</b>
<b>891.</b>		<b>Amendment 230 Article 41(2)</b>		
<b>892.</b>	2. The ETIAS Central System shall respond by indicating whether or not the person has a valid travel authorisation.	2. The ETIAS Central System shall respond by indicating whether or not the person has a valid travel authorisation <b>or a valid travel authorisation with limited territorial validity for the Member State the person wishes to enter.</b>	2. The ETIAS Central System shall respond by indicating	<u>Provisionally agreed</u> 2. The ETIAS Central System shall respond by indicating
<b>893.</b>			(a) whether or not the person has a valid travel authorisation, <u>and in the case of a travel authorisation</u>	<u>Provisionally agreed</u> (a) whether or not the person has a valid travel authorisation, and

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>with limited territorial validity as referred to in Article 38, the Member State(s) for which it is valid;</u>	in the case of a travel authorisation with limited territorial validity as referred to in Article 38, the Member State(s) for which it is valid;
894.			<u>(b) any flag referred to in Article 30(1a) attached to that application file;</u>	Provisionally agreed (b) any flag referred to in Article 30(1a) <b>and 30(1b) attached to that application file.</b>
895.			<u>(c) whether the travel authorisation will expire within the next 90 days and the remaining validity period;</u>	Provisionally agreed (c) whether the travel authorisation will expire within the next 90 days and the remaining validity period;
896.			<u>(d) the data referred to in Article 15(2)(k) and (l);</u>	Provisionally agreed (d) the data referred to in Article 15(2)(k) and (l);
897.			<u>(e) at the first entry, the address for the first intended stay.</u>	<b>LIBE</b> does not agree with this Council text  The address of the first intended stay is now optional. If the traveller gave it and it is recorded in the ETIAS, why not use it?
898.		Amendment 231 Article 41(2a)(new)		

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
899.				<p><b>COM to make proposal to align to Art. 11(3)EES</b></p> <p><b>2a. Where the travel authorisation will expire within the next 90 days, the border guard shall inform the holder of that travel authorisation of the remaining validity period, of the possibility to lodge an application for a new travel authorisation even during the stay in the territory, and of the obligation to be in possession of a valid travel authorisation for the entire duration of a short stay on the territory of Member States. The ETIAS Central System shall automatically provide the holder of that travel authorisation with the same information via the email service.</b></p>
		<p><b>2a. The authorities competent for carrying out checks at external border crossing points shall be authorised during a second line check to consult the additional information relevant for second-line checks inserted in the application file in accordance with Article 33 and 38.</b></p>	<p><b>3. Where additional verifications are needed for the purpose of a second line check in accordance with Article 2(13) of Regulation (EU) N°2016/399, border guards shall be given access to the data referred to in Article 15(2)(a) to (g) and (i) to (m), and in Article 15(4)(b) to (d) as recorded in that application file as well as to data entered in that application file in respect of the issuing, refusal,</b></p>	<p><b>COM proposal not part of trilogue on 12 December, still to be discussed</b></p> <p><b>3. The border authorities competent for carrying out border checks at external border crossing points shall be authorised during a second line check, or where additional verifications are needed for the purpose of a second line check in accordance with Article 2(13) of</b></p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>revocation or annulment of a travel authorisation in accordance with Articles 33 and 37.</u>	<b>Regulation (EU) N°2016/399 to consult the additional information relevant for the precise check inserted in the application file in accordance with Article 33.</b>  LIBE: "precise check" to be reworded.
900.	<i>Article 42 Fall-back procedures in case of technical impossibility to access data at the external borders or failure of the ETIAS</i>		<i>Article 42 Fall-back procedures in case of technical impossibility to access data at the external borders or failure of the ETIAS</i>	<i>Article 42 Fall-back procedures in case of technical impossibility to access data at the external borders or failure of the ETIAS</i>
901.		<b>Amendment 232 Article 42(1)</b>		
902.	1. Where it is technically impossible to proceed with the consultation referred to in Article 41(1), because of a failure of the ETIAS Information System, the Member State's authorities competent for carrying out checks at external border crossing points shall be notified by the ETIAS Central Unit.	1. Where it is technically impossible to proceed with the consultation referred to in Article 41(1), because of a failure of the ETIAS Information System, the Member State's authorities competent for carrying out checks at external border crossing points shall be notified <i>automatically</i> by the ETIAS Central <i>System</i> .	1. Where it is technically impossible to proceed with the consultation referred to in Article 41(1), because of a failure of the ETIAS Information System, <u>the National Units of the Member States 's authorities competent for carrying out checks at external border crossing points shall be notified by the ETIAS Central Unit and shall ensure that their border guards competent for carrying out border checks are informed.</u>	To be further discussed
903.		<b>Amendment 233 Article 42(2)</b>		



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
904.	2. Where it is technically impossible to perform the search referred to in Article 41(1) because of a failure of the national border infrastructure in a Member State, that Member State's competent authority shall notify eu-LISA, the ETIAS Central Unit and the Commission.	2. Where it is technically impossible to perform the search referred to in Article 41(1) because of a failure of the national border infrastructure <i>affecting ETIAS</i> , eu-LISA, the ETIAS Central Unit and the Commission <i>shall be automatically notified</i> .	2. Where it is technically impossible to perform the search referred to in Article 41(1) because of a failure of the national border infrastructure in a Member State, that Member State's National Unit <del>competent authority</del> shall notify eu-LISA, the ETIAS Central Unit. The ETIAS Central Unit shall then immediately inform eu-LISA and the Commission.	To be further discussed
905.		<b>Amendment 234</b> <b>Article 42(3)</b>		
906.	3. In both scenarios, the Member State's competent authorities for carrying out checks at external border crossing points shall follow their national contingency plans.	3. In both <i>cases referred to in paragraphs 1 and 2, the authorities</i> competent for carrying out checks at external border crossing points <i>in accordance with Regulation (EU) 2016/399 shall be temporarily authorised to derogate from the obligation to consult the ETIAS Central System referred to in Article 41(1) and the provisions regarding the travel authorisation referred to in Article 6(1)(b) and Article 8(a)(i) and (bb) of Regulation (EU) 2016/399 shall temporarily not apply.</i>	3. In both scenarios, the Member State's competent authorities for carrying out checks at external border crossing points shall follow their national contingency plans.	<b>COM text proposal</b> (acceptable to delegations; quid LIBE?) 3. In both <b>cases referred to in paragraphs 1 and 2 scenarios</b> , the Member State's competent authorities for carrying out checks at external border crossing points shall follow their national contingency plans. <b>In accordance with Regulation (EU) 2016/399, the authorities competent for carrying out checks at external border crossing points may be temporarily authorised to derogate from the obligation to consult the ETIAS Central System referred to in Article 41(1).</b> <b>To be redrafted by COM as</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b>discussed on 26 January</b>
907.			3a. <u>Model contingency plans for cases referred to in paragraphs 1 and 2 shall be adopted by the Commission by means of implementing acts in accordance with the examination procedure referred to in Article 79(2). Member States may draw up their national contingency plans on the basis of the model contingency plans, adapted as necessary at the national level.</u>	<b>COM text proposal (acceptable to delegations; quid LIBE?)</b> 3a. <u>Model contingency plans for cases referred to in paragraphs 1 and 2 shall be adopted by the Commission by means of implementing acts in accordance with the examination procedure referred to in Article 79(2). Member States shall adopt <del>draw up</del> their national contingency plans <b>drawn up</b> on the basis of the model contingency plans, adapted as necessary at the national level.</u> <b>To be redrafted by COM as discussed on 26 January</b>
908.			<b>Chapter VIIIa</b> <b>Use of ETIAS by immigration authorities</b>	<b>Chapter VIIIa</b> <b>Use of ETIAS by immigration authorities</b>
909.			<i>Article 42a</i> <i>Access to data by immigration authorities</i>	<i>Article 42a</i> <i>Access to data by immigration authorities</i>
910.			<u>1. For the purpose of checking or verifying if the conditions for entry or stay on the territory of the Member States are fulfilled and for the purpose of taking appropriate measures relating thereto, the immigration authorities of the Member States shall have access to search the ETIAS Central System using the</u>	<b>Awaiting COM proposal</b> <b>To be added wording about logs such as:</b> <b>Theses searches in the EES shall be logged for the purpose of verifying the respect of the access conditions.</b> 1. For the purpose of checking or verifying if the conditions for entry or stay on the territory of the Member States are

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<p><u>data contained in the machine readable zone of the travel document.</u></p>	<p>fulfilled and for the purpose of taking appropriate measures relating thereto, the immigration authorities of the Member States shall have access to search the ETIAS Central System <del>using</del> <b>with</b> the data <b>referred to in points (a), (b), (c), (d) and (e) of Article 15(2) contained in the machine readable zone of the travel document.</b></p> <p><u>Text provisionally agreed at trilogue on 12 December:</u></p> <p><b>1a. Access to the ETIAS in accordance with paragraph 1 shall be allowed only where the following conditions are met:</b></p> <p><b>(a) a prior search has been conducted in the EES in accordance with Article 26 of [EES Regulation] and</b></p> <p><b>(b) this search indicates that the EES does not contain an entry record corresponding to the presence of the third country national on the territory of Member States.</b></p>
911.			<p><u>2. The ETIAS Central System shall respond by indicating whether or not the person has a valid travel authorisation, and in the case of a travel authorisation with limited territorial validity as referred to in Article 38, the Member State(s) for</u></p>	<p><u>Provisionally agreed</u></p> <p>2. The ETIAS Central System shall respond by indicating whether or not the person has a valid travel authorisation and in the case of a travel authorisation with limited territorial validity as referred to in</p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>which the authorisation is valid. The ETIAS Central System shall also indicate whether the travel authorisation will expire within the next 90 days and the remaining validity period. The Immigration Authorities shall also have access to the information referred to in Article 15(2)(f) and (g) and the relevant additional documentation or information. This shall not include information on whether or not the applicant may pose a public health risk as referred to in Article 15(4)(a).</u>	Article 38, the Member State(s) for which the authorisation is valid. The ETIAS Central System shall also indicate whether the travel authorisation will expire within the next 90 days and the remaining validity period. <del>The Immigration Authorities shall also have access to the information referred to in Article 15(2)(f) and (g) and the relevant additional documentation or information. This shall not include information on whether or not the applicant may pose a public health risk as referred to in Article 15(4)(a).</del>
912.			<u>In the case of minors, the immigration authorities shall also have access to the information relating to the traveller's parental authority or legal guardian referred to in Article 15(2)(k).</u>	<u>Provisionally agreed</u> In the case of minors, the immigration authorities shall also have access to the information relating to the traveller's parental authority or legal guardian referred to in Article 15(2)(k).
913.	<b>CHAPTER IX</b> <b>Procedure and conditions for access to the ETIAS Central System for law enforcement purposes</b>		<b>CHAPTER IX</b> <b>Procedure and conditions for access to the ETIAS Central System for law enforcement purposes by designated authorities in order to prevent, detect and investigate terrorist offences or other serious criminal offences</b>	<b>Chapter to be aligned with the EES text as much as possible - Lawyer-linguist revision of this chapter is available and could be discussed at a technical meeting, row by row (below is the LIBE proposed alignment)</b>  <u>Provisionally agreed:</u> <b>CHAPTER IX</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b>Procedure and conditions for access to the ETIAS Central System for law enforcement purposes</b>
914.	<i>Article 43</i> <i>Member States' designated law enforcement authorities</i>		<i>Article 43</i> <i>Member States' designated <del>law enforcement</del> authorities</i>	<b>Provisionally agreed:</b> <i>Article 43</i> <i>Member States' designated <del>law enforcement</del> authorities</i>
915.	1. Member States shall designate the law enforcement authorities which are entitled to request consultation of data recorded in the ETIAS Central System in order to prevent, detect and investigate terrorist offences or other serious criminal offences.		1. Member States shall designate the <del>law enforcement</del> authorities which are entitled to request consultation of data recorded in the ETIAS Central System in order to prevent, detect and investigate terrorist offences or other serious criminal offences.	<b>Provisionally agreed:</b> 1. Member States shall designate the <del>law enforcement</del> authorities which are entitled to request consultation of data recorded in the ETIAS Central System in order to prevent, detect and investigate terrorist offences or other serious criminal offences. <b>1a. Each Member State shall designate a central access point which shall have access to the ETIAS Central System. The central access point shall verify ensure that the conditions to request access to the ETIAS Central System laid down in Article 45 are fulfilled.</b>  <b>The designated authority and the central access point may be part of the same organisation if permitted under national law, but the central access point shall act fully</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<p>independently of the designated authorities when performing its tasks under this Regulation. The central access point shall be separate from the designated authorities and shall not receive instructions from them as regards the outcome of the verification which it shall carry out independently.</p> <p>Member States may designate more than one central access point to reflect their organisational and administrative structures in the fulfilment of their constitutional or legal requirements.</p> <p>Member States shall notify eu-LISA and the Commission of their <b>designated authorities and</b> central access points and may at any time amend or replace their notifications.</p>
916.	<p>2. At national level, each Member State shall keep a list of the contact points within the designated authorities that are authorised to request a consultation of data stored in the ETIAS Central System through the central access point(s).</p>		<p>2. At national level, each Member State shall keep a list of the <del>contact points</del> <u>operating units</u> within the designated authorities that are authorised to request a consultation of data stored in the ETIAS Central System through the central access point(s).</p>	<p><b>Provisionally agreed:</b></p> <p>2. At national level, each Member State shall keep a list of the <del>contact points</del> <u>operating units</u> within the designated authorities that are authorised to request a consultation of data stored in the ETIAS Central System through the central access points.</p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
917.		<b>Amendment 235</b> <b>Article 43(2a)(new)</b>		
918.		<i>2a. Each Member State shall designate a central access point which shall have access to the ETIAS Central System. The central access point shall ensure that the conditions for requesting access to the ETIAS Central System in Article 45 are met.</i>	<u>3. Each Member State shall designate a central access point which shall have access to the ETIAS Central System. The central access point shall ensure that the conditions to request access to the ETIAS Central System laid down in Article 45 are fulfilled.</u>	See above
919.		<i>The designated authority and the central access point may be part of the same organisation if this is permitted under national law. The central access point shall act independently of the designated authorities when performing its tasks under this Regulation. The central access point shall be separate from the designated authorities and shall not receive instructions from them as regards the outcome of any verification it undertakes.</i>	<u>The designated authority and the central access point may be part of the same organisation if permitted under national law. The central access point shall act independently of the designated authorities when performing its tasks under this Regulation. The central access point shall be separate from the designated authorities and shall not receive instructions from them as regards the outcome of the verification.</u>	See above
920.		<i>Member States may designate more than one central access point to reflect their organisational and administrative structure in accordance with their constitutional or legal</i>	<u>Member States may designate more than one central access point to reflect their organisational and administrative structure in the fulfilment of their constitutional or legal requirements.</u>	See above

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>requirements.</i>		
921.		<b>Amendment 236</b> <b>Article 43(2b)(new)</b>		
922.		<i>(2b) Each Member State shall notify eu-LISA, the ETIAS Central Unit and the Commission of its designated authorities and central access point and may at any time amend or replace its notification. The notifications shall be published in the Official Journal of the European Union.</i>	4. <u>Each Member State shall notify eu-LISA, the ETIAS Central Unit and the Commission of its designated authorities and central access point and may at any time amend or replace its notification.</u>	<b>See above</b>
923.		<b>Amendment 237</b> <b>Article 43(2c)(new)</b>		
924.		<i>(2c) Only duly empowered staff of the central access points shall be authorised to access the ETIAS Central System in accordance with Articles 44 and 45.</i>	5. <u>Only duly empowered staff of the central access point(s) shall be authorised to access the ETIAS Central System in accordance with Articles 44 and 45.</u>	<b>Provisionally agreed:</b> (2a) Only duly empowered staff of the central access points shall be authorised to access the ETIAS Central System in accordance with Articles 44 and 45.
925.	<i>Article 44</i> <i>Procedure for access to the ETIAS Central System for law enforcement purposes</i>		<i>Article 44</i> <i>Procedure for access to the ETIAS Central System in order to prevent, detect and investigate terrorist offences or other serious criminal offences for law enforcement purposes</i>	<b>Provisionally agreed:</b> <i>Article 44</i> <i>Procedure for access to the ETIAS Central System for law enforcement purposes</i>
926.		<b>Amendment 238</b> <b>Article 44(1)</b>		



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
927.	1. The competent authorities shall submit a reasoned electronic request for consultation of a specific set of data stored in the ETIAS Central System to the central access points referred to in Article 8(2)(c). Where consultation of data referred to in Article 15(2)(i) and (4)(b) to (d) is sought, the reasoned electronic request shall include a justification of the necessity to consult those specific data.	1. The <i>designated</i> authorities shall submit a reasoned electronic request for consultation of a specific set of data stored in the ETIAS Central System to the central access points referred to in Article 43(2a). Where consultation of data referred to in Article 15(4)(b) to (d) is sought, the reasoned electronic request shall include a justification of the necessity to consult those specific data.	1. The <del>competent authorities</del> <u>operating units referred to in article 43(2)</u> shall submit a reasoned electronic request for consultation of a specific set of data stored in the ETIAS Central System to the central access points referred to in Article 43(3) <del>8(2)(e)</del> . Where consultation of data referred to in Article 15(2)(i) and (4)(b) to (d) is sought, the reasoned electronic request shall include a justification of the necessity to consult those specific data.	Provisionally agreed (except reference to Art. 15(2)(i)) 1. An operating unit as referred to in Article 43(2) shall submit a reasoned electronic or written request for consultation of a specific set of data stored in the ETIAS Central System to a central access point as referred to in Article 43(1a). Where consultation of data referred to in Article 15[(2)(i) and] (4)(b) to (d) is sought, the reasoned electronic request shall include a justification of the necessity to consult those specific data.
928.		<b>Amendment 239</b> <b>Article 44(2)</b>		
929.	2. Each Member State shall ensure prior to accessing ETIAS Central System that according to its national law and procedural law a request for consultation undergoes an independent, efficient and timely verification whether the conditions referred to in Article 45 are fulfilled, including whether any request for consultation of data referred to in Article 15(2)(i) and (4)(b) to (d) is justified.	2. <i>Prior</i> to accessing ETIAS Central System, <i>the central access point shall verify</i> whether the conditions referred to in Article 45 are fulfilled, including whether any request for consultation of data referred to in Article 15(4)(b) to (d) is justified.	2. <del>Each Member State shall ensure p</del> <u>Prior to accessing ETIAS Central System, the central access point shall verify that according to its national law and procedural law a request for consultation undergoes an independent, efficient and timely verification</u> whether the conditions referred to in Article 45 are fulfilled, including whether any request for consultation of data referred to in Article 15(2)(i) and (4)(b) to (d) is justified.	Provisionally agreed (except reference to Art. 15(2)(i)): 2. Upon receipt of a request for access, such a central access point shall verify whether the conditions for access referred to in Article 45 are fulfilled including whether any request for consultation of data referred to in [Article 15(2)(i) and] Article 15(4)(b) to (d) is justified.

Updated 1 February. LIBE comments marked green. Council comments marked yellow. COM input marked turquoise.

Texts still under discussion at technical level marked blue. Texts resulting from the trilogue on 12.12.2017 marked pink when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
930.		<b>Amendment 240</b> <b>Article 44(3)</b>		
931.	3. If the conditions referred to in Article 45 are fulfilled, the central access point shall process the requests. The data stored in the ETIAS Central System accessed by the central access point shall be transmitted to the contact points referred to in Article 43(2) in such a way as to not compromise the security of the data.	3. If <i>the verification referred to in paragraph 2 of this Article concludes that</i> the conditions referred to in Article 45 are fulfilled, the central access point shall process the requests. The data stored in the ETIAS Central System accessed by the central access point shall be transmitted to the contact points referred to in Article 43(2) in such a way as to not compromise the security of the data.	3. If the conditions referred to in Article 45 are fulfilled, the central access point shall process the requests. The data stored in the ETIAS Central System accessed by the central access point shall be transmitted to the <u>contact points operating units</u> referred to in Article 43(2) in such a way as to not compromise the security of the data.	Provisionally agreed: 3. If the conditions for access referred to in Article 45 are fulfilled, such a central access point shall process the request. The data stored in the ETIAS Central System accessed by the central access point shall be transmitted to <u>an the contact points operating unit</u> referred to in Article 43(2) in such a way that the security of the data is not compromised.
932.		<b>Amendment 241</b> <b>Article 44(4)</b>		
933.	4. In an exceptional case of urgency, where there is a need to immediately obtain personal data necessary for preventing the commission of a serious crime or for prosecuting its perpetrators, the central access point shall process the request immediately and without the independent verification provided in paragraph 2. An ex post independent verification shall take place without undue delay after the processing of the request, including whether an	4. In an exceptional case of urgency, where there is a need to <i>prevent an imminent danger associated with a terrorist offence or other serious criminal offence, or for the prosecution of its perpetrators</i> , the central access point shall process the request immediately and without the independent verification provided in paragraph 2. An <i>independent</i> ex post verification shall <i>verify whether the conditions referred to in Article 45 were fulfilled</i>	4. <del>In an exceptional case of urgency, w</del> Where there is a need to immediately obtain personal data necessary for preventing a <u>terrorist offence or an imminent danger associated with another the commission of a serious crime criminal offence</u> or for prosecuting its perpetrators, the central access point shall process the request immediately and without the <del>independent</del> verification provided in paragraph 2. An ex post <del>independent</del> verification shall take	Provisionally agreed: 4. In a case of urgency, where there is a need to prevent an imminent danger to the life of a person associated with a terrorist offence or another serious criminal offence, a central access point as referred to in Article 43(1a) shall process the request immediately and shall only verify ex post whether all the conditions referred to in Article 45 are fulfilled, including whether a case of urgency actually existed. The ex post verification shall take

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	exceptional case of urgency actually existed.	including whether an exceptional case of urgency actually existed. <i>The independent ex post verification shall take place without undue delay after the processing of the request.</i>	place without undue delay after the processing of the request, including whether an exceptional case of urgency actually existed.	place without undue delay and in any event no later than seven working days after the processing of the request.
<b>934.</b>		<b>Amendment 245</b> <b>Article 44(5)</b>		
<b>935.</b>	5. Where an ex post independent verification determines that the consultation of and access to the data recorded in the ETIAS Central System were not justified, all the authorities that accessed and/or consulted such data shall erase the data originating from the ETIAS Central System and shall inform the central access point of the erasure.	5. Where an ex post independent verification determines that the consultation of and access to the data recorded in the ETIAS Central System were not justified, all the authorities that accessed and/or consulted such data shall erase the data originating from the ETIAS Central System and shall inform the central access point of the erasure. <i>Article 53a shall apply.</i>	5. Where an ex post independent verification determines that the consultation of and access to the data recorded in the ETIAS Central System were not justified, all the authorities that accessed and/or consulted such data shall erase the data originating from the ETIAS Central System and shall inform the central access point of the erasure.	<b>Provisionally agreed:</b> Where an ex post verification determines that the consultation of and access to the data recorded in the ETIAS Central System was not justified, all the authorities that accessed such data shall erase the information accessed from the ETIAS Central System and shall inform the relevant central access point of the Member State in which the request was made of the erasure.
<b>936.</b>	<i>Article 45</i> <i>Conditions for access to data recorded in the ETIAS Central System by designated authorities of Member States</i>		<i>Article 45</i> <i>Conditions for access to data recorded in the ETIAS Central System by designated authorities of Member States</i>	<i>Article 45</i> <i>Conditions for access to data recorded in the ETIAS Central System by designated authorities of Member States</i>
<b>937.</b>	1. Designated authorities may request consultation of data stored in the ETIAS Central System if all the following conditions are met:		1. Designated authorities may request consultation of data stored in the ETIAS Central System if all the following conditions are met:	<u>Agreed text</u> 1. Designated authorities may request consultation of data stored in the ETIAS Central System if all the following conditions are met:

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>938.</b>		<b>Amendment 243 Article 45(1)(a)</b>		
<b>939.</b>	(a) the consultation is necessary for the purpose of the prevention, detection or investigation of a terrorist offences or another serious criminal offence;	(a) the consultation is necessary for the purpose of the prevention, detection or investigation of a terrorist <i>offence</i> or another serious criminal offence;	(a) the consultation is necessary for the purpose of the prevention, detection or investigation of a terrorist offences or another serious criminal offence;	<b>Provisionally agreed:</b> (a) access for consultation is necessary for the purpose of the prevention, detection or investigation of a terrorist offence or another serious criminal offence;
<b>940.</b>		<b>Amendment 244 Article 45(1)(b)</b>		
<b>941.</b>	(b) access for consultation is necessary in a specific case;	(b) access for consultation is necessary <i>and proportionate</i> in a specific case;	(b) access for consultation is necessary in a specific case;	<b>Provisionally agreed:</b> (b) access for consultation is necessary <i>and proportionate</i> in a specific case;
<b>942.</b>		<b>Amendment 245 Article 45(1)(c)</b>		
<b>943.</b>	(c) reasonable grounds exist to consider that the consultation of data stored in the ETIAS Central System may substantially contribute to the prevention, detection or investigation of any of the criminal offences in question, in particular where there is a substantiated suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence falls under the category of third country nationals covered by this Regulation;	(c) <i>objective evidence or</i> reasonable grounds exist to consider that the consultation of data stored in the ETIAS Central System <i>will</i> substantially contribute to the prevention, detection or investigation of any of the <i>serious</i> criminal offences in question, in particular where there is a substantiated suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence falls under the category of third country nationals	(c) reasonable grounds exist to consider that the consultation of data stored in the ETIAS Central System may <del>substantially</del> contribute to the prevention, detection or investigation of any of the criminal offences in question, in particular where there is a substantiated suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence falls under the category of third country nationals covered by this Regulation;	<b>Provisionally agreed:</b> (c) evidence or reasonable grounds exist to consider that the consultation of data stored in the ETIAS Central System will contribute to the prevention, detection or investigation of any of the criminal offences in question, in particular where there is a substantiated suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence falls under a category covered by this

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		covered by this Regulation;		Regulation.
944.	(d) prior consultation of all relevant national databases and the Europol data did not lead to the requested information.		<del>(d) prior consultation of all relevant national databases and the Europol data did not lead to the requested information.</del>	Provisionally agreed: <del>(d) prior consultation of all relevant national databases and the Europol data did not lead to the requested information.</del>
945.	2. Consultation of the ETIAS Central System shall be limited to searching with the following data recorded in the application file:		2. Consultation of the ETIAS Central System shall be limited to searching with the following data recorded in the application file:	<b>EES alignment</b> 2. Consultation of the ETIAS Central System shall be limited to searching <b>with one or several of</b> the following data recorded in the application file:
946.	(a) surname (family name); first name(s) (given names);		(a) surname (family name) <u>and, if available,</u> first name(s) (given names);	Provisionally agreed: (a) surname (family name) and, if available, first name(s) (given names);
947.	(b) other names (alias(es), artistic name(s), usual name(s));		(b) other names (alias(es), artistic name(s), usual name(s));	<u>Agreed text</u> (b) other names (alias(es), artistic name(s), usual name(s));
948.	(c) number of the travel document;		(c) number of the travel document;	<u>Agreed text</u> (c) number of the travel document;
949.	(d) home address;		(d) home address;	<u>Agreed text</u> (d) home address;
950.	(e) e-mail address; phone number;		(e) e-mail address;	Provisionally agreed: (e) e-mail address;
951.			<del>(ee) phone number or mobile phone number;</del>	Provisionally agreed: (ee) phone numbers;
952.	(f) IP address.		(f) IP address.	<u>Agreed text</u> (f) IP address.
953.	3. Consultation of the ETIAS Central System with the data listed		3. Consultation of the ETIAS Central System with the data listed	<u>Agreed text</u> 3. Consultation of the ETIAS

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	under paragraph 2 may be combined with the following data in the application file to narrow down the search:		under paragraph 2 may be combined with the following data in the application file to narrow down the search:	Central System with the data listed under paragraph 2 may be combined with the following data in the application file to narrow down the search:
<b>954.</b>	(a) nationality or nationalities;		(a) nationality or nationalities;	<u>Agreed text</u> (a) nationality or nationalities;
<b>955.</b>	(b) sex;		(b) sex;	<u>Agreed text</u> (b) sex;
<b>956.</b>	(c) date of birth or age range.		(c) date of birth or age range.	<u>Agreed text</u> (c) date of birth or age range.
<b>957.</b>		<b>Amendment 246 Article 45(4)</b>		
<b>958.</b>	4. Consultation of the ETIAS Central System shall, in the event of a hit with data recorded in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as recorded in that application file as well as to data entered in that application file in respect of the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37. Access to the data referred to in Article 15(2)(i) and in (4) (b) to (d) as recorded in the application file shall only be given if consultation of that data was explicitly requested by the operating units in the reasoned electronic request submitted under	4. Consultation of the ETIAS Central System shall, in the event of a hit with data recorded in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as recorded in that application file as well as to data entered in that application file in respect of the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37. Access to the data referred to in Article 15(4) (b) to (d) as recorded in the application file shall only be given if consultation of that data was explicitly requested by the operating units in the reasoned electronic request submitted under	4. Consultation of the ETIAS Central System shall, in the event of a hit with data recorded in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as recorded in that application file as well as to data entered in that application file in respect of the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37. Access to the data referred to in Article 15(2)(i) and in (4)(b) to (d) as recorded in the application file shall only be given if consultation of that data was explicitly requested by the operating units in the reasoned electronic request submitted under	<u>Presidency compromise proposal (to be tested with delegations) - Deletion of the end of the paragraph since the question on health has been removed as part of the provisional agreement in December</u> 4. Consultation of the ETIAS Central System shall, in the event of a hit with data recorded in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as recorded in that application file as well as to data entered in that application file in respect of the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37. Access to the

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	Article 44(1) and approved by the independent verification. Consultation of the ETIAS Central System shall not give access to data concerning the education as referred to in Article 15(2)(h) or on whether or not the applicant may pose a public health risk as referred to in Article 15(4)(a).	Article 44(1) and approved by the independent verification.	Article 44(1) and approved by the independent verification. Consultation of the ETIAS Central System shall not give access to data concerning the education as referred to in Article 15(2)(h) or on whether or not the applicant may pose a public health risk as referred to in Article 15(4)(a).	data referred to in Article 15(2)(i) and in (4)(b) to (d) as recorded in the application file shall only be given if consultation of that data was explicitly requested by the operating units in the reasoned electronic request submitted under Article 44(1) and approved by the independent verification. Consultation of the ETIAS Central System shall not give access to data concerning the education as referred to in Article 15(2)(h) <b>or on whether or not the applicant may pose a public health risk as referred to in Article 15(4)(a).</b> <b>Ok for LIBE</b>
<b>959.</b>	<i>Article 46 Procedure and conditions for access to data recorded in the ETIAS Central System by Europol</i>		<i>Article 46 Procedure and conditions for access to data recorded in the ETIAS Central System by Europol</i>	<i>Article 46 Procedure and conditions for access to data recorded in the ETIAS Central System by Europol</i>
<b>960.</b>	1. For the purposes of Article 1(2), Europol may request consultation of data stored in the ETIAS Central System and submit a reasoned electronic request for consultation of a specific set of data stored in the ETIAS Central System to the ETIAS Central Unit.		1. For the purposes of Article 1(2), Europol may request consultation of data stored in the ETIAS Central System and submit a reasoned electronic request for consultation of a specific set of data stored in the ETIAS Central System to the ETIAS Central Unit. <u>Where consultation of data referred to in Article 15(2)(i) and (4)(b) to (d) is sought, the reasoned electronic request shall include a justification</u>	<b>Provisionally agreed:</b> 1. For the purposes of Article 1(2), Europol may request consultation of data stored in the ETIAS Central System and submit a reasoned electronic request for consultation of a specific set of data stored in the ETIAS Central System to the ETIAS Central Unit. <u>Where consultation of data referred to in Article 15(2)(i) and (4)(b) to (d) is sought, the reasoned electronic</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>of the necessity to consult those specific data.</u>	<u>request shall include a justification of the necessity to consult those specific data.</u>
<b>961.</b>		<b>Amendment 247</b> <b>Article 46(2) Introductory part</b>		
<b>962.</b>	2. The reasoned request shall contain evidence that the following conditions are met:	2. The reasoned request shall contain evidence that <i>all</i> the following conditions are met:	2. The reasoned request shall contain evidence that the following conditions are met:	<b>Provisionally agreed:</b> 2. The reasoned request shall contain evidence that <i>all</i> the following conditions are met:
<b>963.</b>	(a) the consultation is necessary to support and strengthen action by Member States in preventing, detecting or investigating terrorist offences or other serious criminal offences falling under Europol's mandate;		(a) the consultation is necessary to support and strengthen action by Member States in preventing, detecting or investigating terrorist offences or other serious criminal offences falling under Europol's mandate;	<u>Agreed text</u> (a) the consultation is necessary to support and strengthen action by Member States in preventing, detecting or investigating terrorist offences or other serious criminal offences falling under Europol's mandate;
<b>964.</b>		<b>Amendment 248</b> <b>Article 46(2)(b)</b>		
<b>965.</b>	(b) the consultation is necessary in a specific case;	(b) the consultation is necessary <i>and proportionate</i> in a specific case;	(b) the consultation is necessary in a specific case;	<b>Provisionally agreed:</b> (b) the consultation is necessary <i>and proportionate</i> in a specific case;
<b>966.</b>		<b>Amendment 249</b> <b>Article 46(2)(c)</b>		
<b>967.</b>	(c) the consultation shall be limited to searching with data referred to in Article 45(2);	(c) the consultation shall be limited to searching with data referred to in Article 45(2). <i>The data listed under Article 45(2) may</i>	(c) the consultation shall be limited to searching with data referred to in Article 45(2);	<b>Provisionally agreed:</b> (c) the consultation shall be limited to searching with data referred to in Article 45(2). <i>The</i>



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>be combined with the data listed under Article 45(3);</i>		<i>data listed under Article 45(2) may be combined with the data listed under Article 45(3);</i>
<b>968.</b>		<b>Amendment 250</b> <b>Article 46(2)(d)</b>		
<b>969.</b>	(d) reasonable grounds exist to consider that the consultation may substantially contribute to the prevention, detection or investigation of any of the criminal offences in question;	(d) <b>objective evidence or</b> reasonable grounds exist to consider that the consultation <b>will</b> substantially contribute to the prevention, detection or investigation of any of the <b>serious</b> criminal offences in question;	(d) reasonable grounds exist to consider that the consultation may substantially contribute to the prevention, detection or investigation of any of the criminal offences in question;	<b>Provisionally agreed:</b> (d) evidence or reasonable grounds exist to consider that the consultation will contribute to the prevention, detection or investigation of any of the criminal offences in question, in particular where there is a substantiated suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence falls under a category covered by this Regulation.
<b>970.</b>	(e) prior consultation of the database at Europol did not lead to the requested information.		<del>(e) — prior consultation of the database at Europol did not lead to the requested information.</del>	<b>Provisionally agreed:</b> (e) — prior consultation of the database at Europol did not lead to the requested information.
<b>971.</b>	3. Europol requests for consultation of data stored in the ETIAS Central System shall be subject to prior verification by the EDPS, where appropriate in accordance with the procedure of Article 44 of Regulation (EU)		3. Europol requests for consultation of data stored in the ETIAS Central System shall be subject to prior verification by the EDPS, where appropriate in accordance with the procedure of Article 44 of Regulation (EU)	<b>Provisionally agreed:</b> 3. Europol requests for consultation of data stored in the ETIAS Central System shall be subject to prior verification by <b>a specialised unit with duly empowered Europol officials</b> <del>the</del>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	2016/794, which shall examine in an efficient and timely manner whether the request fulfils all conditions of paragraph 2.		2016/794, which shall examine in an efficient and timely manner whether the request fulfils all conditions of paragraph 2.	<del>EDPS, where appropriate in accordance with the procedure of Article 44 of Regulation (EU) 2016/794, which shall examine in an efficient and timely manner whether the request fulfils all conditions of paragraph 2.</del>
<b>972.</b>		<b>Amendment 251 Article 46(4)</b>		
<b>973.</b>	4. Consultation of the ETIAS Central System shall, in the event of a hit with data stored in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as well as to the data entered in the application file in respect to the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37. Access to the data referred to in Article 15(2)(i) and in (4)(b) to (d) as stored in the application file shall only be given if consultation of that data was explicitly requested by Europol.	4. Consultation of the ETIAS Central System shall, in the event of a hit with data stored in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as well as to the data entered in the application file in respect to the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37. Access to the data referred to in Article 15(4)(b) to (d) as stored in the application file shall only be given if consultation of that data was explicitly requested by Europol.	4. Consultation of the ETIAS Central System shall, in the event of a hit with data stored in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as well as to the data entered in the application file in respect to the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37. Access to the data referred to in Article 15(2)(i) and in (4)(b) to (d) as stored in the application file shall only be given if consultation of that data was explicitly requested by Europol. <u>Consultation of the ETIAS Central System shall not give access to data concerning the education as referred to in Article 15(2)(h) or on whether or not the applicant may pose a public health risk as referred</u>	<u>Presidency compromise proposal (to be tested with delegations)</u> <u>Deletion of the end of the paragraph since the question on health has been removed as part of the provisional agreement in December</u> 4. Consultation of the ETIAS Central System shall, in the event of a hit with data stored in an application file, give access to the data referred to in Article 15(2)(a) to (g) and (j) to (m) as well as to the data entered in the application file in respect to the issuing, refusal, revocation or annulment of a travel authorisation in accordance with Articles 33 and 37. Access to the data referred to in Article 15(2)(i) and in (4)(b) to (d) as stored in the application file shall only be given if consultation of that data was

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
			<u>to in Article 15(4)(a).</u>	explicitly requested by Europol. Consultation of the ETIAS Central System shall not give access to data concerning the education as referred to in Article 15(2)(h) <b>or on whether or not the applicant may pose a public health risk as referred to in Article 15(4)(a).</b> <b>Ok for LIBE</b>
<b>974.</b>	5. Where the EDPS has approved the request, the ETIAS Central Unit shall process the request for consultation of data stored in the ETIAS Central System.		5. Where the EDPS has approved the request, the ETIAS Central Unit shall process the request for consultation of data stored in the ETIAS Central System <u>and shall transmit the data accessed to Europol in such a way as to not compromise the security of the data.</u>	<b>Provisionally agreed</b> 5. Where the <b>specialised unit with duly empowered Europol officials</b> EDPS has approved the request, the ETIAS Central Unit shall process the request for consultation of data stored in the ETIAS Central System <u>and shall transmit the data accessed to Europol in such a way as to not compromise the security of the data.</u>
<b>975.</b>	<b>CHAPTER X Retention and amendment of the data</b>		<b>CHAPTER X Retention and amendment of the data</b>	<b>CHAPTER X Retention and amendment of the data</b>
<b>976.</b>	<i>Article 47 Data retention</i>		<i>Article 47 Data retention</i>	<i>Article 47 Data retention</i>
<b>977.</b>	1. Each application file shall be stored in the ETIAS Central System for:		1. Each application file shall be stored in the ETIAS Central System for [five years from the last entry/ <del>exit</del> record of the applicant stored in the EES; <del>or</del> ]	<u>Provisionally agreed</u> 1. Each application file shall be stored in the ETIAS Central System for <del>[five years from the last entry/<del>exit</del> record of the applicant stored in the EES;:</del>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
978.	(a) the period of validity of the travel authorisation;		(a) <u>Where the travel authorisation is not used, the application file shall be stored for the period of validity of the travel authorisation.</u>	<u>Provisionally agreed</u> (a) <del>Where the travel authorisation is not used, the application file shall be stored for the period of validity of the travel authorisation;</del>
979.		<b>Amendment 252</b> <b>Article 47(1)(b)</b>		
980.	(b) [five years from the last entry record of the applicant stored in the EES; or]	Deleted	(b)	<u>Provisionally agreed</u> Deleted
981.		<b>Amendment 253</b> <b>Article 47(1)(c)</b>		
982.	(c) five years from the last decision to refuse, revoke or annul the travel authorisation in accordance with Articles 31, 34 and 35.	(c) <i>five years from the last decision to refuse, revoke or annul the travel authorisation in accordance with Articles 31, 34 and 35 <b>or for a shorter period of time than five years if the alert giving rise to the decision is deleted earlier.</b></i>	(e) <u>Where the travel authorisation has been refused, revoked or annulled, the application file shall be stored for five years from the last decision to refuse, revoke or annul the travel authorisation in accordance with Articles 31, 34 and 35.</u>	<u>Presidency compromise proposal (to be tested with delegations)</u> (b) <del>Where the travel authorisation has been refused, revoked or annulled, the application file shall be stored for five years from the last decision to refuse, revoke or annul the travel authorisation in accordance with Articles 31, 34 and 35. <b>If the data giving rise to this decision is deleted earlier, the application file shall be deleted within seven days. or for a shorter period of time than five years if the alert giving rise to the decision is deleted earlier.</b></del> <b>Ok for LIBE</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
983.		Amendment 254 Article 47(1a)(new)		
984.		<i>1a. For the purpose of facilitating a new application after the expiry of the period of validity of an ETIAS travel authorisation, the application file may be stored in the ETIAS Central System for an additional period of no more than three years after the end of the period of validity of the travel authorisation only where, following a request for consent, the applicant freely and explicitly consents by means of an electronically signed declaration. Requests for consent shall be presented in a manner which is clearly distinguishable from other matters, in an intelligible and easily accessible form, using clear and plain language in accordance with Article 7 of Regulation (EU) 2016/679 of the European Parliament and of the Council.</i>		Provisionally agreed <b>1a. For the purpose of facilitating a new application after the expiry of the period of validity of an ETIAS travel authorisation, the application file may be stored in the ETIAS Central System for an additional period of no more than three years after the end of the period of validity of the travel authorisation only where, following a request for consent, the applicant freely and explicitly consents by means of an electronically signed declaration. Requests for consent shall be presented in a manner which is clearly distinguishable from other matters, in an intelligible and easily accessible form, using clear and plain language in accordance with Article 7 of Regulation (EU) 2016/679 of the European Parliament and of the Council.</b>
985.		<i>Consent shall be given following the automatic information provided for in Article 13(2c). The automatic information shall remind the applicant about the</i>		<b>Text discussed at technical meeting</b> Consent shall be given following the automatic information provided for in <b>Article 13(2e)(1a)</b> . The automatic information

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>purpose of the data retention on the basis of the information referred to in Article 61(ea).</i>		<p><b>shall remind the applicant about the purpose of the data retention on the basis of the information referred to in Article 61(ea) and the possibility to withdraw at any time a consent given.</b></p> <p><u>Provisionally agreed</u>  <b>In accordance with Article 7(3) of Regulation (EU) 2016/679 the applicant may at any time withdraw his or her consent. In case of withdrawing of consent the application file shall automatically be erased from the ETIAS Central System.</b></p> <p><u>Commission to make proposal to further specify “the tool”</u>  <b>The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to further define the tool to be used by the applicants to give and withdraw their consent.</b></p>
<b>986.</b>	2. Upon expiry of its retention period the application file shall automatically be erased from the ETIAS Central System.		2. Upon expiry of its retention period the application file shall automatically be erased from the ETIAS Central System.	<p><u>Agreed text</u>                  2. Upon expiry of its retention period the application file shall automatically be erased from the ETIAS Central System</p>
<b>987.</b>	<i>Article 48 Amendment of data and advance data deletion</i>		<i>Article 48 Amendment of data and advance data deletion</i>	<i>Article 48 Amendment of data and advance data deletion</i>
<b>988.</b>	1. The ETIAS Central Unit		1. The ETIAS Central Unit	<u>Provisionally agreed</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	and the ETIAS National Units shall have the obligation to update the data stored in the ETIAS Central System and ensure that it is correct. The ETIAS Central Unit and the ETIAS National Units shall not have the right to modify data entered in the application form directly by the applicant pursuant to Article 15(2) or (4).		and the ETIAS National Units shall have the obligation to update the data stored in the ETIAS Central System and ensure that it is correct. The ETIAS Central Unit and the ETIAS National Units shall not have the right to modify data entered in the application form directly by the applicant pursuant to Article 15(2), <u>(3)</u> or (4).	1. The ETIAS Central Unit and the ETIAS National Units shall have the obligation to update the data stored in the ETIAS Central System and ensure that it is correct. The ETIAS Central Unit and the ETIAS National Units shall not have the right to modify data entered in the application form directly by the applicant pursuant to Article 15(2), <u>(3)</u> or (4).
<b>989.</b>	2. Where the ETIAS Central Unit has evidence that data recorded in the ETIAS Central System by the ETIAS Central system are factually inaccurate or that data were processed in the ETIAS Central System in contravention of this Regulation, it shall check the data concerned and, if necessary, amend or erase them without delay from the ETIAS Central System.		2. Where the ETIAS Central Unit has evidence that data recorded in the ETIAS Central System by the ETIAS Central system are factually inaccurate or that data were processed in the ETIAS Central System in contravention of this Regulation, it shall check the data concerned and, if necessary, amend or erase them without delay from the ETIAS Central System.	<u>Agreed text</u> 2. Where the ETIAS Central Unit has evidence that data recorded in the ETIAS Central System by the ETIAS Central system are factually inaccurate or that data were processed in the ETIAS Central System in contravention of this Regulation, it shall check the data concerned and, if necessary, amend or erase them without delay from the ETIAS Central System.
<b>990.</b>	3. Where the responsible Member State has evidence that data recorded in the ETIAS Central System are factually inaccurate or that data were processed in the ETIAS Central System in contravention of this Regulation, its ETIAS National Unit shall check the data concerned and, if		3. Where the responsible Member State has evidence that data recorded in the ETIAS Central System are factually inaccurate or that data were processed in the ETIAS Central System in contravention of this Regulation, its ETIAS National Unit shall check the data concerned and, if	<u>Agreed text</u> 3. Where the responsible Member State has evidence that data recorded in the ETIAS Central System are factually inaccurate or that data were processed in the ETIAS Central System in contravention of this Regulation, its ETIAS National Unit shall check

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	necessary, amend or erase them without delay from the ETIAS Central System.		necessary, amend or erase them without delay from the ETIAS Central System.	the data concerned and, if necessary, amend or erase them without delay from the ETIAS Central System.
<b>991.</b>	4. If a Member State different from the responsible Member State has evidence to suggest that data stored in the ETIAS Central System are factually inaccurate or that data were processed in the ETIAS Central System in contravention of this Regulation, it shall contact the ETIAS Central Unit or the ETIAS National Unit of the responsible Member State within a time limit of 14 days. The ETIAS Central Unit or the competent ETIAS National Unit shall check the accuracy of the data and the lawfulness of its processing within a time limit of one month and, if necessary, amend or erase the data from the ETIAS Central System without delay.		4. If a Member State different from the responsible Member State has evidence to suggest that data stored in the ETIAS Central System are factually inaccurate or that data were processed in the ETIAS Central System in contravention of this Regulation, it shall contact the ETIAS Central Unit or the ETIAS National Unit of the responsible Member State within a time limit of 14 days. The ETIAS Central Unit or the competent ETIAS National Unit shall check the accuracy of the data and the lawfulness of its processing within a time limit of one month and, if necessary, amend or erase the data from the ETIAS Central System without delay.	<u>Agreed text</u> 4. If a Member State different from the responsible Member State has evidence to suggest that data stored in the ETIAS Central System are factually inaccurate or that data were processed in the ETIAS Central System in contravention of this Regulation, it shall contact the ETIAS Central Unit or the ETIAS National Unit of the responsible Member State within a time limit of 14 days. The ETIAS Central Unit or the competent ETIAS National Unit shall check the accuracy of the data and the lawfulness of its processing within a time limit of one month and, if necessary, amend or erase the data from the ETIAS Central System without delay.
<b>992.</b>		<b>Amendment 255</b> <b>Article 48(5) Introductory part</b>		
<b>993.</b>	5. Where a third country national has acquired the nationality of a Member State or has fallen under the scope of	5. Where a third country national has acquired the nationality of a Member State or has fallen under the scope of	5. Where a third country national has acquired the nationality of a Member State or has fallen under the scope of	<u>Provisionally agreed:</u> 5. Where a third country national has acquired the nationality of a Member State or



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	Article 2(2)(a) to (e), the authorities of that Member State shall verify whether that person has a valid travel authorisation and, where relevant, shall delete the application file without delay from the ETIAS Central System. The authority responsible for deleting the application file shall be the:	Article 2(2)(a) to (c), the authorities of that Member State shall verify whether that person has a valid travel authorisation and, where relevant, shall delete the application file without delay from the ETIAS Central System. The authority responsible for deleting the application file shall be the:	Article 2(2)(a) to (e) (c), the authorities of that Member State shall verify whether that person has a valid travel authorisation and, where relevant, shall delete the application file without delay from the ETIAS Central System. The authority responsible for deleting the application file shall be the:	has fallen under the scope of Article 2(2)(a) to (c), the authorities of that Member State shall verify whether that person has a valid travel authorisation and, where relevant, shall delete the application file without delay from the ETIAS Central System. The authority responsible for deleting the application file shall be the:
<b>994.</b>	(a) the ETIAS National Unit of the Member State that issued the travel document as referred to in Article 2(2)(a);		(a) the ETIAS National Unit of the Member State that issued the travel document as referred to in Article 2(2)(a);	<u>Agreed text</u> (a) the ETIAS National Unit of the Member State that issued the travel document as referred to in Article 2(2)(a);
<b>995.</b>	(b) the ETIAS National Unit of the Member State the nationality of which he or she has acquired;		(b) the ETIAS National Unit of the Member State the nationality of which he or she has acquired;	<u>Agreed text</u> (b) the ETIAS National Unit of the Member State the nationality of which he or she has acquired;
<b>996.</b>		<b>Amendment 256 Article 48(5)(c)</b>		
<b>997.</b>	(c) the ETIAS National Unit of the Member State that issued the residence permit or card;	Deleted	(c) the ETIAS National Unit of the Member State that issued the residence <del>permit or</del> card;	<u>Provisionally agreed:</u> (c) the ETIAS National Unit of the Member State that issued the residence card;
<b>998.</b>		<b>Amendment 257 Article 48(5)(d)</b>		
<b>999.</b>	(d) the ETIAS National Unit of the Member State that issued the long-stay visa.	Deleted	<del>(d) the ETIAS National Unit of the Member State that issued the long-stay visa.</del>	<u>Provisionally agreed:</u> Deleted

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
1000.		Amendment 258 Article 48(5a)(new)		
1001.		<p><i>5a. Where a third country national has fallen under the scope of Article 2(2)(d), (e) or (ha), the authorities of that Member State shall verify whether that person has a valid travel authorisation. Where relevant, they shall delete the application file without delay from the ETIAS Central System if the period of validity of the residence card or residence permit or long-stay visa is longer than the remaining period of validity of the ETIAS. The authority responsible for deleting the application file shall be:</i></p> <p><i>(a) the ETIAS National Unit of the Member State that issued the residence permit or card;</i></p> <p><i>(b) the ETIAS National Unit of the Member State that issued the long-stay visa.</i></p>	<p>5a. <u>Where a third country national has fallen under the scope of Article 2(2)(d) or (e), he or she may inform the competent authorities of the Member State that issued that residence permit, uniform visa or long-stay visa that he or she has a valid travel authorisation and may request the deletion of the application file from the ETIAS Central System. The authorities of that Member State shall verify whether that person has a valid travel authorisation and, if confirmed, the ETIAS National Unit of the Member State that issued the residence permit, uniform visa or long stay visa shall delete the application file without delay from the ETIAS Central System.</u></p>	<p>Provisionally agreed: 5a. Where a third country national has fallen under the scope of Article 2(2)(d), <del>(e)</del>, <b>(ea) or (ha)</b>, he or she may inform the competent authorities of the Member State that issued that residence permit, uniform visa or long-stay visa that he or she has a valid travel authorisation and may request the deletion of the application file from the ETIAS Central System. The authorities of that Member State shall verify whether that person has a valid travel authorisation and, if confirmed, the ETIAS National Unit of the Member State that issued the residence permit, uniform visa or long stay visa shall delete the application file without delay from the ETIAS Central System.</p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>1002.</b>	<p>6. Where a third country national has fallen under the scope of Article 2(2)(f) to (h), he or she shall inform the competent authorities of the Member State he or she next enters of this change. That Member State shall contact the ETIAS Central Unit within a time limit of 14 days. The ETIAS Central Unit shall check the accuracy of the data within a time limit of one month and, if necessary erase the application file and the data contained within from the ETIAS Central System without delay. The individual shall have access to an effective judicial remedy to ensure the data is deleted.</p>		<p>6. Where a third country national has fallen under the scope of Article 2(2)(f) <del>to (h)</del>, he or she <del>shall</del> <u>may</u> inform the competent authorities of the Member State he or she next enters of this change. That Member State shall contact the ETIAS Central Unit within a time limit of 14 days. The ETIAS Central Unit shall check the accuracy of the data within a time limit of one month and, if necessary erase the application file and the data contained within from the ETIAS Central System without delay. The individual shall have access to an effective judicial remedy to ensure the data is deleted.</p>	<p><u>Provisionally agreed:</u> 6. Where a third country national has fallen under the scope of Article 2(2)(f), he or she may inform the competent authorities of the Member State he or she next enters of this change. That Member State shall contact the ETIAS Central Unit within a time limit of 14 days. The ETIAS Central Unit shall check the accuracy of the data within a time limit of one month and, if necessary erase the application file and the data contained within from the ETIAS Central System without delay. <del>The individual shall have access to an effective judicial remedy to ensure the data is deleted.</del></p> <p><u>Presidency compromise proposal (to be tested with delegations) - This sentence applies to the whole article and should therefore be moved as a separate paragraph</u> <b>7. The individual shall have access to an effective judicial remedy to ensure the data is amended or deleted.</b> <b>OK for LIBE</b></p>
<b>1003.</b>	<b>CHAPTER XI Data protection</b>		<b>CHAPTER XI Data protection</b>	<b>CHAPTER XI Data protection</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>1004.</b>	<i>Article 49 Data Protection</i>		<i>Article 49 Data Protection</i>	<i>Article 49 Data Protection</i>
<b>1005.</b>	1. Regulation (EC) No 45/2001 shall apply to the processing of personal data by the European Border and Coast Guard Agency and eu-LISA.		1. Regulation (EC) No 45/2001 shall apply to the processing of personal data by the European Border and Coast Guard Agency and eu-LISA.	<u>Agreed text</u> 1. Regulation (EC) No 45/2001 shall apply to the processing of personal data by the European Border and Coast Guard Agency and eu-LISA.
<b>1006.</b>		<b>Amendment 259 Article 49(2)</b>		
<b>1007.</b>	2. [Regulation 2016/679] shall apply to the processing of personal data by the ETIAS National Units.	2. <i>Where those activities fall within its scope</i> , Regulation 2016/679 shall apply to the processing of personal data by the ETIAS National Units <i>and border authorities</i> .	2. [Regulation 2016/679] shall apply to the processing of personal data by the ETIAS National Units, <u>the border guards competent for carrying out border checks and the immigration authorities</u> . Where the processing of personal data by the ETIAS National Units falls within the scope of [Directive (EU) 2016/680], this Directive shall apply.	<b>LIBE proposal</b> (to be tested with delegations) 2. [Regulation 2016/679] shall apply to the processing of personal data by the ETIAS National Units, <u>the border guards competent for carrying out border checks and the immigration authorities</u> . <b>Where the processing of personal data by the ETIAS National Units falls within the scope of [Directive (EU) 2016/680], this Directive shall apply.</b>
<b>1008.</b>		<b>Amendment 260 Article 49(3)</b>		
<b>1009.</b>	3. [Directive (EU) 2016/680] shall apply to the processing by Member States designated authorities for the purposes of Article 1(2).	3. <i>Where those activities fall within its scope</i> , Directive (EU) 2016/680 shall apply to the processing <i>of personal data</i> by Member States designated	3. [Directive (EU) 2016/680] shall apply to the processing of <u>personal data</u> by Member States designated authorities for the purposes of Article 1(2).	<b>Provisionally agreed</b> 3. [Directive (EU) 2016/680] shall apply to the processing of personal data by Member States designated authorities for the

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		authorities for the purposes of Article 1(2).		purposes of Article 1(2).
<b>1010.</b>		<b>Amendment 261</b> <b>Article 49(4)</b>		
<b>1011.</b>	4. Regulation (EU) 2016/794 shall apply to the processing of personal data by Europol pursuant to Articles 24 and 46.	4. Regulation (EU) 2016/794 shall apply to the processing of personal data by Europol pursuant to Articles <b>25</b> and 46.	4. Regulation (EU) 2016/794 shall apply to the processing of personal data by Europol pursuant to Articles <u>25</u> , <u>24</u> and 46.	<b>Provisionally agreed</b> 4. Regulation (EU) 2016/794 shall apply to the processing of personal data by Europol pursuant to Articles 25 and 46.
<b>1012.</b>	<i>Article 50</i> <i>Data controller</i>		<i>Article 50</i> <i>Data controller</i>	<i>Article 50</i> <i>Data controller</i>
<b>1013.</b>		<b>Amendment 262</b> <b>Article 50(1)</b>		
<b>1014.</b>	1. The European Border and Coast Guard Agency is to be considered a data controller in accordance with Article 2(d) of Regulation (EC) No 45/2001 in relation to the processing of personal data in the ETIAS Central System.	1. The European Border and Coast Guard Agency is to be considered a data controller in accordance with Article 2(d) of Regulation (EC) No 45/2001 in relation to the processing of personal data in the ETIAS Central System. <b><i>In relation to information security management of the ETIAS Central System, the European Border and Coast Guard Agency and eu-LISA are to be considered joint controllers.</i></b>	1. The European Border and Coast Guard Agency is to be considered a data controller in accordance with Article 2(d) of Regulation (EC) No 45/2001 in relation to the processing of personal data in the ETIAS Central System.	<b>Presidency compromise proposal (to be tested with delegations)</b> 1. The European Border and Coast Guard Agency is to be considered a data controller in accordance with Article 2(d) of Regulation (EC) No 45/2001 in relation to the processing of personal data in the ETIAS Central System. <b><i>In relation to information security management of the ETIAS Central System, the European Border and Coast Guard Agency and eu-LISA are to be considered both controllers within the remit of their respective responsibilities.</i></b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
				<b>Ok for LIBE</b>
<b>1015.</b>	2. In relation to the processing of personal data in the ETIAS Central System by a Member State, the ETIAS National Unit is to be considered as controller in accordance with Article 4(7) of [Regulation (EU) 2016/679] which shall have central responsibility for the processing of personal data in ETIAS Central System by this Member State.		2. In relation to the processing of personal data in the ETIAS Central System by a Member State, the ETIAS National Unit is to be considered as controller in accordance with Article 4(7) of [Regulation (EU) 2016/679] <del>which</del> <u>and</u> shall have central responsibility for the processing of personal data in <u>the</u> ETIAS Central System by this Member State.	<u>Provisionally agreed</u> 2. In relation to the processing of personal data in the ETIAS Central System by a Member State, the ETIAS National Unit is to be considered as controller in accordance with Article 4(7) of {Regulation (EU) 2016/679} and shall have central responsibility for the processing of personal data in the ETIAS Central System by this Member State.
<b>1016.</b>	<i>Article 51 Data processor</i>		<i>Article 51 Data processor</i>	<i>Article 51 Data processor</i>
<b>1017.</b>		<b>Amendment 263 Article 51(1)</b>		
<b>1018.</b>	1. eu-LISA is to be considered a data processor in accordance with Article 2(d) of Regulation (EC) No 45/2001 in relation to the processing of personal data in the ETIAS Information System.	1. eu-LISA is to be considered a data processor in accordance with Article 2(e) of Regulation (EC) No 45/2001 in relation to the processing of personal data in the ETIAS Information System.	1. eu-LISA is to be considered a data processor in accordance with Article 2( <del>d</del> ) <u>(e)</u> of Regulation (EC) No 45/2001 in relation to the processing of personal data in the ETIAS Information System.	<u>Provisionally agreed</u> 1. eu-LISA is to be considered a data processor in accordance with Article 2(e) of Regulation (EC) No 45/2001 in relation to the processing of personal data in the ETIAS Information System.
<b>1019.</b>	2. eu-LISA shall ensure that the ETIAS Information System is operated in accordance with this Regulation.		2. eu-LISA shall ensure that the ETIAS Information System is operated in accordance with this Regulation.	<u>Agreed text</u> 2. eu-LISA shall ensure that the ETIAS Information System is operated in accordance with this Regulation.
<b>1020.</b>	<i>Article 52 Security of processing</i>		<i>Article 52 Security of processing</i>	<i>Article 52 Security of processing</i>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
1021.		<b>Amendment 264</b> <b>Article 52(1)</b>		
1022.	1. Both eu-LISA and the ETIAS National Units shall ensure the security of processing of personal data takes place pursuant to the application of this Regulation. eu-LISA and the ETIAS National Units shall cooperate on security related tasks.	1. eu-LISA, the ETIAS National Units <i>and the ETIAS Central Unit</i> shall ensure the security of processing of personal data pursuant to the application of this Regulation. eu-LISA, the ETIAS National Units <i>and the ETIAS Central Unit</i> shall cooperate on security related tasks.	1. <del>Both</del> eu-LISA, the ETIAS <u>Central Unit</u> and the ETIAS National Units shall ensure the security of processing of personal data takes place pursuant to the application of this Regulation. eu-LISA, <del>the ETIAS Central Unit</del> and the ETIAS National Units shall cooperate on <u>data</u> security related tasks.	<u>Provisionally agreed</u> 1. eu-LISA, the ETIAS Central Unit and the ETIAS National Units shall ensure the security of processing of personal data <del>takes place</del> pursuant to <del>the application of</del> this Regulation. eu-LISA, the ETIAS Central Unit and the ETIAS National Units shall cooperate on data security related tasks.
1023.		<b>Amendment 265</b> <b>Article 52(2)</b>		
1024.	2. Without prejudice to Article 22 of Regulation (EC) No 45/2001, eu-LISA shall take the necessary measures to ensure the security of the Central System, the Communication Infrastructure between the Central System and the National Uniform Interface, the public website and mobile app, the email service, the secure account service, the carrier gateway, the web service and the software enabling to process the applications;	2. Without prejudice to Article 22 of Regulation (EC) No 45/2001, eu-LISA shall take the necessary measures to ensure the security of the Central System, the Communication Infrastructure between the Central System and the National Uniform Interface, the public website and mobile app, the email service, the secure account service, the carrier gateway, the web service, the software enabling to process the applications <i>and the ETIAS watchlist</i> .	2. Without prejudice to Article 22 of Regulation (EC) No 45/2001, eu-LISA shall take the necessary measures to ensure the security of the Central System, the Communication Infrastructure between the Central System and the National Uniform Interface, the public website and mobile app, the email service, the secure account service, the carrier gateway, the web service and the software enabling to process the applications;	<u>Provisionally agreed</u> 2. Without prejudice to Article 22 of Regulation (EC) No 45/2001, eu-LISA shall take the necessary measures to ensure the security of the Central System, the Communication Infrastructure between the Central System and the National Uniform Interface, the public website and mobile app, the email service, the secure account service, the carrier gateway, the web service, <del>and</del> the software enabling to process the applications <b>and the ETIAS watchlist</b> ;
1025.	3. Without prejudice to		3. Without prejudice to	<u>Provisionally agreed</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	Article 22 of Regulation (EC) No 45/2001 and Articles 32 and 34 of [Regulation (EU) 2016/679], both eu-LISA and the ETIAS National Units shall adopt the necessary measures, including a security plan and a business continuity and disaster recovery plan, in order to:		Article 22 of Regulation (EC) No 45/2001 and Articles 32 and 34 of [Regulation (EU) 2016/679], <del>both</del> eu-LISA, the ETIAS Central Unit and the ETIAS National Units shall adopt the necessary measures, including a security plan and a business continuity and disaster recovery plan, in order to:	3. Without prejudice to Article 22 of Regulation (EC) No 45/2001 and Articles 32 and 34 of [Regulation (EU) 2016/679], eu-LISA, the ETIAS Central Unit and the ETIAS National Units shall adopt the necessary measures, including a security plan and a business continuity and disaster recovery plan, in order to:
<b>1026.</b>	(a) physically protect data, including by making contingency plans for the protection of critical infrastructure;		(a) physically protect data, including by making contingency plans for the protection of critical infrastructure;	<u>Agreed text</u> (a) physically protect data, including by making contingency plans for the protection of critical infrastructure;
<b>1027.</b>		<b>Amendment 266 Article 52(3)(b)</b>		
<b>1028.</b>	(b) deny unauthorised persons access to the secure website that carries out operations in accordance with the purposes of the ETIAS;	(b) deny unauthorised persons access to the secure website;	(b) deny unauthorised persons access to the secure website that carries out operations in accordance with the purposes of the ETIAS;	<u>Provisionally agreed</u> (b) deny unauthorised persons access to the secure <b><u>webservice, the email service, the secure account service, the carrier gateway and the verification tool for applicants</u></b> website that carries out operations in accordance with the purposes of the ETIAS; <b>Tool for consent for longer storage of data to be added</b>
<b>1029.</b>		<b>Amendment 267</b>		



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<b>Article 52(3)(ba)(new)</b>		
<b>1030.</b>		<i>(ba) deny unauthorised persons access to data-processing equipment and national installations in which the Member State carries out operations in accordance with the purposes of ETIAS;</i>		<u>Provisionally agreed:</u> <b>(ba) deny unauthorised persons access to data-processing equipment and national installations in accordance with the purposes of ETIAS;</b>
<b>1031.</b>	(c) prevent the unauthorised reading, copying, modification or removal of data media;		(c) prevent the unauthorised reading, copying, modification or removal of data media;	<u>Agreed text</u> (c) prevent the unauthorised reading, copying, modification or removal of data media;
<b>1032.</b>	(d) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of recorded personal data;		(d) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of recorded personal data;	<u>Agreed text</u> (d) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of recorded personal data;
<b>1033.</b>		<b>Amendment 268</b> <b>Article 52(3)(da)(new)</b>		
<b>1034.</b>		<i>(da) prevent the use of automated data-processing systems by unauthorised persons using data communication equipment;</i>		<u>Provisionally agreed:</u> <b>(da) prevent the use of automated data-processing systems by unauthorised persons using data communication equipment;</b>
<b>1035.</b>	(e) prevent the unauthorised processing of data in the ETIAS Central System and any unauthorised modification or deletion of data processed in the ETIAS Central System;		(e) prevent the unauthorised processing of data in the ETIAS Central System and any unauthorised modification or deletion of data processed in the ETIAS Central System;	<u>Agreed text</u> (e) prevent the unauthorised processing of data in the ETIAS Central System and any unauthorised modification or deletion of data processed in the

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
				ETIAS Central System;
<b>1036.</b>		<b>Amendment 269 Article 52(3)(f)</b>		
<b>1037.</b>	(f) ensure that persons authorised to access the ETIAS Information System have access only to the data covered by their access authorisation, by means of individual user identities and confidential access modes only;	(f) ensure that persons authorised to access the ETIAS Information System have access only to the data covered by their access authorisation, by means of individual <i>and unique</i> user identities and confidential access modes only;	(f) ensure that persons authorised to access the ETIAS Information System have access only to the data covered by their access authorisation, by means of individual user identities and confidential access modes only;	<u>Provisionally agreed (idem EES Article 43(2)(g))</u> (f) ensure that persons authorised to access the ETIAS Information System have access only to the data covered by their access authorisation, by means of individual <b>and unique</b> user identities and confidential access modes only;
<b>1038.</b>	(g) ensure that all authorities with a right of access to the ETIAS Information System create profiles describing the functions and responsibilities of persons who are authorised to enter, amend, delete, consult and search the data and make their profiles available to the supervisory authorities;		(g) ensure that all authorities with a right of access to the ETIAS Information System create profiles describing the functions and responsibilities of persons who are authorised to access the data and make their profiles available to the supervisory authorities;	<u>Agreed text</u> (g) ensure that all authorities with a right of access to the ETIAS Information System create profiles describing the functions and responsibilities of persons who are authorised to access the data and make their profiles available to the supervisory authorities;
<b>1039.</b>	(h) ensure that it is possible to verify and establish to which bodies personal data may be transmitted using data communication equipment;		(h) ensure that it is possible to verify and establish to which bodies personal data may be transmitted using data communication equipment;	<u>Agreed text</u> (h) ensure that it is possible to verify and establish to which bodies personal data may be transmitted using data communication equipment;
<b>1040.</b>	(i) ensure that it is possible to verify and establish what data has been processed in the ETIAS		(i) ensure that it is possible to verify and establish what data has been processed in the ETIAS	<u>Agreed text</u> (i) ensure that it is possible to verify and establish what data has

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	Information System, when, by whom and for what purpose;		Information System, when, by whom and for what purpose;	been processed in the ETIAS Information System, when, by whom and for what purpose;
<b>1041.</b>	(j) prevent the unauthorised reading, copying, modification or deletion of personal data during the transmission of personal data to or from the ETIAS Central System or during the transport of data media, in particular by means of appropriate encryption techniques;		(j) prevent the unauthorised reading, copying, modification or deletion of personal data during the transmission of personal data to or from the ETIAS Central System or during the transport of data media, in particular by means of appropriate encryption techniques;	<u>Agreed text</u> (j) prevent the unauthorised reading, copying, modification or deletion of personal data during the transmission of personal data to or from the ETIAS Central System or during the transport of data media, in particular by means of appropriate encryption techniques;
<b>1042.</b>		<b>Amendment 270 Article 52(3)(ja)</b>		
<b>1043.</b>		<i>(ja) ensure that, in the event of an interruption, installed systems can be restored to normal operation;</i>		<u>Provisionally agreed (idem EES Article 43(2)(ja))</u> <b>(ja) ensure that, in the event of an interruption, installed systems can be restored to normal operation;</b>
<b>1044.</b>		<b>Amendment 271 Article 52(3)(jb)(new)</b>		
<b>1045.</b>		<i>(jb) ensure reliability by making sure that any faults in the functioning of ETIAS are properly reported and that necessary technical measures are put in place to ensure that personal data can be restored in the event of corruption due to a system malfunction;</i>		<u>Provisionally agreed (idem EES Article 43(3))</u> <b>(jb) ensure reliability by making sure that any faults in the functioning of ETIAS are properly reported and that necessary technical measures are put in place to ensure that personal data can be restored in</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b>the event of corruption due to a malfunctioning of ETIAS;</b>
1046.	(k) 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.		(k) 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.	Agreed text (k) 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.
1047.			3a. <u>A model security plan and a model business continuity and disaster recovery plan shall be adopted by the Commission by means of implementing acts in accordance with the examination procedure referred to in Article 79(2). eu-LISA, the ETIAS Central Unit and the ETIAS National Units shall adopt their business continuity and disaster recovery plans as referred to in paragraph 3 on the basis of these model plans, adjusted as necessary by eu-LISA, the ETIAS Central Unit and the ETIAS National Units.</u>	Provisionally agreed 3a. <u>A model security plan and a model business continuity and disaster recovery plan shall be adopted by the Commission by means of implementing acts in accordance with the examination procedure referred to in Article 79(2). eu-LISA's Management Board, <b>EBCG's Management Board</b> for the ETIAS Central Unit and <b>the Member States</b> for the ETIAS National Units shall adopt <b>their respective security plans and their respectives</b> business continuity and disaster recovery plans as referred to in paragraph 3 <b>drawn up</b> on the basis of these model plans, adjusted as necessary by eu-LISA, the ETIAS Central Unit and the ETIAS National Units. <b>The adoption of these plans by the respective Management</b></u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b><u>Boards of eu-LISA and the EBCG is subject to a favourable opinion of the Commission.</u></b>
1048.	4. eu-LISA shall inform the European Parliament, the Council and the Commission as well as the European Data Protection Supervisor of the measures it takes pursuant to this Article.		4. eu-LISA shall inform <del>the European Parliament</del> , the Council and the Commission as well as the European Data Protection Supervisor of the measures it takes pursuant to this Article.	Provisionally agreed: 4. eu-LISA shall inform <b>the European Parliament</b> , the Council and the Commission as well as the European Data Protection Supervisor of the measures it takes pursuant to this Article.
1049.		<b>Amendment 272 Article 52a (new)</b>		
1050.		<i>Article 52a Security incidents</i>		<i>Article 52a Security incidents (idem EES Article 44)</i>
1051.		<i>1. Any event that has or may have an impact on the security of ETIAS and may cause damage or loss to ETIAS data 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.</i>		Provisionally agreed: <b>1. Any event that has or may have an impact on the security of ETIAS and may cause damage or loss to the <u>data stored in the ETIAS data</u> 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.</b>
1052.		<i>2. Security incidents shall be managed to ensure a quick, effective and appropriate response.</i>		Provisionally agreed: <b>2. Security incidents shall be managed so as to ensure a quick, effective and <u>proper response.</u></b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
1053.		<p>3. <i>Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) No 2016/679 and/ or to Article 30 of Directive (EU) No 2016/680, Member States shall notify the Commission, eu-LISA and the European Data Protection Supervisor of security incidents. In the event of a security incident involving the ETIAS Central System, eu-LISA shall notify the Commission and the European Data Protection Supervisor. Europol shall notify the Commission and the European Data Protection Supervisor in the case of an ETIAS-related security incident.</i></p>		<p><u>Provisionally agreed:</u> 3. <b>Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) No 2016/679, Article 30 of Directive (EU) No 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 ETIAS Central System, eu-LISA shall notify the Commission and the European Data Protection Supervisor. Europol shall notify the Commission and the European Data Protection Supervisor in the case of an ETIAS-related security incident.</b></p>
1054.		<p>4. <i>Information regarding a security incident that has or may have an impact on the operation of ETIAS or on the availability, integrity and confidentiality of the data shall be provided to the Member States and reported in compliance with an incident management plan to be provided by eu-LISA.</i></p>		<p><u>Presidency compromise proposal (to be tested with delegations)</u> 4. <b>Information regarding a security incident that has or may have an impact on the operation of the ETIAS or on the availability, integrity and confidentiality of the data shall be provided to <u>the Commission and, if affected, the ETIAS Central Unit, the ETIAS National Units</u></b></p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
				<b>and Europol</b> and reported in compliance with the incident management plan to be provided by eu-LISA. <b>Ok for LIBE</b>
<b>1055.</b>		<b>5. The Member States and Union agencies and institutions concerned shall collaborate in the event of a security incident.</b>		Provisionally agreed: <b>5. The Member States and the European Border and Coast Guard Agency, eu-LISA and Europol shall cooperate in the event of a security incident.</b>
<b>1056.</b>	<i>Article 53 Self-monitoring</i>		<i>Article 53 Self-monitoring</i>	<i>Article 53 Self-monitoring</i>
<b>1057.</b>	The European Border and Coast Guard Agency, Europol and Member States shall ensure that each authority entitled to access the ETIAS Information System takes the measures necessary to comply with this Regulation and cooperates, where necessary, with the supervisory authority.		The European Border and Coast Guard Agency, Europol and Member States shall ensure that each authority entitled to access the ETIAS Information System takes the measures necessary to comply with this Regulation and cooperates, where necessary, with the supervisory authority.	<u>Agreed text</u> The European Border and Coast Guard Agency, Europol and Member States shall ensure that each authority entitled to access the ETIAS Information System takes the measures necessary to comply with this Regulation and cooperates, where necessary, with the supervisory authority.
<b>1058.</b>		<b>Amendment 273 Article 53a (new)</b>		
<b>1059.</b>		<i>Article 53a Penalties</i>		

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
1060.		<p><i>Member States shall take the necessary measures to ensure that any processing of data entered in ETIAS in contravention of this Regulation is punishable in accordance with national law. The penalties provided shall be effective, proportionate and dissuasive.</i></p>		<p><u>Provisionally agreed</u> (idem EES Article 48)  <b>Member States shall take the necessary measures to ensure that any <u>processing of data entered in the ETIAS in a manner contrary to this Regulation is punishable by effective, proportionate and dissuasive penalties in accordance with national law, <u>Article 84 of Regulation (EU) 2016/679 and Article 57 of Directive(EU) 2016/680.</u></u></b></p> <p><u>CLS is of the opinion that the text above should be amended to read as follows (idem Article 57 Directive 2016/680 + standard provision existing in several other Regulations):</u>  <b>Member States shall lay down the rules on penalties applicable to infringements of the provisions adopted pursuant to this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.</b>  <b>To be discussed</b></p>



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<p><b>CLS proposes to include the following article, which will/has been included in Eurodac, ECRIS and SIS.</b></p> <p><b><u>Article x Liability</u></b></p> <p>1. Any person who has suffered material or non-material damage as a result of an unlawful processing operation or any other act incompatible with this Regulation shall be entitled to receive compensation from the controller which is responsible for the damage suffered or from EU-LISA which is responsible for the damage suffered only where it has not complied with obligations of this Regulation specifically directed to it or where it has acted outside or contrary to lawful instructions of the controller. The controller or EU-LISA shall be exempted from its liability, in whole or in part, if it proves that it is not responsible for the event which gave rise to the damage.</p> <p>2. If any failure of a Member State to comply with its obligations under this Regulation causes damage to the [ETIAS (central) system], that Member State or body shall be held liable for such damage, unless and</p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<p>insofar as eu-LISA or another Member State participating in the [ETIAS (central) system] failed to take reasonable measures to prevent the damage from occurring or to minimise its impact.</p> <p>3. Claims for compensation against a Member State for the damage referred to in paragraphs 1 and 2 shall be governed by the national law of the defendant Member State. Claims for compensation against the controller or EU-LISA for the damage referred to in paragraphs 1 and 2 shall be subject to the conditions provided for in the Treaties.</p> <p><b>To be discussed</b></p>
1061.		<p><b>Amendment 274</b></p> <p><b>Article 54 - Title</b></p>		
1062.	<p><i>Article 54</i></p> <p><i>Right of information, access, correction and erasure</i></p>	<p><i>Article 54</i></p> <p>Right of information, access, <b>rectification, restriction, blocking</b> and erasure</p>	<p><i>Article 54</i></p> <p><i>Right of information, access, correction and erasure</i></p>	<p><u>Provisionally agreed: (idem EES Article 52)</u></p> <p>Article 54</p> <p>Right of <b>access to, rectification, completion</b> <del>information, access, correction and erasure</del> <b>of personal data, and of restriction of the processing thereof</b></p>
1063.		<p><b>Amendment 275</b></p> <p><b>Article 54(1)</b></p>		

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>1064.</b>	1. Without prejudice to the right of information in Articles 11 and 12 of Regulation (EC) 45/2001, applicants whose data are stored in the ETIAS Central System shall be informed, at the time their data are collected, on the procedures for exercising the rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and on the contact details of the data protection officer of the European Border and Coast Guard Agency, of the European Data Protection Supervisor and of the national supervisory authority of the responsible Member State.	1. Without prejudice to the right of information in Articles 11 and 12 of Regulation (EC) 45/2001, applicants whose data are stored in the ETIAS Central System shall be informed, at the time their data are collected, on the procedures for exercising the rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 <b>and Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679</b> and on the contact details of the data protection officer of the European Border and Coast Guard Agency, of the European Data Protection Supervisor and of the national supervisory authority of the responsible Member State.	1. Without prejudice to the right of information in Articles 11 and 12 of Regulation (EC) 45/2001, applicants whose data are stored in the ETIAS Central System shall be informed, at the time their data are collected, on the procedures for exercising the rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and on the contact details of the data protection officer of the European Border and Coast Guard Agency, of the European Data Protection Supervisor and of the national supervisory authority of the responsible Member State.	References to specific provisions of GDPR to be further checked by Council Legal Service
<b>1065.</b>		<b>Amendment 276 Article 54(2)(1)</b>		
<b>1066.</b>	2. In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and Article 15, 16, 17 and 18 of [Regulation (EU) 2016/679] any applicant shall have the right to address him or herself to the ETIAS Central Unit or to the ETIAS National Unit responsible for the application, who shall examine and reply to the request.	In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and Article 15, 16, 17 and 18 of [Regulation (EU) 2016/679] any applicant shall have the right to address him or herself to the ETIAS Central Unit or to the ETIAS National Unit responsible for the application, who shall examine and reply to the request <b>within 14 days</b> .	2. In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and Article 15, 16, 17 and 18 of [Regulation (EU) 2016/679] any applicant shall have the right to address him or herself to the ETIAS Central Unit or to the ETIAS National Unit responsible for the application, who shall examine and reply to the request <u>as soon as</u>	<u>Presidency compromise proposal (to be tested with delegations) - addition in line with Article 52(2) EES)</u> 2. In order to exercise their rights under Articles 13, 14, 15 and 16 of Regulation (EC) 45/2001 and Article 15, 16, 17 and 18 of [Regulation (EU) 2016/679] any applicant shall have the right to address him or herself to the ETIAS

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>possible</u> .	Central Unit or to the ETIAS National Unit responsible for the application, who shall examine and reply to the request as soon as possible, <b>and at the latest within 30 days.</b> <b>Ok for LIBE</b>
<b>1067.</b>		<b>Amendment 277</b> <b>Article 54(2)(2)</b>		
<b>1068.</b>	Where following an examination it is found that the data stored in the ETIAS Central System are factually inaccurate or have been recorded unlawfully, the ETIAS Central Unit or the ETIAS National Unit of the responsible Member State for the application shall correct or delete these data in the ETIAS Central System.	Where following an examination it is found that the data stored in the ETIAS Central System are factually inaccurate or have been recorded unlawfully, the ETIAS Central Unit or the ETIAS National Unit of the responsible Member State for the application shall correct or delete these data in the ETIAS Central System <i>without delay</i> .	Where following an examination it is found that the data stored in the ETIAS Central System are factually inaccurate or have been recorded unlawfully, the ETIAS Central Unit or the ETIAS National Unit of the responsible Member State for the application shall correct or delete these data in the ETIAS Central System.	<b>Presidency compromise proposal (to be tested with delegations)</b> Where following an examination it is found that the data stored in the ETIAS Central System are factually inaccurate or have been recorded unlawfully, the ETIAS Central Unit or the ETIAS National Unit of the responsible Member State for the application shall correct or delete these data in the ETIAS Central System <b>without delay</b> .
<b>1069.</b>		<b>Amendment 278</b> <b>Article 54(2)(3)</b>		
<b>1070.</b>	Where a travel authorisation is amended by the ETIAS Central Unit or an ETIAS National Unit during its validity period, the ETIAS Central System shall carry out the automated processing laid down in Article 18 to determine whether the amended application	Where a travel authorisation is amended <i>following a request pursuant to this paragraph</i> by the ETIAS Central Unit or an ETIAS National Unit during its validity period, the ETIAS Central System shall carry out the automated processing laid down in Article 18	Where a travel authorisation is amended by the ETIAS Central Unit or an ETIAS National Unit during its validity period, the ETIAS Central System shall carry out the automated processing laid down in Article 18 to determine whether the amended application	<u>Provisionally agreed:</u> <u>(subject to discussions on definition of risks)</u> Where a travel authorisation is amended, <b>following a request pursuant to this paragraph</b> , by the ETIAS Central Unit or an ETIAS National Unit during its

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	file triggers a hit pursuant to Article 18(2) to (5). Where the automated processing does not report any hit, the ETIAS Central System shall issue an amended travel authorisation with the same validity of the original and notify the applicant. Where the automated processing reports one or several hit(s), the ETIAS National Unit of the Member State of first entry as declared by the applicant in accordance with Article 15(2)(j) shall assess the irregular migration, security or public health risk and shall decide whether to issue an amended travel authorisation or, where it concludes that the conditions for granting the travel authorisation are no longer met, revoke the travel authorisation.	to determine whether the amended application file triggers a hit pursuant to Article 18(2) to (5). Where the automated processing does not report any hit, the ETIAS Central System shall issue an amended travel authorisation with the same validity of the original and notify the applicant. Where the automated processing reports one or several hit(s), <b>in accordance with Article 22</b> , the ETIAS National Unit of the <b>responsible</b> Member State shall assess the irregular migration <b>risk, the threat to security or the high epidemic risk</b> and shall decide whether to issue an amended travel authorisation or, where it concludes that the conditions for granting the travel authorisation are no longer met, revoke the travel authorisation.	file triggers a hit pursuant to Article 18(2) to (5). Where the automated processing does not report any hit, the ETIAS Central System shall issue an amended travel authorisation with the same validity of the original and notify the applicant. Where the automated processing reports one or several hit(s), the ETIAS National Unit of the Member State <u>responsible of first entry as declared by the applicant in accordance with Article 15(2)(j)</u> shall assess the <u>security, irregular illegal immigration, security</u> or public health risk and shall decide whether to issue an amended travel authorisation or, where it concludes that the conditions for granting the travel authorisation are no longer met, revoke the travel authorisation.	validity period, the ETIAS Central System shall carry out the automated processing laid down in Article 18 to determine whether the amended application file triggers a hit pursuant to Article 18(2) to (5). Where the automated processing does not report any hit, the ETIAS Central System shall issue an amended travel authorisation with the same validity of the original and notify the applicant. Where the automated processing reports one or several hit(s), <b>in accordance with Article 22</b> , the ETIAS National Unit of the Member State responsible shall assess the security, illegal immigration or public health risk and shall decide whether to issue an amended travel authorisation or, where it concludes that the conditions for granting the travel authorisation are no longer met, revoke the travel authorisation.
1071.		<b>Amendment 279</b> <b>Article 54(3)</b>		
1072.	3. Where the ETIAS Central Unit or the ETIAS National Unit of the Member State responsible for the application do not agree that data stored in the ETIAS Central System are factually inaccurate or	3. Where the ETIAS Central Unit or the ETIAS National Unit of the Member State responsible for the application do not agree <b>with the claim</b> that data stored in the ETIAS Central System are factually	3. Where the ETIAS Central Unit or the ETIAS National Unit of the Member State responsible for the application <u>does not</u> agree that data stored in the ETIAS Central System are factually inaccurate or	<u>Provisionally agreed:</u> 3. Where the ETIAS Central Unit or the ETIAS National Unit of the Member State responsible for the application does not agree <b>with the claim</b> that data stored in the

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	have been recorded unlawfully, the ETIAS Central Unit or the ETIAS National Unit of the Member State responsible for the application 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.	inaccurate or have been recorded unlawfully, the ETIAS Central Unit or the ETIAS National Unit of the Member State responsible for the application 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.	have been recorded unlawfully, the ETIAS Central Unit or the ETIAS National Unit of the Member State responsible for the application 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.	ETIAS Central System are factually inaccurate or have been recorded unlawfully, the ETIAS Central Unit or the ETIAS National Unit of the Member State responsible for the application 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.
<b>1073.</b>	4. 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 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.		4. This decision shall also provide the person concerned with information explaining the possibility to challenge the decision taken in respect of the request referred <u>to</u> in paragraph 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.	<u>Agreed text</u> 4. This decision shall also provide the person concerned with information explaining the possibility to challenge the decision taken in respect of the request referred <u>to</u> in paragraph 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.
<b>1074.</b>	5. Any request made pursuant to paragraph 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 2 and shall be erased immediately afterwards.		5. Any request made pursuant to paragraph 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 2 and shall be erased immediately afterwards.	<u>Agreed text</u> 5. Any request made pursuant to paragraph 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 2 and shall be erased

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
				immediately afterwards.
<b>1075.</b>	6. The ETIAS Central Unit or the ETIAS National Unit of the Member State responsible for the application shall keep a record in the form of a written document that a request referred to in paragraph 2 was made and how it was addressed and shall make that document available to competent data protection national supervisory authorities without delay.		6. The ETIAS Central Unit or the ETIAS National Unit of the Member State responsible for the application shall keep a record in the form of a written document that a request referred to in paragraph 2 was made and how it was addressed and shall make that document available to competent data protection national supervisory authorities without delay, <u>upon request</u> .	<b>Presidency compromise proposal (to be tested with delegations) -</b> <u>Idem Article 52(7) EES</u> 6. The ETIAS Central Unit or the ETIAS National Unit of the Member State responsible for the application shall keep a record in the form of a written document that a request referred to in paragraph 2 was made and how it was addressed and shall make that document available to competent data protection national supervisory authorities without delay, <b>within seven days upon request.</b> <b>Ok for LIBE</b>
<b>1076.</b>	<i>Article 55 Communication of personal data to third countries, international organisations and private parties</i>		<i>Article 55 Communication of personal data to third countries, international organisations and private parties</i>	<i>Article 55 Communication of personal data to third countries, international organisations and private parties</i>  <u>NB: idem EES Article 41</u>
<b>1077.</b>	1. Personal data stored in the ETIAS Central System shall not be transferred or made available to a third country, to an international organisation or any private party with the exception of transfers to Interpol for the purpose of carrying out the automated processing referred to in Article 18(2)(b) and		1. Personal data stored in the ETIAS Central System shall not be transferred or made available to a third country, to an international organisation or any private party with the exception of transfers to Interpol for the purpose of carrying out the automated processing referred to in Article 18(2)(b) and	<u>Agreed text</u> 1. Personal data stored in the ETIAS Central System shall not be transferred or made available to a third country, to an international organisation or any private party with the exception of transfers to Interpol for the purpose of carrying out the automated processing

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	(m). Transfers of personal data to Interpol are subject to the provisions of Article 9 of Regulation 45/2001.		(m). Transfers of personal data to Interpol are subject to the provisions of Article 9 of Regulation 45/2001.	referred to in Article 18(2)(b) and (m). Transfers of personal data to Interpol are subject to the provisions of Article 9 of Regulation 45/2001.
<b>1078.</b>		<b>Amendment 280 Article 55(2)</b>		
<b>1079.</b>	2. Personal data accessed from the ETIAS Central System by a Member State or by for the purposes referred to in Article 1(2) shall not be transferred or made available to any third country, international organisation or private entity established in or outside the Union. The prohibition shall also apply if those data are further processed at national level or between Member States.	2. Personal data accessed from the ETIAS Central System by a Member State or <i>Europol</i> for the purposes referred to in Article 1(2) shall not be transferred or made available to any third country, international organisation or private entity established in or outside the Union. The prohibition shall also apply if those data are further processed at national level or between Member States.	2. Personal data accessed from the ETIAS Central System by a Member State or by <u>Europol</u> for the purposes referred to in Article 1(2) shall not be transferred or made available to any third country, international organisation or private entity established in or outside the Union. The prohibition shall also apply if those data are further processed at national level or between Member States, <u>except insofar as necessary for the purpose of fair trial.</u>	<u>Provisionally agreed</u> 2. Personal data accessed from the ETIAS Central System by a Member State or by Europol for the purposes referred to in Article 1(2) shall not be transferred or made available to any third country, international organisation or private entity established in or outside the Union. The prohibition shall also apply if those data are further processed at national level or between Member States, <u>except insofar as necessary for the purpose of fair trial.</u>
<b>1080.</b>			<u>2a. By way of derogation from paragraph 1, the data accessed from the ETIAS Central System by the immigration authorities pursuant to Article 42a(2) may be transferred to a third country in individual cases, if necessary for the purpose of return, only where the following conditions are satisfied:</u>	<u>Commission to make proposal for text</u> <u>To be added wording about logs such as:</u> <u>Theses searches in the EES shall be logged for the purpose of verifying the respect of the access conditions.</u> <u>3rd sentence of recital 39 and first two sentences of recital 40 of EES need to be added</u>



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<p><b>Text discussed at technical meeting 2a. By way of derogation from Article 42 a paragraph 1, if necessary for the purpose of return, the immigration authorities may access the ETIAS Central System for retrieving data to be transferred to a third country in individual cases if the following conditions are met:</b></p> <ul style="list-style-type: none"> <li><b>(a) a prior search has been conducted in the EES in accordance with Article 26 of [EES Regulation] and</b></li> <li><b>(b) this search indicates that the EES does not contain data concerning the third country national to be returned.</b></li> </ul> <p><b>If these conditions are met, the immigration authorities shall have access to query the ETIAS Central System with the totality or some of the data referred to in points (a), (b), (c), (d) and (e) of Article 15(2). If an ETIAS application file corresponds to these data, the immigration authorities will have access to the data referred to in points (a), (b), (c), (d), (e), (f), (g) and, in case of minors, (k) of Article 15(2).</b></p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
1081.			(a) the Commission has adopted a decision on the adequate protection of personal data in that third country in accordance with Article 45(3) of [Regulation 2016/679], or a readmission agreement or any other type of similar arrangement is in force between the European Union or a Member State and that third country, or Article 49(1)(d) of [Regulation 2016/679] applies;	<b>Text discussed at technical meeting:</b> <b>By way of derogation to paragraph 1, the data accessed from the ETIAS Central System by the immigration authorities may be transferred to a third country in individual cases, if necessary in order to prove the identity of third country nationals for the sole purpose of return, only where the following conditions are satisfied:</b>
1082.			(b) the Member State shall inform the third country of the obligation to use the data only for purposes for which it was provided;	Provisionally agreed <b>(a) the Commission has adopted a decision on the adequate protection of personal data in that third country in accordance with Article 45(3) of Regulation (EU) 2016/679;</b>  Provisionally agreed <b>(b) appropriate safeguards as referred to in Article 46 of Regulation (EU) 2016/679 have been provided, such as through a readmission agreement which is in force between the Union or a Member State and the third</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b>country in question; or</b>
1083.			<p><u>(c) the data is transferred or made available in accordance with the relevant provisions of Union law, in particular readmission agreements and transfer of personal data, and the national law of the Member State which transferred or made the data available, including the legal provisions relevant to data security and data protection.</u></p>	<p><u>Provisionally agreed</u>  <b>(c) point (d) of Article 49(1) of Regulation (EU) 2016/679, applies</b></p> <hr/> <p><u>Provisionally agreed</u>  <b>The data referred to in points (a), (b), (d), (e) and (f) of Article 15(2) of this Regulation may be transferred in accordance with paragraph 2 of this Article only where all of the following conditions are satisfied:</b>  <b>(a) the transfer of the data is carried out in accordance with the relevant provisions of Union law, in particular provisions on data protection, including Chapter V of Regulation (EU) 2016/679, and readmission agreements, and the national law of the Member State transferring the data;</b>  <b>(b) the third country has agreed to process the data only for the purposes for which they were provided; and</b>  <b>(c) a return decision adopted pursuant to Directive 2008/115/EC has been issued in</b></p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b>relation to the third country national concerned, provided that the enforcement of such a return decision is not suspended and provided that no appeal has been lodged which may lead to the suspension of its enforcement.</b>
1084.			<u>3. Transfers of personal data to third countries pursuant to paragraph 2a shall not prejudice the rights of applicants for and beneficiaries of international protection, in particular as regards non-refoulement.</u>	<u>Provisionally agreed</u> 3. Transfers of personal data to third countries pursuant to paragraph 2a shall not prejudice the rights of applicants for and beneficiaries of international protection, in particular as regards non-refoulement.
1085.			<u>4. By way of derogation from paragraph 2, the data from the ETIAS Central System accessed by the designated authorities for the purposes referred to in Article 1(2) may be transferred or made available by the designated authority to a third country upon a duly motivated request, only if the following cumulative conditions are met:</u>	<u>Provisionally agreed</u> 4. By way of derogation from paragraph 2, the data from the ETIAS Central System referred to in Article 45(4) accessed by the designated authorities for the purposes referred to in Article 1(2) may be transferred or made available by the designated authority to a third country upon a duly motivated request, only if the following cumulative conditions are met:
1086.			<u>(a) in an exceptional case of urgency, where there is an immediate and serious threat of a terrorist offence or other serious criminal offences as defined</u>	<u>Provisionally agreed</u> <b>(a) there is an exceptional case of urgency where there is:</b> <b>(i) an imminent danger associated with a terrorist</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>respectively under Article 3(1)(l) and (m) of this Regulation,</u>	<b>offence; or (ii) an imminent danger to the life of a person and that danger is associated with a serious criminal offence;</b>
1087.			<u>(b) the transfer is carried out in accordance with the applicable conditions set under Directive (EU) N0 2016/680,</u>	<u>Provisionally agreed</u> <b>(b) the transfer of data is necessary for the prevention, detection or investigation in the territory of the Member States or in the third country concerned of such a terrorist offence or serious criminal offence;</b>
1088.			<u>(c) the reciprocal provision of any information held by the requesting third country, in the framework of systems for travel authorisation, to the Member States is ensured.</u>	<u>Provisionally agreed</u> <b>(c) the designated authority has access to such data in accordance with the procedure and the conditions set out in Articles 44 and 45; (d) the transfer is carried out in accordance with the applicable conditions set out in Directive (EU) 2016/680, in particular Chapter V thereof; (e) a duly motivated written or electronic request from the third country has been submitted; and (f) the reciprocal provision of any information of systems for travel authorisation held by the requesting third country to the Member States operating the</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b>EES is ensured.</b>
1089.			<u>Where a transfer is based on this paragraph, such a transfer shall be documented and the documentation shall be made available to the supervisory authority on request, including the date and time of the transfer, information about the receiving competent authority, the justification for the transfer and the personal data transferred.</u>	<u>Provisionally agreed</u> <b>Where a transfer is made pursuant to the first subparagraph of this paragraph, such a transfer shall be documented and the documentation shall, on request, be made available to the supervisory authority established in accordance with Article 41(1) of Directive (EU) 2016/680, including the date and time of the transfer, information about the receiving competent authority, the justification for the transfer and the personal data transferred.</b>
1090.		<b>Amendment 281</b> <b>Title</b>		
1091.	<i>Article 56</i> <i>Supervision by the national supervisory authority</i>	<i>Article 56</i> Supervision by the national supervisory <b>authorities</b>	<i>Article 56</i> <i>Supervision by the national supervisory authority</i>	<u>Presidency compromise proposal</u> (idem EES Article 55) <i>Article 56</i> <i>Supervision by the <del>national</del> supervisory authority</i>
1092.		<b>Amendment 282</b> <b>Article 56(-1)</b>		
1093.		<b>-1. Each Member State shall ensure that the national supervisory authority or authorities designated pursuant to Article 51(1) of Regulation (EU)</b>		<u>Provisionally agreed (idem EES Article 55(1))</u> <b>1. Each Member State shall ensure that the supervisory authority established in</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>2016/679 monitor the lawfulness of the processing of personal data pursuant to this Regulation.</i>		<b>accordance with Article 51(1) of Regulation (EU) 2016/679 independently monitors the lawfulness of the processing of personal data pursuant to this Regulation by the Member State concerned, including their transmission to and from the ETIAS.</b>
<b>1094.</b>		<b>Amendment 283 Article 56(-1a)(new)</b>		
<b>1095.</b>		<i>-1a. Each Member State shall ensure that the provisions adopted under national law implementing Directive (EU) 2016/680 are also applicable to the access to ETIAS by its national authorities in accordance with Article 1(2).</i>		Provisionally agreed (see Art. 58(1) EES) <b>Aligned to ETIAS</b> 1a. Each Member State shall ensure that the national laws, regulations and administrative provisions adopted pursuant to Directive (EU) 2016/680 are also applicable to the access to the ETIAS <del>EES</del> by its national authorities in line with Chapter IX <del>Article 1(2)</del> of this Regulation, including in relation to the rights of the persons whose data are so accessed.
<b>1096.</b>		<b>Amendment 284 Article 56(-1b)(new)</b>		
<b>1097.</b>		<i>-1b. The monitoring of the lawfulness of the access to personal data by the national authorities of the Member States for the purposes listed in Article 1(2) of this Regulation shall be</i>		Provisionally agreed (see Art. 58(2) EES) <b>Aligned to ETIAS</b> 1b. The supervisory authority established in accordance with Article 41(1) of Directive (EU)

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>carried out by the national supervisory authorities designated pursuant to Directive (EU) 2016/680.</i>		2016/680 shall monitor the lawfulness of the access to personal data by the Member States in accordance with Chapter <del>IV</del> IX of this Regulation, including their transmission to and from the ETIAS EES. Article 56(2) and (3) <del>55(3) and (4)</del> of this Regulation shall apply accordingly.
<b>1098.</b>		<b>Amendment 285 Article 56(1)</b>		
<b>1099.</b>	1. The supervisory authority or authorities designated pursuant to Article 51 of [Regulation 2016/679] shall ensure that an audit of the data processing operations by the ETIAS National Units is carried out in accordance with relevant international auditing standards at least every four years.	1. The supervisory authority or authorities designated pursuant to Article 51 of Regulation 2016/679 shall ensure that an audit of the data processing operations by the ETIAS National Units is carried out in accordance with relevant international auditing standards at least every four years. <b><i>A report of the audit shall be made public.</i></b>	1. The supervisory authority or authorities designated pursuant to Article 51 of [Regulation 2016/679] shall ensure that an audit of the data processing operations by the ETIAS National Units is carried out in accordance with relevant international auditing standards at least every four years.	<u>Provisionally agreed (idem EES Article 55(2))</u> 1. The supervisory authority or authorities <b>established in accordance with designated</b> <del>pursuant to</del> Article 51(1) of [Regulation 2016/679] shall ensure that an audit of the data processing operations by the ETIAS National Units is carried out in accordance with relevant international auditing standards at least every <del>four</del> <b>three</b> years <b>from the start of the operations of the ETIAS. The results of the audit may be taken into account in the evaluations conducted under the mechanism</b>



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				established by Council Regulation (EU) No 1053/2013 <sup>91</sup> . The supervisory authority established in accordance with Article 51(1) of Regulation (EU) 2016/679 shall publish annually the number of requests for rectification, completion or erasure, or restriction of processing of data, the action subsequently taken and the number of rectifications, completions, erasures and restrictions of processing made in response to requests by the persons concerned.
1100.		<b>Amendment 286</b> <b>Article 56(2)</b>		
1101.	2. Member States shall ensure that their supervisory authority has sufficient resources to fulfil the tasks entrusted to it under this Regulation.	2. Member States shall ensure that their supervisory authority has sufficient resources <i>and expertise</i> to fulfil the tasks entrusted to it under this Regulation.	2. Member States shall ensure that their supervisory authority has sufficient resources to fulfil the tasks entrusted to it under this Regulation.	<b>Presidency compromise proposal</b> (idem EES Article 55(3), except for the last part which refers to biometric data, not available under ETIAS) Member States shall ensure that their supervisory authority established in accordance with Article 51(1) of Regulation (EU) 2016/679 has sufficient resources to

<sup>91</sup> Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27).

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				fulfil the tasks entrusted to it under this Regulation <b>and has access to advice from persons with relevant expertise.</b> <b>Ok for LIBE</b>
1102.	3. Each Member State shall supply any information requested by the supervisory authorities and shall, in particular, provide them with information on the activities carried out in accordance with their responsibilities as laid down in this Regulation. Each Member State shall grant the supervisory authorities access to their records and allow them access at all times to all their ETIAS related premises.		3. Each Member State shall supply any information requested by the supervisory authorities and shall, in particular, provide them with information on the activities carried out in accordance with their responsibilities as laid down in this Regulation. Each Member State shall grant the supervisory authorities access to their records and allow them access at all times to all their ETIAS related premises.	<u>Provisionally agreed (idem EES Article 55(4))</u> 3. <del>Each</del> Member States shall supply any information requested by the supervisory authority <b>established in accordance with Article 51(1) of Regulation (EU) 2016/679</b> and shall, in particular, provide <del>them</del> <b>it</b> with information on the activities carried out in accordance with <del>their</del> <b>its</b> responsibilities as laid down in this Regulation. <del>Each</del> Member States shall grant the supervisory authority <b>established in accordance with Article 51(1) of Regulation (EU) 2016/679</b> access to their records and allow <del>them</del> <b>it</b> access at all times to all their ETIAS related premises. <b>COM to verify terminology (records or logs)</b>
1103.	<i>Article 57 Supervision by the European Data Protection Supervisor</i>		<i>Article 57 Supervision by the European Data Protection Supervisor</i>	<i>Article 57 Supervision by the European Data Protection Supervisor</i>
1104.		<b>Amendment 287 Article 57(1)(new)</b>		
1105.		<i>The European Data Protection Supervisor shall be responsible for</i>		<u>Provisionally agreed (idem EES Article 56(1))</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>monitoring the personal data processing activities of eu-LISA, Europol and the European Border and Coast Guard Agency involving ETIAS and for ensuring that such activities are carried out in accordance with Regulation (EC) No 45/2001 and with this Regulation.</i>		<b>The European Data Protection Supervisor shall be responsible for monitoring the personal data processing activities of eu-LISA, Europol and the European Border and Coast Guard Agency <u>concerning the</u> ETIAS and for ensuring that such activities are carried out in accordance with Regulation (EC) No 45/2001 and with this Regulation.</b>
<b>1106.</b>		<b>Amendment 288 Article 57(1)</b>		
<b>1107.</b>	The European Data Protection Supervisor shall ensure that an audit of eu-LISA's and the ETIAS Central Unit personal data processing activities is carried out in accordance with relevant international auditing standards at least every four years. A report of that audit shall be sent to the European Parliament, the Council, eu-LISA, the Commission and the Member States. eu-LISA and the European Border and Coast Guard Agency shall be given an opportunity to make comments before their reports are adopted.	The European Data Protection Supervisor shall ensure that an audit of eu-LISA's and the ETIAS Central Unit personal data processing activities is carried out in accordance with relevant international auditing standards at least every four years. A report of that audit shall be sent to the European Parliament, the Council, eu-LISA, the Commission and the Member States, <b>and shall be made public</b> . eu-LISA and the European Border and Coast Guard Agency shall be given an opportunity to make comments before <b>the audit report is</b> adopted.	The European Data Protection Supervisor shall ensure that an audit of eu-LISA's and the ETIAS Central Unit personal data processing activities is carried out in accordance with relevant international auditing standards at least every four years. A report of that audit shall be sent to the European Parliament, the Council, eu-LISA, the Commission and the Member States. eu-LISA and the European Border and Coast Guard Agency shall be given an opportunity to make comments before their reports are adopted.	<u>Provisionally agreed</u> (idem EES Article 56(2)) The European Data Protection Supervisor shall ensure that an audit of eu-LISA's and the ETIAS Central Unit personal data processing activities is carried out in accordance with relevant international auditing standards at least every <del>four</del> <b>three</b> years. A report of that audit shall be sent to the European Parliament, the Council, <del>eu-LISA</del> , the Commission, <b>eu-LISA</b> and the <b>supervisory authorities</b> <del>Member States</del> . eu-LISA and the European Border and Coast Guard Agency shall be given an opportunity to make comments before their reports are adopted.

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
				<u>Provisionally agreed</u> (idem EES Article 56(3)) <b>eu-LISA and the ETIAS Central Unit shall supply information requested by the European Data Protection Supervisor, give him or her access to all documents and to their records and allow him or her access to all their premises at any time.</b>
<b>1108.</b>	<i>Article 58 Cooperation between national supervisory authorities and the European Data Protection Supervisor</i>		<i>Article 58 Cooperation between national supervisory authorities and the European Data Protection Supervisor</i>	<u>Presidency compromise proposal</u> (idem EES Article 57)  <i>Article 58 Cooperation between <del>national</del> supervisory authorities and the European Data Protection Supervisor</i>
<b>1109.</b>		<b>Amendment 289 Article 58(1)</b>		
<b>1110.</b>	1. The European Data Protection Supervisor shall act in close cooperation with national supervisory authorities with respect to specific issues requiring national involvement, in particular if the European Data Protection Supervisor or a national supervisory authority finds major discrepancies between practices of Member States or finds potentially unlawful transfers using the	1. <b><i>Pursuant to Article 62 of Regulation (EU) 2017/XX... [new proposal repealing Regulation 45/2001], the European Data Protection Supervisor and the national supervisory authorities shall, each acting within the scope of their respective competences, cooperate actively in the framework of their responsibilities to ensure coordinated supervision of ETIAS. This includes close</i></b>	1. The European Data Protection Supervisor shall act in close cooperation with national supervisory authorities with respect to specific issues requiring national involvement, in particular if the European Data Protection Supervisor or a national supervisory authority finds major discrepancies between practices of Member States or finds potentially unlawful transfers using the	<u>Presidency compromise proposal (to be tested with delegations)</u> - <u>Idem Article 57(1) EES Regulation</u>  <del>1. The European Data Protection Supervisor shall act in close cooperation with national supervisory authorities with respect to specific issues requiring national involvement, in particular if the European Data Protection Supervisor or a national</del>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	communication channels of the ETIAS, or in the context of questions raised by one or more national supervisory authorities on the implementation and interpretation of this Regulation.	<i>cooperation</i> with respect to specific issues requiring national involvement, in particular if the European Data Protection Supervisor or a national supervisory authority finds major discrepancies between practices of Member States or finds potentially unlawful transfers using the communication channels of the ETIAS, or in the context of questions raised by one or more national supervisory authorities on the implementation and interpretation of this Regulation.	communication channels of the ETIAS, or in the context of questions raised by one or more national supervisory authorities on the implementation and interpretation of this Regulation.	<del>supervisory authority finds major discrepancies between practices of Member States or finds potentially unlawful transfers using the communication channels of the ETIAS, or in the context of questions raised by one or more national supervisory authorities on the implementation and interpretation of this Regulation.</del> <b>1. The supervisory authorities and the European Data Protection Supervisor shall, each acting within the scope of their respective competences, cooperate actively within the framework of their respective responsibilities and shall ensure coordinated supervision of the ETIAS and the national border infrastructures.</b> <b>Ok for LIBE</b>
<b>1111.</b>		<b>Amendment 290 Article 58(2)</b>		
<b>1112.</b>	2. In cases referred to under paragraph 1, the European Data Protection Supervisor and the national supervisory authorities competent for data protection supervision may, each acting within the scope of their respective competences, exchange relevant information, assist each other in	2. <i>The</i> European Data Protection Supervisor and the national supervisory authorities competent for data protection supervision <i>shall</i> , each acting within the scope of their respective competences, exchange relevant information, assist each other in carrying out audits and inspections,	2. In cases referred to under paragraph 1, the European Data Protection Supervisor and the national supervisory authorities competent for data protection supervision may, each acting within the scope of their respective competences, exchange relevant information, assist each other in	<u>Presidency compromise proposal (to be tested with delegations)</u> (idem Article 57(2) EES) 2. <u>In cases referred to under paragraph 1,</u> The European Data Protection Supervisor and the national supervisory authorities competent for data protection supervision may <del>shall</del> , each acting

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	carrying out audits and inspections, examine difficulties over the interpretation or application of this Regulation, study problems related to the exercise of independent supervision or the exercise of the rights of the data subject, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary.	examine difficulties over the interpretation or application of this Regulation, study problems related to the exercise of independent supervision or the exercise of the rights of the data subject, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary.	carrying out audits and inspections, examine difficulties over the interpretation or application of this Regulation, study problems related to the exercise of independent supervision or the exercise of the rights of the data subject, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary.	<del>within the scope of their respective competences,</del> exchange relevant information, assist each other in carrying out audits and inspections, examine <b>any</b> difficulties <del>over</del> <b>concerning</b> the interpretation or application of this Regulation, <del>study assess</del> problems <del>related to</del> <b>in</b> the exercise of independent supervision or <b>in</b> the exercise of the rights of the data subject, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary. <b>Ok for LIBE</b>
<b>1113.</b>		<b>Amendment 291 Article 58(3)</b>		
<b>1114.</b>	3. The supervisory authorities and the European Data Protection Supervisor shall meet for that purpose at least twice a year as part of the Board established by [Regulation (EU) 2016/679]. The costs of these meetings shall be borne by the Board established by [Regulation (EU) 2016/679]. Rules of procedure shall be adopted at the first meeting. Further working methods shall be developed jointly as necessary.	3. The supervisory authorities and the European Data Protection Supervisor shall meet for that purpose at least twice a year as part of the Board established by Regulation (EU) 2016/679. The costs of these meetings shall be borne by the Board established by Regulation (EU) 2016/679. Rules of procedure shall be adopted at the first meeting. Further working methods shall be developed jointly as necessary.	3. The supervisory authorities and the European Data Protection Supervisor shall meet for that purpose at least twice a year as part of the Board established by [Regulation (EU) 2016/679]. The costs of these meetings shall be borne by the Board established by [Regulation (EU) 2016/679]. Rules of procedure shall be adopted at the first meeting. Further working methods shall be developed jointly as necessary.	Provisionally agreed (idem EES Article 57(3)) 3. <b>For the purpose of paragraph 2,</b> the supervisory authorities and the European Data Protection Supervisor shall meet <del>for that purpose</del> at least twice a year <b>within the framework of the European Data Protection Board as part of the Board</b> established by [Regulation (EU) 2016/679] <b>(the ‘European Data Protection Board’)</b> . The costs of those meetings shall be borne by <b>and their organisation shall be</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<del>undertaken by that the Board established by [Regulation (EU) 2016/679].</del> Rules of procedure shall be adopted at the first meeting. Further working methods shall be developed jointly as necessary.
1115.	4. A joint report of activities shall be sent to the European Parliament, the Council, the Commission, the European Border and Coast Guard Agency and eu-LISA every two years. That report shall include a chapter of each Member State prepared by the supervisory authority of that Member State.		4. A joint report of activities shall be sent to the European Parliament, the Council, the Commission, the European Border and Coast Guard Agency and eu-LISA every two years. That report shall include a chapter of each Member State prepared by the supervisory authority of that Member State.	<u>Provisionally agreed</u> (idem EES Article 57(4)) 4. A joint report of activities shall be sent <b>by the European Data Protection Board</b> to the European Parliament, <b>to</b> the Council, <b>to</b> the Commission, <b>to</b> the European Border and Coast Guard Agency and <b>to</b> eu-LISA every two years. That report shall include a chapter <del>of</del> <b>on</b> each Member State prepared by the supervisory authority of that Member State.
1116.	<i>Article 59</i> <i>Keeping of records</i>		<i>Article 59</i> <i>Keeping of records</i>	<i>Article 59</i> <i>Keeping of records</i>
1117.	1. eu-LISA shall keep records of all data processing operations performed within the ETIAS Information System. Those records shall show the purpose of the access, the date and time of each operation, the data used for the automated processing of the applications, the hits found while carrying out the automated processing laid down in Article 18, the data used for verification of the		1. eu-LISA shall keep records of all data processing operations performed within the ETIAS Information System. Those records shall show the purpose of the access, the date and time of each operation, the data used for the automated processing of the applications, the hits found while carrying out the automated processing laid down in Article 18, the data used for verification of the	<u>Provisionally agreed</u> (see EES Article 46(1)) 1. eu-LISA shall keep records of all data processing operations <del>performed</del> within the ETIAS Information System. Those records shall <del>show</del> <b>include</b> the purpose of the access, the date and time of each operation, the data used for the automated processing of the applications, the hits found while carrying out the automated

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	identity regarding the ETIAS Central System or other information systems and databases, the results of the verification process referred to in Article 20 and the staff having performed it.		identity regarding the ETIAS Central System or other information systems and databases, the results of the verification process referred to in Article 20 and the staff having performed it.	processing laid down in Article 18, the data used for verification of the identity regarding the ETIAS Central System or other information systems and databases, the results of the verification process referred to in Article 20 and the staff having performed it.
<b>1118.</b>	2. The ETIAS Central Unit shall keep records of the staff duly authorised to perform the identity verifications.		2. The ETIAS Central Unit shall keep records of the staff duly authorised to perform the identity verifications.	<u>Agreed text</u> 2. The ETIAS Central Unit shall keep records of the staff duly authorised to perform the identity verifications.
<b>1119.</b>	3. The ETIAS National Unit of the responsible Member State shall keep records in the ETIAS Information System of all data processing operations while carrying out the assessment referred to in Article 22. Those records shall show the date and time of each operation, the data used for interrogation of other information systems and databases, the data linked to the hit received, the staff having performed the risk assessment and the justification behind the decision to issue, refuse, revoke or annul a travel authorisation.		<del>3. — The ETIAS National Unit of the responsible Member State shall keep records in the ETIAS Information System of all data processing operations while carrying out the assessment referred to in Article 22. Those records shall show the date and time of each operation, the data used for interrogation of other information systems and databases, the data linked to the hit received, the staff having performed the risk assessment and the justification behind the decision to issue, refuse, revoke or annul a travel authorisation.</del>	<b>Awaiting COM proposal</b>
<b>1120.</b>	In addition, the ETIAS National Unit of the responsible Member State shall keep records of the staff		<del>In addition,</del> The ETIAS National Unit of the responsible Member State shall keep records of the staff	



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	duly authorised to enter or retrieve the data.		duly authorised to enter or retrieve the data.	
<b>1121.</b>	4. eu-LISA shall keep records of all data processing operations within the ETIAS Information System concerning the access by carriers to the gateway and the access by the competent authorities for carrying out checks at external border crossing points referred to in Article 39 and 41. Those records shall show the date and time of each operation, the data used for launching the search, the data transmitted by the ETIAS Central System and the name of the authorised staff of the carrier or of the competent authority entering and retrieving the data.		4. eu-LISA shall keep records of all data processing operations within the ETIAS Information System concerning the access by carriers to the gateway, <del>and the access by border guards the competent authorities</del> for carrying out <del>border checks at external border crossing points</del> and access by <u>immigration authorities</u> referred to in Article 39, <del>and 41 and 42a</del> . Those records shall show the date and time of each operation, the data used for launching the search, the data transmitted by the ETIAS Central System and the name of the authorised staff of the carriers, <u>border guards and immigration authorities</u> <del>or of the competent authority</del> entering and retrieving the data.	Following trilogue on 12 December, is Council text acceptable to LIBE? <b>OK for LIBE with change below</b> <u>Presidency compromise proposal</u> 4. eu-LISA shall keep records of all data processing operations within the ETIAS Information System concerning the access by carriers to the gateway, access by <b>border authorities guards competent for carrying out border checks</b> and access by immigration authorities referred to in Article 39, 41 and 42a. Those records shall show the date and time of each operation, the data used for launching the search, the data transmitted by the ETIAS Central System and the name of the authorised staff of the carriers, border <b>guards authorities</b> and immigration authorities entering and retrieving the data.
<b>1122.</b>	In addition, the carriers and the competent authorities shall keep records of the staff duly authorised to enter and retrieve the data.		In addition, the carriers and the competent authorities shall keep records of the staff duly authorised to enter and retrieve the data.	<u>Agreed text</u> In addition, the carriers and the competent authorities shall keep records of the staff duly authorised to enter and retrieve the data.
<b>1123.</b>	5. Such records may be used only for the data protection monitoring of the admissibility of		5. Such records may be used only for the data protection monitoring of the admissibility of	<u>Agreed text</u> 5. Such records may be used only for the data protection

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	data processing as well as to ensure data security and integrity. Those records shall be protected by appropriate measures against unauthorised access and deleted one year after the retention period referred to in Article 47 has expired, if they are not required for monitoring procedures which have already begun.		data processing as well as to ensure data security and integrity. Those records shall be protected by appropriate measures against unauthorised access and deleted one year after the retention period referred to in Article 47 has expired, if they are not required for monitoring procedures which have already begun.	monitoring of the admissibility of data processing as well as to ensure data security and integrity. Those records shall be protected by appropriate measures against unauthorised access and deleted one year after the retention period referred to in Article 47 has expired, if they are not required for monitoring procedures which have already begun.
<b>1124.</b>	eu-LISA and the ETIAS National Units shall make available those records to the European Data Protection Supervisor and, respectively, to the competent supervisory authorities on request.		eu-LISA and the ETIAS National Units shall make available those records to the European Data Protection Supervisor and, respectively, to the competent supervisory authorities on request.	<u>Agreed text</u> eu-LISA and the ETIAS National Units shall make available those records to the European Data Protection Supervisor and, respectively, to the competent supervisory authorities on request.
<b>1125.</b>	<i>Article 60 Keeping of records, logs and documentation for requests for consultation of data for law enforcement access</i>		<i>Article 60 Keeping of records, logs and documentation for requests for consultation of data <u>in order to prevent, detect and investigate terrorist offences or other serious criminal offences for law enforcement access</u></i>	<u>Presidency compromise proposal</u> <i>Article 60 Keeping of records, logs and documentation for requests for consultation of data in order to prevent, detect and investigate terrorist offences or other serious criminal offences</i> <b>COM to check terminology regarding "logs"</b>
<b>1126.</b>	1. eu-LISA shall keep records of all data processing operations performed within the ETIAS Central System concerning the access by central access points for		1. eu-LISA shall keep records of all data processing operations performed within the ETIAS Central System concerning the access by central access points for	<u>Agreed text</u> 1. eu-LISA shall keep records of all data processing operations performed within the ETIAS Central System concerning the

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	the purposes of Article 1(2). Those records shall show the date and time of each operation, the data used for launching the search, the data transmitted by the ETIAS Central System and the name of the authorised staff of the central access points entering and retrieving the data.		the purposes of Article 1(2). Those records shall show the date and time of each operation, the data used for launching the search, the data transmitted by the ETIAS Central System and the name of the authorised staff of the central access points entering and retrieving the data.	access by central access points for the purposes of Article 1(2). Those records shall show the date and time of each operation, the data used for launching the search, the data transmitted by the ETIAS Central System and the name of the authorised staff of the central access points entering and retrieving the data.
<b>1127.</b>	2. In addition, each Member State and Europol shall keep records of all data processing operations within the ETIAS Central System resulting from requests to consult of or access to data stored in the ETIAS Central System for the purposes laid down in Article 1(2). The records shall include logs and documentation of all data processing operations.		2. In addition, each Member State and Europol shall keep records of all data processing operations within the ETIAS Central System resulting from requests to consult <del>of</del> or access to data stored in the ETIAS Central System for the purposes laid down in Article 1(2). The records shall include logs and documentation of all data processing operations.	<u>Agreed text</u> 2. In addition, each Member State and Europol shall keep records of all data processing operations within the ETIAS Central System resulting from requests to consult <del>of</del> or access to data stored in the ETIAS Central System for the purposes laid down in Article 1(2). The records shall include logs and documentation of all data processing operations.
<b>1128.</b>	3. The records shall show:		3. The records shall show:	<u>Agreed text</u> 3. The records shall show:
<b>1129.</b>	(a) the exact purpose of the request for consultation of or access to data stored in the ETIAS Central System, including the terrorist offence or other serious criminal offence concerned and, for Europol, the exact purpose of the request for consultation;		(a) the exact purpose of the request for consultation of or access to data stored in the ETIAS Central System, including the terrorist offence or other serious criminal offence concerned and, for Europol, the exact purpose of the request for consultation;	<u>Agreed text</u> (a) the exact purpose of the request for consultation of or access to data stored in the ETIAS Central System, including the terrorist offence or other serious criminal offence concerned and, for Europol, the exact purpose of the request for consultation;

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>1130.</b>	(b) the decision taken with regard to the admissibility of the request;		(b) the decision taken with regard to the admissibility of the request;	<u>Agreed text</u> (b) the decision taken with regard to the admissibility of the request;
<b>1131.</b>	(c) the national file reference;		(c) the national file reference;	<u>Agreed text</u> (c) the national file reference;
<b>1132.</b>	(d) the date and exact time of the request for access made by the National Access Point to the ETIAS Central System;		(d) the date and exact time of the request for access made by the <del>National</del> <u>Central</u> Access Point to the ETIAS Central System;	<u>Provisionally agreed</u> (d) the date and exact time of the request for access made by the Central Access Point to the ETIAS Central System;
<b>1133.</b>	(e) where applicable, the use of the urgent procedure referred to in Article 44(4) and the decision taken with regard to the ex-post verification;		(e) where applicable, the use of the urgent procedure referred to in Article 44(4) and the <del>decision taken with regard to</del> <u>outcome of</u> the ex-post verification;	<u>Provisionally agreed</u> (e) where applicable, the use of the urgent procedure referred to in Article 44(4) and the outcome of the ex-post verification;
<b>1134.</b>	(f) which of data or set of data referred to in Article 45(2) and (3) have been used for consultation;		(f) which of <u>the</u> data or set of data referred to in Article 45(2) and (3) have been used for consultation;	<u>Provisionally agreed</u> (f) which of <u>the</u> data or set of data referred to in Article 45(2) and (3) have been used for consultation;
<b>1135.</b>	(g) in accordance with national rules or with Regulation (EU) 2016/794, the identifying mark of the official who carried out the search and of the official who ordered the search or supply.		(g) in accordance with national rules or with Regulation (EU) 2016/794, the identifying mark of the official who carried out the search and of the official who ordered the search or supply.	<u>Agreed text</u> (g) in accordance with national rules or with Regulation (EU) 2016/794, the identifying mark of the official who carried out the search and of the official who ordered the search or supply.
<b>1136.</b>		<b>Amendment 292 Article 60(4)</b>		
<b>1137.</b>	4. The records referred to in paragraphs 1 and 2 shall be used	4. The records referred to in paragraphs 1 and 2 shall be used	4. The records referred to in paragraphs 1 and 2 shall be used	<u>Provisionally agreed</u> 4. The records referred to in

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	<p>only to check the admissibility of the request, monitor the lawfulness of data processing and to ensure data integrity and security. Only records containing non-personal data may be used for the monitoring and evaluation referred to in Article 81. The European Data Protection Supervisor and the competent supervisory authorities responsible for monitoring the lawfulness of the data processing and data integrity and security shall have access to those records at their request for the purpose of fulfilling their duties. The authority responsible for checking the admissibility of the request shall also have access to those records for this purpose. Other than for such purposes, personal data, as well as the records of the consultation requests of data stored in the ETIAS Central System shall be erased in all national and Europol files after a period of one month, unless those data and records are required for the purposes of the specific ongoing criminal investigation for which they were requested by a Member State or by Europol.</p>	<p>only to check the admissibility of the request, monitor the lawfulness of data processing and to ensure data integrity and security. <b><i>Those records shall be protected by appropriate measures against unauthorised access and deleted one year after the retention period referred to in Article 47 has expired, if they are not required for monitoring procedures which have already begun.</i></b> The European Data Protection Supervisor and the competent supervisory authorities responsible for monitoring the lawfulness of the data processing and data integrity and security shall have access to those records at their request for the purpose of fulfilling their duties. The authority responsible for checking the admissibility of the request shall also have access to those logs for this purpose. Other than for such purposes, personal data, as well as the records of the consultation requests of data stored in the ETIAS Central System shall be erased in all national and Europol files after a period of one month, unless those data and records are required for the purposes of the specific ongoing criminal</p>	<p>only to check the admissibility of the request, monitor the lawfulness of data processing and to ensure data integrity and security. Only records containing non-personal data may be used for the monitoring and evaluation referred to in Article 81. The European Data Protection Supervisor and the competent supervisory authorities responsible for monitoring the lawfulness of the data processing and data integrity and security shall have access to those records at their request for the purpose of fulfilling their duties. The authority responsible for checking the admissibility of the request shall also have access to those records for this purpose. Other than for such purposes, personal data, as well as the records of the consultation requests of data stored in the ETIAS Central System shall be erased in all national and Europol files after a period of one month, unless those data and records are required for the purposes of the specific ongoing criminal investigation for which they were requested by a Member State or by Europol.</p>	<p>paragraphs 1 and 2 shall be used only to check the admissibility of the request, monitor the lawfulness of data processing and to ensure data integrity and security. <b>Those records shall be protected by appropriate measures against unauthorised access and deleted one year after the retention period referred to in Article 47 has expired, if they are not required for monitoring procedures which have already begun.</b> The European Data Protection Supervisor and the competent supervisory authorities responsible for monitoring the lawfulness of the data processing and data integrity and security shall have access to those records at their request for the purpose of fulfilling their duties. The authority responsible for checking the admissibility of the request shall also have access to those logs for this purpose. Other than for such purposes, personal data, as well as the records of the consultation requests of data stored in the ETIAS Central System shall be erased in all national and Europol files after a period of one month, unless those data and records are</p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		investigation for which they were requested by a Member State or by Europol. <b><i>Only records containing non-personal data may be used for the monitoring and evaluation referred to in Article 81.</i></b>		required for the purposes of the specific ongoing criminal investigation for which they were requested by a Member State or by Europol. <b>Only records containing non-personal data may be used for the monitoring and evaluation referred to in Article 81.</b>
1138.	<b>CHAPTER XII</b> <b>Public awareness</b>		<b>CHAPTER XII</b> <b>Public awareness</b>	<b>CHAPTER XII</b> <b>Public awareness</b>
1139.	<i>Article 61</i> <i>Information to the general public</i>		<i>Article 61</i> <i>Information to the general public</i>	<i>Article 61</i> <i>Information to the general public</i>
1140.	The ETIAS Central Unit shall provide the general public with all relevant information in relation to the application for a travel authorisation, in particular:		The ETIAS Central Unit shall provide the general public with all relevant information in relation to the application for a travel authorisation, in particular:	<u>Provisionally agreed</u> <b>After consulting the Commission and the European Data Protection Supervisor</b> , the ETIAS Central Unit shall provide the general public with all relevant information in relation to the application for a travel authorisation. <b>Such information shall be available on the public website and shall include</b> , in particular:  <u>NB</u> : recital to be included explaining that information concerning the ETIAS will be disseminated through the public website, leaflets and email notifications to the applicants (including links to the relevant European legislation) - <b>Awaiting</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
				<b>COM proposal</b>
<b>1141.</b>	(a) the criteria, conditions and procedures for applying for a travel authorisation;		(a) the criteria, conditions and procedures for applying for a travel authorisation;	<u>Agreed text</u> (a) the criteria, conditions and procedures for applying for a travel authorisation;
<b>1142.</b>	(b) information concerning the website and the mobile application for a web device where the application can be launched;		(b) information concerning the website and the mobile application for a <del>web</del> <b>mobile</b> devices where the application can be launched;	<u>Provisionally agreed</u> (b) information concerning the website and the mobile app for mobile devices where the application can be launched;
<b>1143.</b>		<b>Amendment 293 Article 61(1)(ba) (new)</b>		
<b>1144.</b>		<i>(ba) information on the possibility that an application be lodged by another person or a commercial intermediary and on the possibility to lodge an application in the Delegations of the European Union in third countries;</i>		<b>Awaiting COM proposal</b> re form to report abuses from commercial intermediaries (see also row 352)
<b>1145.</b>	(c) the deadlines for deciding on an application provided for in Article 27;		(c) the deadlines for deciding on an application provided for in Article 27;	<u>Agreed text</u> (c) the deadlines for deciding on an application provided for in Article 27;
<b>1146.</b>		<b>Amendment 294 Article 61(1)(ca) (new)</b>		
<b>1147.</b>		<i>(ca) the fact that a travel authorisation is linked to the travel document indicated in the application form and that consequently the expiry and any</i>		<u>Provisionally agreed</u> <b>(ca) the fact that a travel authorisation is linked to the travel document indicated in the application form and that</b>

Updated 1 February. LIBE comments marked green. Council comments marked yellow. COM input marked turquoise.

Texts still under discussion at technical level marked blue. Texts resulting from the trilogue on 12.12.2017 marked pink when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>modification of the travel document will result in the invalidity or non-recognition of the travel authorisation when crossing the border;</i>		<b>consequently the expiry and any modification of the travel document shall result in the invalidity or non-recognition of the travel authorisation when crossing the border;</b>
1148.		<b>Amendment 295</b> <b>Article 61(1)(cb) (new)</b>		
1149.		<b>(cb) that applicants are responsible for the authenticity, completeness, correctness and reliability of the data submitted and for the veracity and reliability of the statements they make;</b>		<u>Provisionally agreed</u> <b>(cb) that applicants are responsible for the authenticity, completeness, correctness and reliability of the data submitted and for the veracity and reliability of the statements they make;</b>
1150.		<b>Amendment 296</b> <b>Article 61(1)(d)</b>		
1151.	(d) that decisions on applications must be notified to the applicant, that such decisions must state, where relevant, the reasons for refusal on which they are based and that applicants whose applications are refused have a right to appeal, with information regarding the procedure to be followed in the event of an appeal, including the competent authority, as well as the time limit for lodging an appeal;	(d) that decisions on applications must be notified to the applicant, that such decisions must state, where <b>a travel authorisation is refused</b> , the reasons for <b>such a</b> refusal and that applicants whose applications are refused have a right to <b>a remedy</b> , with information regarding the procedure to be followed <b>to apply for a remedy</b> , including the competent authority, as well as the time limit for <b>applying for a remedy</b> ;	(d) that decisions on applications must be notified to the applicant, that such decisions must state, where relevant, the <del>reasons</del> <u>grounds</u> for refusal on which they are based and that applicants whose applications are refused have a right to appeal, with information regarding the procedure to be followed in the event of an appeal, including the competent authority, as well as the time limit for lodging an appeal;	<u>Presidency compromise proposal to be tested with delegations</u> - Idea is to use either " <u>grounds for refusal</u> " or " <u>reasons for refusal</u> " throughout the text (SBC uses both) (d) that decisions on applications must be notified to the applicant, that such decisions must state, where <b>a travel authorisation is refused</b> <del>relevant</del> , the <b>reasons</b> <del>grounds</del> for <b>such a</b> refusal on which they are based and that applicants whose applications are



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<p>refused have a right to appeal, with information regarding the procedure to be followed in the event of an appeal, including the competent authority, as well as the time limit for lodging an appeal;</p> <p><b>Council lawyer-linguist comment:</b> Delete "on which they are based" as it is superfluous</p>
1152.		<p><b>Amendment 297</b></p> <p><b>Article 61(1)(da) (new)</b></p>		
1153.		<p><i>(da) that applicants refused a travel authorisation have the possibility to apply for a travel authorisation with limited territorial validity as well as the conditions and procedures for doing so;</i></p>		<p><b>LIBE proposal</b> (acceptable in principle by Council, but with a slight redrafting as indicated hereafter to align the wording to Article 38(2)) :</p> <p><b>(da) that applicants have the possibility to apply for a travel authorisation with limited territorial validity as well as the conditions and procedures for doing so;</b></p> <p><b>Presidency compromise proposal</b> (da) that applicants have the possibility <b><u>to contact the ETIAS Central Unit indicating that the purpose of their travel is based on humanitarian grounds or is linked to international obligations</u></b> as well as the conditions and</p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				procedures for doing so; <b>Ok for LIBE</b>
<b>1154.</b>		<b>Amendment 298</b> <b>Article 61(1)(db) (new)</b>		
<b>1155.</b>		<i>(db) that the possession of a travel authorisation constitutes a condition for entry to the territory of the Member States;</i>		
<b>1156.</b>	(e) that mere possession of a travel authorisation does not confer an automatic right of entry and that the holders of a travel authorisation are requested to present proof that they fulfil the entry conditions at the external border, as provided for in Article 6 of Regulation (EU) 2016/399.		(e) that mere possession of a travel authorisation does not confer an automatic right of entry and that the holders of a travel authorisation <u>must fulfill the entry conditions as set out in Article 6 of Regulation (EU) N°2016/399</u> and are requested to present proof that they fulfil <del>the</del> <u>entry those</u> conditions at the external border, <del>as provided for in Article 6 of Regulation (EU) 2016/399.</del>	<b>Provisionally agreed</b> <b>Suggested alignment to row 766</b> (e) the entry conditions laid down in Article 6 of Regulation (EU) No 2016/399, including the need to carry relevant supporting documents at each entry and the duration of authorised short stay (90 days in any 180-day period);  (eb) the fact that the possession of a valid travel authorisation is a condition for stay that has to be fulfilled during the entire duration of a short stay on the territory of Member States;  (ec) a link to the web service referred to in Article 13 of Regulation EU [Entry/Exit] enabling third-country nationals to verify at any moment the remaining authorised stay;

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<p>(e) — that mere possession of a travel authorisation does not confer an automatic right of entry and that the holders of a travel authorisation must fulfill the entry conditions as set out in Article 6 of Regulation (EU) N°2016/399 and are requested to present proof that they fulfil those conditions at the external border;</p> <p>Provisionally agreed (<b>eea</b>) that the possession of a valid travel authorisation is a condition for entry and stay on the territory of the Member States;</p>
1157.		<p><b>Amendment 299</b></p> <p><b>Article 61(1)(ea) (new)</b></p>		
1158.		<p><i>(ea) that the data entered into the ETIAS Information System is used for the purposes of border management, including for checks in databases, and that the data may be accessed by the Member States and Europol for law enforcement purposes;</i></p>		<p>Provisionally agreed (ea) that the data entered into the ETIAS Information System is used for the purposes of border management, including for checks in databases, and that the data may be accessed by the Member States and Europol for <u>the purposes of the prevention, detection and investigation of terrorist offences or of other serious criminal offences law enforcement purposes, under the</u></p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b><u>procedures and conditions referred to in Chapter IX;</u></b>
1159.		<b>Amendment 300</b> <b>Article 61(1)(eb) (new)</b>		
1160.		<i>(eb) the period for which data will be stored;</i>		<u>Provisionally agreed</u> <b>(eb) the period for which data will be stored;</b>
1161.		<b>Amendment 301</b> <b>Article 61(1)(ec) (new)</b>		
1162.		<i>(ec) the rights of data subjects according to Regulations (EC) No 45/2001, (EU)2016/679 and (EU) 2016/794 and Directive (EU) 2016/680;</i>		<u>Provisionally agreed</u> <b>(ec) the rights of data subjects according to Regulations (EC) No 45/2001, (EU)2016/679 and (EU) 2016/794 and Directive (EU) 2016/680;</b>
1163.		<b>Amendment 302</b> <b>Article 61(1)(ed) (new)</b>		
1164.		<i>(ed) the contact details of the helpdesk referred to in Article 7(2)(dh).</i>		<u>Provisionally agreed</u> (see row 278) <b>(ed) the possibility to obtain support via the contact form as provided for in Article 7(2) (dh).</b>
1165.	<i>Article 62</i> <i>Information campaign</i>		<i>Article 62</i> <i>Information campaign</i>	<i>Article 62</i> <i>Information campaign</i>
1166.		<b>Amendment 303</b> <b>Article 62(1)</b>		
1167.	The Commission shall, in cooperation with the ETIAS Central Unit, and the Member States, accompany the start of the	The Commission shall, in cooperation with the <b>European External Action Service, the</b> ETIAS Central Unit, <b>the</b>	The Commission shall, in cooperation with the ETIAS Central Unit, and the Member States, accompany the start of the	<u>Provisionally agreed</u> The Commission shall, in cooperation with <b>the European External Action Service, the</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	ETIAS operation with an information campaign, to inform third country nationals falling within the scope of this Regulation of their travel authorisation requirement to be in possession of a valid travel authorisation for crossing the external borders.	<i>supervisory authorities, the European Data Protection Supervisor and the Member States, including their embassies in the third countries concerned,</i> accompany the start of the ETIAS operation with an information campaign, to inform third country nationals falling within the scope of this Regulation of their requirement to be in possession of a valid travel authorisation for crossing the external borders.	ETIAS operation with an information campaign, to inform third country nationals falling within the scope of this Regulation of <del>their travel authorisation of the</del> requirement for them to be in possession of a valid travel authorisation for crossing the external borders.	ETIAS Central Unit, and the Member States, <b>including their consulates in the third countries concerned</b> , accompany the start of the ETIAS operation with an information campaign, to inform third country nationals falling within the scope of this Regulation of of the requirement for them to be in possession of a valid travel authorisation for crossing the external borders <b>and for the entire duration of their short stay on the territory of Member States.</b>
<b>1168.</b>		<b>Amendment 304 Article 62(1a)(new)</b>		
<b>1169.</b>		<i>That information campaign shall be conducted in the official languages of the Members States and, by means of the factsheets referred to in Article 14(4), in at least one of the official languages of the countries whose citizens fall within the scope of this Regulation. Such information campaigns shall be conducted regularly.</i>		<u>Provisionally agreed</u> <b>That information campaign shall be conducted regularly and in at least one of the official languages of the countries whose nationals fall within the scope of this Regulation.</b>
<b>1170.</b>	<b>CHAPTER XIII Responsibilities</b>		<b>CHAPTER XIII Responsibilities</b>	<b>CHAPTER XIII Responsibilities</b>
<b>1171.</b>	<i>Article 63 Responsibilities of eu-LISA during the designing and development</i>		<i>Article 63 Responsibilities of eu-LISA during the designing and development</i>	<i>Article 63 Responsibilities of eu-LISA during the designing and development</i>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	<i>phase</i>		<i>phase</i>	<i>phase</i>
<b>1172.</b>	1. The ETIAS Information System shall be hosted by eu-LISA in its technical sites and shall provide the functionalities laid down in this Regulation in accordance with the conditions of security, availability, quality and speed pursuant to paragraph 3.		1. The ETIAS Information System shall be hosted by eu-LISA in its technical sites and shall provide the functionalities laid down in this Regulation in accordance with the conditions of security, availability, quality and speed pursuant to <u>Article 64(1) paragraph 3</u> .	<u>Provisionally agreed</u> 1. The ETIAS Information System shall be hosted by eu-LISA in its technical sites and shall provide the functionalities laid down in this Regulation in accordance with the conditions of security, availability, quality and speed pursuant to <b>paragraph 3 and Article 64(1)</b> .
<b>1173.</b>		<b>Amendment 305 Article 63(2)</b>		
<b>1174.</b>	2. The infrastructures supporting the public website, the mobile app and the carrier gateway shall be hosted in eu-LISA' sites or in Commission sites. These infrastructures shall be geographically distributed to provide the functionalities laid down in this Regulation in accordance with the conditions of security, availability, quality and speed laid down in paragraph 3.	2. The infrastructures supporting the public website, the mobile app and the carrier gateway shall be hosted in eu-LISA' sites or in Commission sites. These infrastructures shall be geographically distributed to provide the functionalities laid down in this Regulation in accordance with the conditions of security, <b>data protection and data security</b> , availability, quality and speed laid down in paragraph 3. <b>The ETIAS watchlist shall be hosted in an eu-LISA site.</b>	2. The infrastructures supporting the public website, the mobile app and the carrier gateway shall be hosted in eu-LISA' sites or in Commission sites. These infrastructures shall be geographically distributed to provide the functionalities laid down in this Regulation in accordance with the conditions of security, availability, quality and speed laid down in <u>Article 64(1) paragraph 3</u> .	<u>Provisionally agreed</u> 2. The infrastructures supporting the public website, the mobile app and the carrier gateway shall be hosted in eu-LISA' sites or in Commission sites. These infrastructures shall be geographically distributed to provide the functionalities laid down in this Regulation in accordance with the conditions of security, <b>data protection and data security</b> , availability, quality and speed laid down in <b>paragraph 3 and Article 64(1)</b> . <b>The ETIAS watchlist shall be hosted in an eu-LISA site.</b>
<b>1175.</b>		<b>Amendment 306</b>		

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<b>Article 63(3)(1)</b>		
<b>1176.</b>	3. eu-LISA shall be responsible for the development of the ETIAS Information System, for any development required for establishing interoperability between the ETIAS Central System and the information systems referred to in Article 10.	eu-LISA shall be responsible for the <i>technical</i> development of the ETIAS Information System <i>and</i> for any <i>technical</i> development required for establishing interoperability between the ETIAS Central System and the information systems referred to in Article 10.	3. eu-LISA shall be responsible for the development of the ETIAS Information System, for any development required for establishing interoperability between the ETIAS Central System and the information systems referred to in Article 10.	<u>Provisionally agreed</u> 3. eu-LISA shall be responsible for the <b>technical</b> development of the ETIAS Information System <b>and</b> for any <b>technical</b> development required for establishing interoperability between the ETIAS Central System and the information systems referred to in Article 10.
<b>1177.</b>		<b>Amendment 307</b> <b>Article 63(3)(2)</b>		
<b>1178.</b>	eu-LISA shall define the design of the physical architecture of the system including its Communication Infrastructure as well as the technical specifications and their evolution as regards the Central System, the Uniform Interfaces, which shall be adopted by the Management Board, subject to a favourable opinion of the Commission. eu-LISA shall also implement any necessary adaptations to the EES, SIS, Eurodac, ECRIS or VIS deriving from the establishment of interoperability with the ETIAS.	eu-LISA shall define the design of the architecture of the system including its Communication Infrastructure as well as the technical specifications and their evolution as regards the Central System, the <i>National</i> Uniform Interfaces, which shall be adopted by the Management Board, subject to a favourable opinion of the Commission. eu-LISA shall also implement any necessary adaptations to the EES, SIS, Eurodac, ECRIS or VIS deriving from the establishment of interoperability with the ETIAS.	eu-LISA shall define <u>in cooperation with the Member States</u> the design of the physical architecture of the system including its Communication Infrastructure as well as the technical specifications and their evolution as regards the Central System, <u>and the National Uniform Interfaces.</u> ; <del>which</del> <u>These</u> shall be adopted by the Management Board, subject to a favourable opinion of the Commission. eu-LISA shall also implement any necessary adaptations to the [EES], SIS, [Eurodac], [ECRIS] or VIS deriving from the establishment of interoperability with the ETIAS.	<u>Provisionally agreed</u> <u>(with regard to the deletion, see Article 37(1), second subparagraph EES)</u> <b>All occurrences of ECRIS-TCN to be deleted</b> eu-LISA shall define <del>in cooperation with the Member States</del> the design of the physical architecture of the system including its Communication Infrastructure as well as the technical specifications and their evolution as regards the Central System; and the National Uniform Interfaces. These shall be adopted by the Management Board, subject to a favourable opinion of the Commission. eu-LISA shall

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				also implement any necessary adaptations to the <del>FEES</del> , SIS, <del>Eurodac</del> , <b>ECRIS-TCN</b> or VIS deriving from the establishment of interoperability with the ETIAS.
<b>1179.</b>		<b>Amendment 308</b> <b>Article 63(3)(3)</b>		
<b>1180.</b>	eu-LISA shall develop and implement the Central System, the National Uniform Interfaces, and the Communication Infrastructure as soon as possible after the entry into force of this Regulation and the adoption by the Commission of the measures provided for in Article 15(2) and (4), Article 16(4), Article 28(5), Article 39(3), Article 40(2) and Article 72(1) and (4).	eu-LISA shall develop and implement the Central System, the National Uniform Interfaces, and the Communication Infrastructure as soon as possible after the entry into force of this Regulation and the adoption by the Commission of the measures provided for in Article 15(2) and (4), Article 16(4), Article 28(5), Article 39(3), Article 40(2) and Article 72(1) and (4). <b><i>It shall also define the design of the physical architecture and handle the technical management of the ETIAS watchlist.</i></b>	eu-LISA shall develop and implement the Central System, the National Uniform Interfaces, and the Communication Infrastructure as soon as possible after the entry into force of this Regulation and the adoption by the Commission of the measures provided for in Article 15(2) and (4), Article 16(4), Article 28(5), Article 39(3), Article 40(2) and Article 72(1) and (4).	<b>Presidency compromise proposal (to be tested with delegations)</b> eu-LISA shall develop and implement the Central System, <b>the ETIAS watchlist</b> , the National Uniform Interfaces, and the Communication Infrastructure as soon as possible after the entry into force of this Regulation and the adoption by the Commission of the measures provided for in Article 15(2) and (4), Article 16(4), Article 28(5), Article 39(3), Article 40(2) and Article 72(1) and (4). <b>It shall also define the design of the physical architecture of the ETIAS watchlist.</b> <b>Ok for LIBE</b>
<b>1181.</b>			<u>eu-LISA shall develop a technical solution referred to in Article 81(8) as soon as possible after the entry into force of this Regulation and after the adoption by the Commission of the measures provided for in Article 81(8).</u>	<u>Provisionally agreed</u> eu-LISA shall develop a technical solution referred to in Article 81(8) as soon as possible after the entry into force of this Regulation and after the adoption by the Commission of the measures



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				provided for in Article 81(8).
<b>1182.</b>		<b>Amendment 309</b> <b>Article 63(3)(4)</b>		
<b>1183.</b>	The development shall consist of the elaboration and implementation of the technical specifications, testing and overall project coordination.	The development shall consist of the elaboration and implementation of the technical specifications, testing and overall project coordination. <i>eu-LISA shall perform and maintain an information security risk assessment and follow the principles of data protection by design and by default.</i>	The development shall consist of the elaboration and implementation of the technical specifications, testing and overall project coordination.	<u>Provisionally agreed (additional wording based on Article 37(1), fifth subparagraph)</u> The development shall consist of the elaboration and implementation of the technical specifications, testing and overall project coordination. <b>In relation thereto, the tasks of eu-LISA shall also be to:</b> <b>(a) perform a security risk assessment;</b> <b>(b) follow the principles of privacy by design and by default during the entire lifecycle of the development of the ETIAS;</b> <b>(c) conduct a security risk assessment regarding the interoperability with the EU information systems referred to in Article 10.</b>
<b>1184.</b>		<b>Amendment 310</b> <b>Article 63(4)</b>		
<b>1185.</b>	4. During the designing and development phase, a Programme Management Board composed of a maximum of 10 members shall be established. It shall be composed of	4. During the designing and development phase, a Programme Management Board composed of a maximum of <b>11</b> members shall be established. It shall be composed of	4. During the designing and development phase, a Programme Management Board composed of a maximum of 10 members shall be established. It shall be composed of	<b>Suggested alignment to EES (ok for LIBE)</b> 4. During the designing and development phase, a Programme Management Board composed of a

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	<p>six members appointed by eu-LISA's Management Board from among its members or its alternates, the Chair of the ETIAS-EES Advisory Group referred to in Article 80, a member representing eu-LISA appointed by its Executive Director, a member representing the European Border and Coast Guard Agency appointed by its Executive Director and one member appointed by the Commission. The members appointed by eu-LISA's Management Board shall be elected only from those Member States which are fully bound under Union law by the legislative instruments governing the development, establishment operation and use of all the large-scale IT systems managed by eu-LISA and which will participate in the ETIAS. The Programme Management Board will meet once a month. It shall ensure the adequate management of the design and development phase of the ETIAS. The Programme Management Board shall submit written reports every month to the Management Board on progress of the project. It shall have no decision-making power nor any mandate to represent the members</p>	<p>six members appointed by eu-LISA's Management Board from among its members or its alternates, the Chair of the ETIAS-EES Advisory Group referred to in Article 80, a member representing eu-LISA appointed by its Executive Director, a member representing the European Border and Coast Guard Agency appointed by its Executive Director, <b><i>a member appointed by the European Data Protection Supervisor</i></b> and one member appointed by the Commission. The members appointed by eu-LISA's Management Board shall be elected only from those Member States which are fully bound under Union law by the legislative instruments governing the development, establishment operation and use of all the large-scale IT systems managed by eu-LISA and which will participate in the ETIAS. The Programme Management Board will meet once a month. It shall ensure the adequate management of the design and development phase of the ETIAS. The Programme Management Board shall submit written reports every month to the Management Board on progress of the project. It shall have no</p>	<p>six members appointed by eu-LISA's Management Board from among its members or its alternates, the Chair of the ETIAS-EES Advisory Group referred to in Article 80, a member representing eu-LISA appointed by its Executive Director, a member representing the European Border and Coast Guard Agency appointed by its Executive Director and one member appointed by the Commission. The members appointed by eu-LISA's Management Board shall be elected only from those Member States which are fully bound under Union law by the legislative instruments governing the development, establishment operation and use of all the large-scale IT systems managed by eu-LISA and which will participate in the ETIAS. The Programme Management Board will meet <u>regularly and at least twice per quarter</u> <del>once a month</del>. It shall ensure the adequate management of the design and development phase of the ETIAS. The Programme Management Board shall submit written reports every month to the Management Board on progress of the project. It shall have no decision-making</p>	<p>maximum of 10 members shall be established. It shall be composed of six members appointed by eu-LISA's Management Board from among its members or its alternates, the Chair of the ETIAS-EES Advisory Group referred to in Article 80, a member representing eu-LISA appointed by its Executive Director, a member representing the European Border and Coast Guard Agency appointed by its Executive Director and one member appointed by the Commission. The members appointed by eu-LISA's Management Board shall be elected only from those Member States which are fully bound under Union law by the legislative instruments governing the development, establishment operation and use of all the large-scale IT systems managed by eu-LISA and which will participate in the ETIAS. The Programme Management Board <b><i>shall meet regularly and at least three times per quarter</i></b> <del>will meet once a month</del>. It shall ensure the adequate management of the design and development phase of the ETIAS. The Programme Management Board shall submit written reports every month to the</p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	of the Management Board.	decision-making power nor any mandate to represent the members of the Management Board.	power nor any mandate to represent the members of the Management Board.	Management Board on progress of the project. It shall have no decision-making power nor any mandate to represent the members of the Management Board.
<b>1186.</b>	5. The Management Board shall establish the rules of procedure of the Programme Management Board which shall include in particular rules on:		5. The Management Board shall establish the rules of procedure of the Programme Management Board which shall include in particular rules on:	<u>Agreed text</u> 5. The Management Board shall establish the rules of procedure of the Programme Management Board which shall include in particular rules on:
<b>1187.</b>	(a) chairmanship;		(a) chairmanship;	<u>Agreed text</u> (a) chairmanship;
<b>1188.</b>	(b) meeting venues;		(b) meeting venues;	<u>Agreed text</u> (b) meeting venues;
<b>1189.</b>	(c) preparation of meetings;		(c) preparation of meetings;	<u>Agreed text</u> (c) preparation of meetings;
<b>1190.</b>	(d) admission of experts to the meetings;		(d) admission of experts to the meetings;	<u>Agreed text</u> (d) admission of experts to the meetings;
<b>1191.</b>	(e) communication plans ensuring full information to non-participating Members of the Management Board.		(e) communication plans ensuring full information to non-participating Members of the Management Board.	<u>Agreed text</u> (e) communication plans ensuring full information to non-participating Members of the Management Board.
<b>1192.</b>	The chairmanship shall be held by the Member State holding the Presidency, provided it is fully bound under Union law by the legislative instruments governing the development, establishment operation and use of all the large-		The chairmanship shall be held by <del>the</del> <u>a Member State which is holding the Presidency, provided it</u> is fully bound under Union law by the legislative instruments governing the development, establishment operation and use of	<u>Provisionally agreed</u> The chairmanship shall be held by a Member State which is fully bound under Union law by the legislative instruments governing the development, establishment operation and use of all the large-

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	scale IT systems managed by eu-LISA or, if this requirement is not met, by the Member State which shall next hold the Presidency and which meets that requirement.		all the large-scale IT systems managed by eu-LISA <del>or, if this requirement is not met, by the Member State which shall next hold the Presidency and which meets that requirement.</del>	scale IT systems managed by eu-LISA.
<b>1193.</b>	All travel and subsistence expenses incurred by the members of the Programme Management Board shall be paid by the Agency and Article 10 of the eu-LISA Rules of Procedure shall apply mutatis mutandis. The Programme Management Board's secretariat shall be ensured by eu-LISA.		All travel and subsistence expenses incurred by the members of the Programme Management Board shall be paid by the Agency and Article 10 of the eu-LISA Rules of Procedure shall apply mutatis mutandis. The Programme Management Board's secretariat shall be ensured by eu-LISA.	<u>Agreed text</u> All travel and subsistence expenses incurred by the members of the Programme Management Board shall be paid by the Agency and Article 10 of the eu-LISA Rules of Procedure shall apply mutatis mutandis. The Programme Management Board's secretariat shall be ensured by eu-LISA.
<b>1194.</b>	The EES-ETIAS Advisory Group referred to in Article 80 shall meet regularly until the start of operations of the ETIAS. It shall report after each meeting to the Programme Management Board. It shall provide the technical expertise to support the tasks of the Programme Management Board and shall follow-up on the state of preparation of the Member States.		The EES-ETIAS Advisory Group referred to in Article 80 shall meet regularly until the start of operations of the ETIAS. It shall report after each meeting to the Programme Management Board. It shall provide the technical expertise to support the tasks of the Programme Management Board and shall follow-up on the state of preparation of the Member States.	<u>Agreed text</u> The EES-ETIAS Advisory Group referred to in Article 80 shall meet regularly until the start of operations of the ETIAS. It shall report after each meeting to the Programme Management Board. It shall provide the technical expertise to support the tasks of the Programme Management Board and shall follow-up on the state of preparation of the Member States.
<b>1195.</b>	<i>Article 64 Responsibilities of eu-LISA following the entry into operations of the ETIAS</i>		<i>Article 64 Responsibilities of eu-LISA following the entry into operations of the ETIAS</i>	<i>Article 64 Responsibilities of eu-LISA following the entry into operations of the ETIAS</i>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
1196.		Amendment 311 Article 64(1)(1)		
1197.	<p>1. Following the entry into operations of the ETIAS, eu-LISA shall be responsible for the technical management of the Central System and the National Uniform Interfaces. It shall ensure, in cooperation with the Member States, at all times the best available technology, subject to a cost-benefit analysis. eu-LISA shall also be responsible for the technical management of the Communication Infrastructure between the Central system and the National Uniform Interfaces as well as for the public website, the mobile app for mobile devices, the email service, the secure account service, the carrier gateway, the web service and the software to process the applications referred to in Article 6.</p>	<p>1. Following the entry into operations of the ETIAS, eu-LISA shall be responsible for the technical management of the Central System, the National Uniform Interfaces <i>and the ETIAS Watchlist. It shall also be responsible for any technical testing required for the establishment and update of the ETIAS screening rules.</i> It shall ensure, in cooperation with the Member States, <i>that</i> at all times the best available technology, subject to a cost-benefit analysis, <i>is used.</i> eu-LISA shall also be responsible for the technical management of the Communication Infrastructure between the Central system and the National Uniform Interfaces as well as for the public website, the mobile app for mobile devices, the email service, the secure account service, the carrier gateway, the web service and the software to process the applications referred to in Article 6.</p>	<p>1. Following the entry into operations of the ETIAS, eu-LISA shall be responsible for the technical management of the Central System and the National Uniform Interfaces. It shall ensure, in cooperation with the Member States, at all times the best available technology, subject to a cost-benefit analysis. eu-LISA shall also be responsible for the technical management of the Communication Infrastructure between the Central system and the National Uniform Interfaces as well as for the public website, the mobile app for mobile devices, the email service, the secure account service, the carrier gateway, the web service and the software to process the applications, <u>as</u> referred to in Article 6.</p>	<p><b>Presidency compromise proposal acceptable to delegations but to be checked with LIBE</b> <b>Watchlist should also during operations be hosted by eu-LISA.</b></p> <p>1. Following the entry into operations of the ETIAS, eu-LISA shall be responsible for the technical management of the Central System and the National Uniform Interfaces, <b>as well as the hosting of the watchlist.</b> It shall also be responsible for any technical testing required for the establishment and update of the ETIAS screening rules. It shall ensure, in cooperation with the Member States <b>that</b>, at all times, the best available technology <b>is used</b>, subject to a cost-benefit analysis. eu-LISA shall also be responsible for the technical management of the Communication Infrastructure between the Central system and the National Uniform Interfaces as well as for the public website, the mobile app for mobile devices, the email service, the secure account service, the carrier gateway, the web service and the</p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				software to process the applications, as referred to in Article 6.
1198.	Technical management of the ETIAS shall consist of all the tasks necessary to keep the ETIAS Information System functioning 24 hours a day, 7 days a week in accordance with this Regulation, in particular the maintenance work and technical developments necessary to ensure that the system functions at a satisfactory level of technical quality, in particular as regards the response time for interrogation of the central database in accordance with the technical specifications.		Technical management of the ETIAS shall consist of all the tasks necessary to keep the ETIAS Information System functioning 24 hours a day, 7 days a week in accordance with this Regulation, in particular the maintenance work and technical developments necessary to ensure that the system functions at a satisfactory level of technical quality, in particular as regards the response time for interrogation of the central database in accordance with the technical specifications.	<u>Agreed text</u> Technical management of the ETIAS shall consist of all the tasks necessary to keep the ETIAS Information System functioning 24 hours a day, 7 days a week in accordance with this Regulation, in particular the maintenance work and technical developments necessary to ensure that the system functions at a satisfactory level of technical quality, in particular as regards the response time for interrogation of the central database in accordance with the technical specifications.
1199.		<b>Amendment 312</b> <b>Article 64(2)</b>		
1200.	2. Without prejudice to Article 17 of the Staff Regulations of Officials of the European Union, eu-LISA shall apply appropriate rules of professional secrecy or other equivalent duties of confidentiality to its entire staff required to work with data stored in the ETIAS Central System. This obligation shall also apply after such staff leave office or	2. Without prejudice to Article 17 of the Staff Regulations of Officials of the European Union, eu-LISA shall apply appropriate rules of professional secrecy or other equivalent duties of confidentiality to its entire staff <b>including those of contractors</b> required to work with data stored in the ETIAS Central System. This obligation shall also apply after	2. Without prejudice to Article 17 of the Staff Regulations of Officials of the European Union, eu-LISA shall apply appropriate rules of professional secrecy or other equivalent duties of confidentiality to its entire staff required to work with data stored in the ETIAS Central System. This obligation shall also apply after such staff leave office or	<b>To be tested with delegations</b> <b>COM to check the addition from the EP amendment</b> <b>LIBE: provision to be covered by new paragraph 2a:</b>  <b>2a. Where the Agency cooperates with external contractors in any ETIAS-related tasks, it shall closely monitor the activities of the contractor to ensure compliance</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	employment or after the termination of their activities.	such staff leave office or employment or after the termination of their activities.	employment or after the termination of their activities.	with all provisions of this Regulation, including in particular security, confidentiality and data protection.
1201.		<b>Amendment 313</b> <b>Article 64(3)</b>		
1202.	3. eu-LISA shall also perform tasks related to providing training on the technical use of the ETIAS Information System.	3. eu-LISA shall also perform tasks related to providing training on the technical use of the ETIAS Information System <i>and on measures to improve the quality of ETIAS data.</i>	3. eu-LISA shall also perform tasks related to providing training on the technical use of the ETIAS Information System.	<u>Provisionally agreed</u> 3. eu-LISA shall also perform tasks related to providing training on the technical use of the ETIAS Information System.
1203.			4. <u>eu-LISA shall develop and maintain a mechanism and procedures for carrying out quality checks on the data in the ETIAS Central System and shall provide regular reports to the Member States and the ETIAS Central Unit. eu-LISA shall provide a regular report to the Commission covering the issues encountered. This mechanism, procedures and interpretation of data quality compliance shall be laid down and developed by means of implementing measures in accordance with the examination procedure referred to in Article 79(2).</u>	<u>Provisionally agreed</u> 4. eu-LISA shall develop and maintain a mechanism and procedures for carrying out quality checks on the data in the ETIAS Central System and shall provide regular reports to the Member States and the ETIAS Central Unit. eu-LISA shall provide a regular report to the <b>European Parliament, the Council and the Commission</b> covering the issues encountered. This mechanism, procedures and interpretation of data quality compliance shall be laid down and developed by means of implementing measures in accordance with the examination

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
				procedure referred to in Article 79(2).
<b>1204.</b>	<i>Article 65 Responsibilities of the European Coast and Border Guard Agency</i>		<i>Article 65 Responsibilities of the European <del>Coast</del> Border and <del>Border</del> Coast Guard Agency</i>	<i>Article 65 Responsibilities of the European Border and Coast Guard Agency</i>
<b>1205.</b>	1. The European Coast and Border Guard Agency shall be responsible for:		1. The European <del>Coast</del> Border and <del>Border</del> Coast Guard Agency shall be responsible for:	<u>Agreed text</u> 1. The European Border and Coast Guard Agency shall be responsible for:
<b>1206.</b>		<b>Amendment 314 Article 65(1)(a)</b>		
<b>1207.</b>	(a) the setting up and operation of the ETIAS Central Unit;	(a) the setting up and operation of the ETIAS Central Unit <i>and its information security</i> ;	(a) the setting up and operation of the ETIAS Central Unit;	<b>Provisionally agreed</b> (a) the setting up and operation of the ETIAS Central Unit <b>and ensuring the conditions for the secure management of the ETIAS data</b> ;
<b>1208.</b>	(b) the automated processing of applications;		(b) the automated processing of applications;	<u>Agreed text</u> (b) the automated processing of applications;
<b>1209.</b>	(c) the screening rules.		(c) the screening rules.	<u>Agreed text</u> (c) the screening rules.
<b>1210.</b>		<b>Amendment 315 Article 65(2)</b>		
<b>1211.</b>	2. Before being authorised to process data recorded in the ETIAS Central System, the staff of the ETIAS Central Unit having a right to access the ETIAS Central	2. Before being authorised to process data recorded in the ETIAS Central System, the staff of the ETIAS Central Unit having a right to access the ETIAS Central	2. Before being authorised to process data recorded in the ETIAS Central System, the staff of the ETIAS Central Unit having a right to access the ETIAS Central	<u>Presidency compromise proposal (see also row 1224)</u> 2. Before being authorised to process data recorded in the ETIAS Central System, the staff of the



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	System shall be given appropriate training about data security and data protection rules, in particular on relevant fundamental rights.	System shall be given appropriate training about data security and data protection rules, in particular on relevant fundamental rights. <i>They shall also follow training offered by eu-LISA on the technical use of the ETIAS Information System and on measures to improve the quality of ETIAS data.</i>	System shall be given appropriate training about data security and data protection rules, in particular on relevant fundamental rights.	ETIAS Central Unit having a right to access the ETIAS Central System shall be given appropriate training about data security and <b>fundamental rights, in particular data protection rules, in particular on relevant fundamental rights.</b> <b>They shall also take part in training when offered by eu-LISA on the technical use of the ETIAS Information System and on data quality.</b> <b>Ok for LIBE with change above</b>
1212.	<i>Article 66 Responsibilities of Member States</i>		<i>Article 66 Responsibilities of Member States</i>	<i>Article 66 Responsibilities of Member States</i>
1213.	1. Each Member State shall be responsible for:		1. Each Member State shall be responsible for:	<u>Agreed text</u> 1. Each Member State shall be responsible for:
1214.	(a) the connection to the National Uniform Interface;		(a) the connection to the National Uniform Interface;	<u>Agreed text</u> (a) the connection to the National Uniform Interface;
1215.		<b>Amendment 316 Article 66(1)(b)</b>		
1216.	(b) the organisation, management, operation and maintenance of the ETIAS National Units for the examination of and decision on travel authorisations' applications rejected during the automated processing of applications;	(b) the organisation, management, operation and maintenance of the ETIAS National Units <i>entrusted with</i> the examination of travel <i>authorisations</i> applications <i>which have triggered one or more hits</i> during the automated processing of applications, <i>adopting decisions on</i>	(b) the organisation, management, operation and maintenance of the ETIAS National Units for the examination of and decision on <u>applications for</u> travel authorisations' <del>applications where rejected during</del> the automated processing <u>reported a hit</u> of applications;	<u>Provisionally agreed</u> (b) the organisation, management, operation and maintenance of the ETIAS National Units for the examination of and decision on applications for travel authorisation where the automated processing reported a hit, <b>as referred to in Article 22;</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>them and issuing an opinion when consulted;</i>		
<b>1217.</b>	(c) the organisation of central access points and their connection to the National Uniform Interface for the purpose of law enforcement;		(c) the organisation of central access points and their connection to the National Uniform Interface for the purpose of <u>preventing, detecting and investigating terrorist offences or other serious criminal offences</u> <del>law enforcement</del> ;	<u>Provisionally agreed</u> (c) the organisation of central access points and their connection to the National Uniform Interface for the purpose of preventing, detecting and investigating terrorist offences or other serious criminal offences;
<b>1218.</b>	(d) the management and arrangements for access of duly authorised staff of the competent national authorities to the ETIAS Information System in accordance with this Regulation and to establish and regularly update a list of such staff and their profiles;		(d) the management and arrangements for access of duly authorised staff of the competent national authorities to the ETIAS Information System in accordance with this Regulation and to establish and regularly update a list of such staff and their profiles;	<u>Agreed text</u> (d) the management and arrangements for access of duly authorised staff of the competent national authorities to the ETIAS Information System in accordance with this Regulation and to establish and regularly update a list of such staff and their profiles;
<b>1219.</b>	(e) the set up and operation of the ETIAS National Units.		(e) the set up and operation of the ETIAS National Units.	<u>Agreed text</u> (e) the set up and operation of the ETIAS National Units.
<b>1220.</b>		<b>Amendment 317</b> <b>Article 66(1)(ea)</b>		
<b>1221.</b>		<i>(ea) ensuring that each authority entitled to access the ETIAS Information System takes the measures necessary to comply with this Regulation, including those necessary to ensure the respect of fundamental rights and</i>		<u>Provisionally agreed</u> <b>(ea) ensuring that each authority entitled to access the ETIAS Information System takes the measures necessary to comply with this Regulation, including those necessary to ensure the</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>data security.</i>		<b>respect of fundamental rights and data security.</b>  <b>Council lawyer-linguist suggestion</b> (ea) <b>ensuring that each of its authorities</b> entitled to access the ETIAS Information System takes the measures necessary to comply with this Regulation, including those necessary to ensure the respect of fundamental rights and data security. <b>Ok for LIBE</b>
1222.	2. Each Member State shall use automated processes for querying the ETIAS Central System at the external border.		2. Each Member State shall use automated processes for querying the ETIAS Central System at the external border.	<u>Agreed text</u> 2. Each Member State shall use automated processes for querying the ETIAS Central System at the external border.
1223.		<b>Amendment 318</b> <b>Article 66(3)</b>		
1224.	3. Before being authorised to process data recorded in the ETIAS Central System, the staff of the ETIAS National Units having a right to access the ETIAS Information System shall be given appropriate training about data security and data protection rules, in particular on relevant fundamental rights.	3. Before being authorised to process data recorded in the ETIAS Central System, the staff of the ETIAS National Units having a right to access the ETIAS Information System shall be given appropriate training about data security and data protection rules, in particular on relevant fundamental rights. <b><i>They shall also follow training offered by eu-LISA on the technical use of the ETIAS</i></b>	3. Before being authorised to process data recorded in the ETIAS Central System, the staff of the ETIAS National Units having a right to access the ETIAS Information System shall be given appropriate training about data security and data protection rules, in particular on relevant fundamental rights.	<u>Provisionally agreed (see also row 1211)</u> 3. Before being authorised to process data recorded in the ETIAS Central System, the staff of the ETIAS National Units having a right to access the ETIAS Information System shall be given appropriate training about data security and <b>fundamental rights in particular</b> data protection rules, in particular on relevant fundamental

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>Information System and on measures to improve the quality of ETIAS data.</i>		<del>rights.</del> They shall also take part in trainings offered by eu-LISA on the technical use of the ETIAS Information System and on data quality.
1225.	Article 67 <i>Responsibilities of Europol</i>		Article 67 <i>Responsibilities of Europol</i>	Article 67 <i>Responsibilities of Europol</i>
1226.		<b>Amendment 319</b> <b>Article 67(1)</b>		
1227.	1. Europol shall ensure processing of the queries referred to in Article 18(2)(j) and (4) and accordingly adapting its information system.	1. Europol shall ensure processing of the queries referred to in Article 18(2)(j) and (4) and accordingly adapting its information <i>systems</i> .	1. Europol shall ensure processing of the queries referred to in Article 18(2)(j) and (4) and accordingly adapting its information system.	<u>Provisionally agreed</u> 1. Europol shall ensure processing of the queries referred to in Article 18(2)(j) and (4) and accordingly adapting its information system.  <b>Council lawyer-linguist suggestion</b> 1. Europol shall ensure processing of the queries referred to in Article 18(2)(j) and (4) and <b>accordingly</b> adapting its information system <b>accordingly</b> .
1228.		<b>Amendment 320</b> <b>Article 67(2)</b>		
1229.	2. Europol shall be responsible for the establishment of the ETIAS watchlist pursuant to Article 29.	2. Europol shall be responsible for the <i>management</i> of the ETIAS watchlist pursuant to Article 29.	2. Europol shall be responsible for the <u>development and hosting establishment</u> of the ETIAS watchlist pursuant to Article 29.	<b>Text discussed at technical meeting</b> 2. Europol shall <b>have the responsibilities and tasks regarding the watchlist as laid down in Article 29a (1), (3) and (4).</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				LIBE comment: Para (5) should be added. See changes in 727
1230.		<b>Amendment 321</b> <b>Article 67(3)</b>		
1231.	3. Europol shall be responsible for providing an opinion following a consultation request pursuant to Article 26.	3. Europol shall be responsible for providing an opinion following a consultation request pursuant to Article 25.	3. Europol shall be responsible for providing an opinion following a consultation request pursuant to Article 25 26.	<u>Provisionally agreed</u> 3. Europol shall be responsible for providing an opinion following a consultation request pursuant to Article 25
1232.			4. Europol shall be responsible for providing information to the ETIAS watchlist related to terrorist offences or other serious criminal offences obtained by Europol through international cooperation pursuant to Article 29(2)(c).	<u>Provisionally agreed</u> 4. Europol shall be responsible for providing information to the ETIAS watchlist related to terrorist offences or other serious criminal offences obtained by Europol through international cooperation pursuant to Article 29(2)(e).
1233.	<b>CHAPTER XIV</b> <b>Amendments to other Union instruments</b>		<b>CHAPTER XIV</b> <b>Amendments to other Union instruments</b>	<u>See separate document</u> comparing the text of the general approach on eu-LISA (ST 15081/1/17) with this text.
1234.			<i>Article 67a</i> <i>Amendments to Regulation (EU) No 1077/2011</i>	COM to check whether it would be possible to add only a small amendment to the eu-LISA Regulation to cover the development phase and to foresee further necessary amendments for the operation only a at a later stage
1235.			<u>Regulation (EU) No 1077/2011 is amended as follows:</u>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
1236.			<u>(1) In Article 1, paragraph 2 is replaced by the following:</u>	
1237.			<u>"2. The Agency shall be responsible for the operational management of the second generation Schengen Information System (SIS II), the Visa Information System, Eurodac, [the Entry/Exit System (EES)] and the European Travel Information and Authorisation System (ETIAS).</u>	
1238.			<u>(2) A new Article 5b is added after Article 5:</u>	
1239.			<u>"Article 5b</u>	
1240.			<u>Tasks relating to the ETIAS</u>	
1241.			<u>In relation to ETIAS, the Agency shall perform:</u>	
1242.			<u>(a) the tasks conferred on it by Regulation (EU) No XXX/20XX of the European Parliament and of the Council of X.X.X establishing European Travel Information and Authorisation System (ETIAS);</u>	
1243.			<u>(b) tasks relating to training on the technical use of ETIAS."</u>	
1244.			<u>(3) Article 7 is amended as follows:</u>	
1245.			<u>(a) paragraph 5 is replaced by the following:</u>	
1246.			<u>"5. Tasks related to the operational management of the communication infrastructure may</u>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>be entrusted to external private-sector entities or bodies in accordance with Regulation (EC, Euratom)1605/2002. In such a case, the network provider shall be bound by the security measures referred to in paragraph 4 and shall have no access to SIS II, VIS, Eurodac, [EES] or ETIAS operational data, or to the SIS II-related SIRENE exchange, by any means.</u>	
1247.			(4) In Article 8, paragraph 1 is replaced by the following:	
1248.			“1. The Agency shall monitor <u>the developments in research relevant for the operational management of SIS II, VIS, Eurodac, [EES], ETIAS and other large-scale information systems</u> ”.	
1249.			(5) In Article 12, paragraph 1 is amended as follows:	
1250.			(a) a new point (sb) is added after point (s):	
1251.			“(sb) <u>adopt the reports on the development of the ETIAS pursuant to Article 81(2) of Regulation (EU) XX/XX of XXX</u> ”.	
1252.			(b) point (t) is replaced by the following:	
1253.			“(t) <u>adopt the reports on the technical functioning of SIS II pursuant to Article 50(4) of</u>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>Regulation (EC) No 1987/2006 and Article 66(4) of Decision 2007/533/JHA respectively, of VIS pursuant to Article 50(3) of Regulation (EC) No 767/2008 and Article 17(3) of Decision 2008/633/JHA, [of EES pursuant to Article 64(4) of Regulation (EU) XX/XX of XXX] and of ETIAS pursuant to Article 81(4) of Regulation (EU) XX/XX of XXX."</u>	
1254.			(c) _____ point (v) is replaced by the following:	
1255.			<u>"(v) make comments on the European Data Protection Supervisor's reports on the audits pursuant to Article 45(2) of Regulation (EC) No 1987/2006, Article 42(2) of Regulation (EC) No 767/2008, Article 31(2) of Regulation (EU) No 603/2013, [Article 50(2) of Regulation (EU) XX/XX of XXX] and Article 57 of Regulation (EU) XX/XX of XXX [ETIAS] and ensure appropriate follow-up of those audits"</u> .	
1256.			(d) _____ a new point (xb) is inserted after point x:	
1257.			<u>"(xb) publish statistics related to ETIAS pursuant to Article 73 of Regulation (EU) No XXXX/XX.</u>	
1258.			(e) _____ a new point (zb) is added to	



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>point z:</u>	
1259.			<u>“(zb) ensure annual publication of the list of competent authorities pursuant to Article 11(5) of Regulation (EU) No XXXX/XX.</u>	
1260.			<u>(6) In Article 15, paragraph 4 is replaced by the following:</u>	
1261.			<u>"4. Europol and Eurojust may attend the meetings of the Management Board as observers when a question concerning SIS II, in relation to the application of Decision 2007/533/JHA, is on the agenda. Europol may also attend the meetings of the Management Board as observer when a question concerning VIS, in relation to the application of Decision 2008/633/JHA, or a question concerning Eurodac, in relation to the application of Regulation (EU) No 603/2013, [or a question concerning EES in relation to the application of Regulation (EU) XX/XX of XXX], or a question concerning ETIAS in relation to the application of Regulation (EU) XX/XX of XXX is on the agenda. The European Border and Coast Guard Agency may also attend the meetings of the Management Board as observer when a question concerning ETIAS in relation to the</u>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>application of Regulation (EU) XX/XX of XXX is on the agenda.”.</u>	
1262.			<u>(7) In Article 17 paragraph 5, point (g) is replaced by the following:</u>	
1263.			<u>“(g) without prejudice to Article 17 of the Staff Regulations, establish confidentiality requirements in order to comply with Article 17 of Regulation (EC) No 1987/2006, Article 17 of Decision 2007/533/JHA, Article 26(9) of Regulation (EC) No 767/2008, Article 4(4) of Regulation (EU) No 603/2013, [Article 34(4) of Regulation (EU) XX/XX of XXX.] and Article 64(2) of Regulation (EU) XX/XX of XXX.”</u>	
1264.			<u>(8) In Article 17 paragraph 6, point (ha) is added:</u>	
1265.			<u>(ha) reports [on the development of the EES referred to in Article 64(2) of Regulation XX/XX (establishing the EES)] and on the development of ETIAS referred to in Article 81(2) of Regulation (EU) XX/XX (establishing ETIAS) and submitting them to the Management Board for adoption:</u>	
1266.			<u>(9) Article 19 is amended as</u>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>follows:</u>	
1267.			<u>(a) paragraph 1 is replaced by the following:</u>	
1268.			<u>“1. The following Advisory Groups shall provide the Management Board with expertise relating to large-scale IT systems and, in particular, in the context of the preparation of the annual work programme and the annual activity report:</u>	
1269.			<u>(a) SIS II Advisory Group;</u>	
1270.			<u>(b) VIS Advisory Group;</u>	
1271.			<u>(c) Eurodac Advisory Group;</u>	
1272.			<u>(d) [EES-]ETIAS Advisory Group.”</u>	
1273.			<u>(b) paragraph (3) is replaced by the following:</u>	
1274.			<u>“3. Europol and Eurojust may each appoint a representative to the SIS II Advisory Group. Europol may also appoint a representative to the VIS, Eurodac, [EES-]ETIAS Advisory Group. The European Border and Coast Guard Agency may also appoint a representative to the [EES-]ETIAS Advisory Group”.</u>	
1275.	<i>Article 68 Amendments to Regulation (EU) 515/2014</i>		<i>Article 68 Amendments to Regulation (EU) 515/2014</i>	<i>Article 68 Amendments to Regulation (EU) 515/2014</i>
1276.	Regulation (EU) 515/2014 is		Regulation (EU) 515/2014 is	<u>Agreed text</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	amended as follows:		amended as follows:	Regulation (EU) 515/2014 is amended as follows:
<b>1277.</b>	In Article 6, the following paragraph 3bis is inserted:		In Article 6, the following paragraph 3bis is inserted:	<u>Agreed text</u> In Article 6, the following paragraph 3bis is inserted:
<b>1278.</b>	“3bis. During the development phase Member States shall receive an additional allocation of 96,5 million EUR to their basic allocation and shall entirely devote this funding to ETIAS to ensure its quick and effective development in accordance with the implementation of the ETIAS Central System, as foreseen in [Regulation establishing a European Travel Information and Authorisation System (ETIAS)].”		“3bis. During the development phase Member States shall receive an additional allocation of 96,5 million EUR to their basic allocation and shall entirely devote this funding to ETIAS to ensure its quick and effective development in accordance with the implementation of the ETIAS Central System, as foreseen in [Regulation establishing a European Travel Information and Authorisation System (ETIAS)].”	<u>Agreed text</u> “3bis. During the development phase Member States shall receive an additional allocation of 96,5 million EUR to their basic allocation and shall entirely devote this funding to ETIAS to ensure its quick and effective development in accordance with the implementation of the ETIAS Central System, as foreseen in [Regulation establishing a European Travel Information and Authorisation System (ETIAS)].”
<b>1279.</b>	<i>Article 69 Amendments to Regulation (EU) 2016/399</i>		<i>Article 69 Amendments to Regulation (EU) 2016/399</i>	<i>Article 69 Amendments to Regulation (EU) 2016/399</i>
<b>1280.</b>	Regulation (EU) 2016/399 is amended as follows:		Regulation (EU) 2016/399 is amended as follows:	<u>Agreed text</u> Regulation (EU) 2016/399 is amended as follows:
<b>1281.</b>	1. Article 6 is amended as follows:		1. Article 6 is amended as follows:	<u>Agreed text</u> 1. Article 6 is amended as follows: <b>Reference to contingency plans to be added in SBC</b>
<b>1282.</b>	(a) in paragraph 1, point (b) is		(a) in paragraph 1, point (b) is	<u>Agreed text</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	replaced by the following:		replaced by the following:	(a) in paragraph 1, point (b) is replaced by the following:
<b>1283.</b>		<b>Amendment 322 Article 69(1)(1)(a)</b>		
<b>1284.</b>	"(b) they are in a possession of a valid visa if required pursuant to Council Regulation (EC) No 539/2001 or of a valid travel authorisation if required pursuant to [Regulation establishing a European Travel Information and Authorisation system], except where they hold a valid residence permit or a valid long stay visa;"	"(b) they are in a possession of a valid visa if required pursuant to Council Regulation (EC) No 539/2001 or of a travel authorisation <i>valid at least until the day of entry into the territory of the Member States</i> if required pursuant to [Regulation establishing a European Travel Information and Authorisation system], except where they hold a valid residence permit or a valid long stay visa;"	"(b) they are in a possession of a valid visa if required pursuant to Council Regulation (EC) No 539/2001 or of a valid travel authorisation if required pursuant to [Regulation establishing a European Travel Information and Authorisation system], except where they hold a valid residence permit or a valid long stay visa;"	<u>Provisionally agreed</u> "(b) they are in a possession of a valid visa if required pursuant to Council Regulation (EC) No 539/2001 or of a valid travel authorisation if required pursuant to [Regulation establishing a European Travel Information and Authorisation system], except where they hold a valid residence permit or a valid long stay visa;"
<b>1285.</b>		<b>Amendment 323 Article 69(1)(1)(aa)(new)</b>		
<b>1286.</b>		<i>(aa) the following subparagraphs are added:</i>		<u>Provisionally agreed</u> <b>(aa) the following subparagraphs are added:</b>
<b>1287.</b>		<i>"For a transitional period as established pursuant to Article 72(1) and (2) of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)] the utilisation of ETIAS shall be optional and the requirement to be in possession of a valid travel authorisation shall not apply. The border guards shall inform third country nationals</i>		<u>Provisionally agreed</u> <b>For a transitional period as established pursuant to Article 72(1) and (2) of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)] the utilisation of ETIAS shall be optional and the requirement to be in possession of a valid travel authorisation shall not apply. The</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<p><i>subject to the travel authorisation requirement crossing the external borders of the requirement to have a valid travel authorisation from the expiry of the transitional period. For this purpose, the border guards shall distribute a common leaflet to this category of travellers as referred to in Article 72(3) of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)].</i></p>		<p><b>border guards shall inform third country nationals subject to the travel authorisation requirement crossing the external borders of the requirement to have a valid travel authorisation from the expiry of the transitional period. For this purpose, the border guards shall distribute a common leaflet to this category of travellers as referred to in Article 72(3) of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)].</b></p>
1288.		<p><i>During a grace period established pursuant to Article 72(4) and (5) of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)] the border guards shall exceptionally allow third country nationals subject to the travel authorisation requirement who are not in possession of a travel authorisation to cross the external borders where they fulfil all the remaining conditions of this Article, provided that they cross the external borders of the Member States for the first time since the end of the transitional period referred to in Article 72(1)</i></p>		<p><u>Provisionally agreed</u>  <b>Council lawyer-linguist comment:</b>  <u>is this reference to paragraph 2 accurate (see Article 72(4) only referring to paragraph 1)?</u>  <b>Should be correct as 1287 refers to paragraph 1 and 2</b>  <b>During a grace period established pursuant to Article 72(4) of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)] the border guards shall exceptionally allow third country nationals subject to the travel authorisation requirement who are not in possession of a travel authorisation to cross the</b></p>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>and (2) of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)]. Border guards shall notify the third country nationals subject to the travel authorisation requirement of the requirement to be in possession of a valid travel authorisation in accordance with this Article."</i>		<b>external borders where they fulfil all the remaining conditions of this Article, provided that they cross the external borders of the Member States for the first time since the end of the transitional period referred to in Article 72(1) and (2) of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)]. Border guards shall notify the third country nationals subject to the travel authorisation requirement of the requirement to be in possession of a valid travel authorisation in accordance with this Article.</b>
<b>1289.</b>	2. In Article 8, paragraph 3 is amended as follows:		2. In Article 8, paragraph 3 is amended as follows:	<u>Agreed text</u> 2. In Article 8, paragraph 3 is amended as follows:
<b>1290.</b>	(a) in point (a), subpoint (i) is replaced by the following:		(a) in point (a), subpoint (i) is replaced by the following:	<u>Agreed text</u> (a) in point (a), subpoint (i) is replaced by the following:
<b>1291.</b>	"(i) verification that the third-country national is in possession of a document which is valid for crossing the border and which has not expired, and that the document is accompanied, where applicable, by the requisite visa, travel authorisation or residence permit."		"(i) verification that the third-country national is in possession of a document which is valid for crossing the border and which has not expired, and that the document is accompanied, where applicable, by the requisite visa, travel authorisation or residence permit."	<u>Agreed text</u> "(i) verification that the third-country national is in possession of a document which is valid for crossing the border and which has not expired, and that the document is accompanied, where applicable, by the requisite visa, travel authorisation or residence permit."
<b>1292.</b>	(b) the following point (bb) is		(b) the following point (bb) is	<u>Agreed text</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	inserted:		inserted:	(b) the following point (bb) is inserted:
<b>1293.</b>	"(bb) if the third country national holds a travel authorisation referred to in Article 6(1)(b) the thorough checks on entry shall also comprise the verification of the authenticity, validity and status of the travel authorisation and, if applicable, of the identity of the holder of the travel authorisation, by querying the ETIAS in accordance with Article 41 of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)]"		"(bb) if the third country national holds a travel authorisation referred to in Article 6(1)(b) the thorough checks on entry shall also comprise the verification of the authenticity, validity and status of the travel authorisation and, if applicable, of the identity of the holder of the travel authorisation, by querying the ETIAS in accordance with Article 41 of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)]"	<u>Agreed text</u> "(bb) if the third country national holds a travel authorisation referred to in Article 6(1)(b) the thorough checks on entry shall also comprise the verification of the authenticity, validity and status of the travel authorisation and, if applicable, of the identity of the holder of the travel authorisation, by querying the ETIAS in accordance with Article 41 of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)]"
<b>1294.</b>	3. In Annex V part B in the reasons for refusal, point (C) is replaced by the following:		3. In Annex V part B in the reasons for refusal, point (C) is replaced by the following:	<u>Agreed text</u> 3. In Annex V part B in the reasons for refusal, point (C) is replaced by the following:
<b>1295.</b>	"(C) has no valid visa, travel authorisation or residence permit."		"(C) has no valid visa, travel authorisation or residence permit."	<u>Agreed text</u> "(C) has no valid visa, travel authorisation or residence permit."
<b>1296.</b>			<u>4. In Annex VI, the second subparagraph of point 2.1.3 is replaced by the following:</u>	<u>Provisionally agreed</u> deleted
<b>1297.</b>			<u>"Member State shall ensure that the airport operator takes the necessary measures to prevent unauthorised persons entering and leaving the reserved areas, for example, the</u>	<u>Provisionally agreed</u> deleted



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
			<u>transit areas. Checks will normally not be carried out in the transit area, unless it is justified on the basis of an assessment of the risk related to internal security and illegal immigration; in particular, checks in this area may be carried out on persons subject to an airport transit visa or a travel authorisation order to check that they are in possession of such a visa or travel authorisation."</u>	
<b>1298.</b>	<i>Article 70 Amendments to Regulation (EU) 2016/794</i>		<i>Article 70 Amendments to Regulation (EU) 2016/794</i>	
<b>1299.</b>	Regulation (EU) 2016/794 is amended as follows:		Regulation (EU) 2016/794 is amended as follows:	
<b>1300.</b>	1. (1) In Article 4 paragraph 1, the following point (n) is added:		1. In Article 4 paragraph 1, the following point (n) is added:	
<b>1301.</b>	"(n) establish, manage and update the ETIAS watchlist referred to in Article 29 of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)] in accordance with Article 18(2)(a)."		<del>"(n) establish, manage and update host the ETIAS watchlist referred to in Article 29 of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)] in accordance with Article 18(2)(a)."</del>	
<b>1302.</b>	2. Article 21 is amended as follows:		2. Article 21 is amended as follows:	
<b>1303.</b>	(a) the title is replaced by the following:		(a) the title is replaced by the following:	
<b>1304.</b>	"Article 21		"Article 21	
<b>1305.</b>	Access by Eurojust, OLAF and the		Access by Eurojust, OLAF and,	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	European Borders and Coast Guard Agency only for purposes of ETIAS to information stored by Europol"		<del>only for purposes of ETIAS, by the European Borders and Coast Guard Agency only for purposes of ETIAS to information stored by Europol"</del>	
<b>1306.</b>	(b) the following paragraph 1a is inserted:		(b) the following paragraph 1a is inserted:	
<b>1307.</b>	"Europol shall take all appropriate measures to enable the European Borders and Coast Guard Agency, within its mandate and for the purposes of Regulation [Regulation establishing a European Travel Information and Authorisation System (ETIAS)], to have indirect access on the basis of a hit/no hit system to information provided for the purposes of point (a) of Article 18(2) without prejudice to any restrictions indicated by the Member State, Union body, third country or international organisation providing the information in question, in accordance with Article 19(2).		<del>"Europol shall take all appropriate measures to enable the European Borders and Coast Guard Agency, within its mandate and for the purposes of Regulation [Regulation establishing a European Travel Information and Authorisation System (ETIAS)], to have indirect access on the basis of a hit/no hit system to information provided for the purposes of point (a) of Article 18(2) without prejudice to any restrictions indicated by the Member State, Union body, third country or international organisation providing the information in question, in accordance with Article 19(2).</del>	
<b>1308.</b>	In the case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the provider of the information to Europol, and only to the extent that the data generating the hit are necessary for the		<del>In the case of a hit, Europol shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of the provider of the information to Europol, and only to the extent that the data generating the hit are necessary for the</del>	

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	performance of the European Borders and Coast Guard Agency tasks related to ETIAS.		<del>performance of the European Borders and Coast Guard Agency tasks related to ETIAS.</del>	
<b>1309.</b>	Paragraphs 2 to 7 of this Article shall apply accordingly."		<del>Paragraphs 2 to 7 of this Article shall apply accordingly."</del>	
<b>1310.</b>	<i>Article 71 Amendments to Regulation (EU) 2016/1624</i>		<i>Article 71 Amendments to Regulation (EU) 2016/1624</i>	<i>Article 71 Amendments to Regulation (EU) 2016/1624</i>
<b>1311.</b>	Regulation (EU) 2016/1624 is amended as follows:		Regulation (EU) 2016/1624 is amended as follows:	<u>Agreed text</u> Regulation (EU) 2016/1624 is amended as follows:
<b>1312.</b>	1. In Article 8 paragraph 1, the following point (qq) is inserted:		1. In Article 8 paragraph 1, the following point (qq) is inserted:	<u>Agreed text</u> 1. In Article 8 paragraph 1, the following point (qq) is inserted:
<b>1313.</b>	"(qq) fulfil the tasks and obligations entrusted to the European Coast and Border Guard Agency referred to in [Regulation establishing a European Travel Information and Authorisation System (ETIAS)] and ensure the creation and management of the ETIAS Central Unit in accordance with Article 7 of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)]."		"(qq) fulfil the tasks and obligations entrusted to the European <del>Coast</del> <u>Border and Coast</u> Border Guard Agency referred to in [Regulation establishing a European Travel Information and Authorisation System (ETIAS)] and ensure the <u>setting up and operation</u> <del>creation and management</del> of the ETIAS Central Unit in accordance with Article 7 of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)]."	<u>Provisionally agreed</u> "(qq) fulfil the tasks and obligations entrusted to the European Border and Coast Guard Agency referred to in [Regulation establishing a European Travel Information and Authorisation System (ETIAS)] and ensure the setting up and operation of the ETIAS Central Unit in accordance with Article 7 of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)]."
<b>1314.</b>	2. In Chapter II, the following Section 5 is added:		2. In Chapter II, the following Section 5 is added:	<u>Agreed text</u> 2. In Chapter II, the following Section 5 is added:
<b>1315.</b>	"Section 5		"Section 5	"Section 5

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>1316.</b>	<b>The ETIAS</b>		The ETIAS	The ETIAS
<b>1317.</b>	<i>Article 33a Creation of the ETIAS Central Unit</i>		<i>Article 33a Creation of the ETIAS Central Unit</i>	<i>Article 33a Creation of the ETIAS Central Unit</i>
<b>1318.</b>	1. An ETIAS Central Unit is hereby established.		1. An ETIAS Central Unit is hereby established.	<u>Agreed text</u> 1. An ETIAS Central Unit is hereby established.
<b>1319.</b>	2. The European Border and Coast Guard Agency shall ensure the creation and management of an ETIAS Central Unit pursuant to Article 7 of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)]."		2. The European Border and Coast Guard Agency shall ensure the <u>setting-up and operation</u> <del>creation and management</del> of an ETIAS Central Unit pursuant to Article 7 of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)]."	<u>Provisionally agreed</u> 2. The European Border and Coast Guard Agency shall ensure the setting-up and operation of an ETIAS Central Unit pursuant to Article 7 of [Regulation establishing a European Travel Information and Authorisation System (ETIAS)]."
<b>1320.</b>	<b>CHAPTER XV Final provisions</b>		<b>CHAPTER XV Final provisions</b>	<b>CHAPTER XV Final provisions</b>
<b>1321.</b>	<i>Article 72 Transitional period and transitional measures</i>		<i>Article 72 Transitional period and transitional measures</i>	<i>Article 72 Transitional period and transitional measures</i>
<b>1322.</b>		<b>Amendment 324 Article 72(1)</b>		
<b>1323.</b>	1. For a period of six months from the date ETIAS commences operations, the utilisation of ETIAS shall be optional and the requirement to be in possession of a valid travel authorisation shall not apply. The Commission may adopt a delegated act in accordance with Article 78 to extend that period for a maximum of a further six months.	1. For a period of six months from the date ETIAS commences operations, the utilisation of ETIAS shall be optional and the requirement to be in possession of a valid travel authorisation shall not apply. The Commission may adopt a delegated act in accordance with Article 78 to extend that period for a maximum of a further <i>twelve</i>	1. For a period of six months from the date ETIAS commences operations, the utilisation of ETIAS shall be optional and the requirement to be in possession of a valid travel authorisation shall not apply. The Commission may adopt a delegated act in accordance with Article 78 to extend that period for a maximum of a further six months.	<b>Provisionally agreed:</b> 1. For a period of six months from the date ETIAS commences operations, the utilisation of ETIAS shall be optional and the requirement to be in possession of a valid travel authorisation shall not apply. The Commission may adopt a delegated act in accordance with Article 78 to extend that period for

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		months.		a maximum of a further six months, <b>renewable once.</b>
<b>1324.</b>		<b>Amendment 325 Article 72(2)</b>		
<b>1325.</b>	2. During this six month period, the border guards shall inform third country nationals subject to the travel authorisation requirement crossing the external borders of the requirement to have a valid travel authorisation from the expiry of the six month period. For this purpose, the border guards shall distribute a common leaflet to this category of travellers.	2. During this six month period, the border guards shall inform third country nationals subject to the travel authorisation requirement crossing the external borders of the requirement to have a valid travel authorisation from the expiry of the six month period. For this purpose, the border guards shall distribute a common leaflet to this category of travellers. <i>Such leaflet shall also be made available at the Member States' embassies and Union delegations to the countries falling within the scope of this Regulation.</i>	2. During <del>this six month</del> the period <u>referred to in paragraph 1</u> , the border guards <u>competent for carrying out border checks</u> shall inform third country nationals subject to the travel authorisation requirement crossing the external borders of the requirement to have a valid travel authorisation from the expiry of the six month period. For this purpose, the border guards shall distribute a common leaflet to this category of travellers.	<u>Presidency compromise proposal</u> 2. During the period referred to in paragraph 1, the border guards competent for carrying out border checks shall inform third country nationals subject to the travel authorisation requirement crossing the external borders of the requirement to have a valid travel authorisation from the expiry of the six month period. For this purpose, the border guards shall distribute a common leaflet to this category of travellers. <b>Such leaflet shall also be made available at the Member States' consulates in the countries whose nationals fall within the scope of this Regulation.</b> <b>Ok for LIBE; "border guards" to be changed to "border authorities"</b>
<b>1326.</b>		<b>Amendment 326 Article 72(3)</b>		
<b>1327.</b>	3. The common leaflet shall be drawn up and set up by the Commission. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 79(2) and	3. The common leaflet shall be drawn up and set up by the Commission. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 79(2) and	3. The common leaflet shall be drawn up and set up by the Commission. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 79(2) and	<b>Provisionally agreed:</b> 3. The common leaflet shall be drawn up <del>and set up</del> by the Commission. That implementing act shall be adopted in accordance with the examination procedure

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	shall contain at a minimum the information referred to in Article 61. The leaflet shall be clear and simple and available in a language version the person concerned understands or is reasonably assumed to understand.	shall contain at a minimum the information referred to in Article 61. The leaflet shall be clear and simple and available in <i>all the official languages of the Member States, and in at least one of the official languages of each third country whose nationals fall within the scope of this Regulation.</i>	shall contain at a minimum the information referred to in Article 61. The leaflet shall be clear and simple and available in a language version the person concerned understands or is reasonably assumed to understand.	referred to in Article 79(2) and shall contain at a minimum the information referred to in Article 61. The leaflet shall be clear and simple and available <b>in at least one of the official languages of the countries whose nationals fall within the scope of this Regulation.</b> <del>in a language version the person concerned understands or is reasonably assumed to understand.</del>
<b>1328.</b>	4. A period of grace may be established following the end of the period defined in paragraph 1. During such period, the requirement to be in possession of a valid travel authorisation shall apply. During the period of grace the border guards shall exceptionally allow third country nationals subject to the travel authorisation requirement who are not in possession of a travel authorisation to cross the external borders where they fulfil all the remaining conditions of Article 6(1) of Regulation (EU) 2016/399 provided that they cross the external borders of the Member States for the first time since the end of the period referred to in paragraph 1 of this Article. Border		4. A period of grace of <u>six months</u> <del>may shall apply be established</del> following the end of the period defined in paragraph 1. During such period, the requirement to be in possession of a valid travel authorisation shall apply. During the period of grace the border guards <u>competent for carrying out border checks</u> shall exceptionally allow third country nationals subject to the travel authorisation requirement who are not in possession of a travel authorisation to cross the external borders where they fulfil all the remaining conditions of Article 6(1) of Regulation (EU) 2016/399 provided that they cross the external borders of the Member States for the first time since the	<u>Provisionally agreed</u> 4. A period of grace of six months shall apply following the end of the period defined in paragraph 1. During such period, the requirement to be in possession of a valid travel authorisation shall apply. During the period of grace the border guards competent for carrying out border checks shall exceptionally allow third country nationals subject to the travel authorisation requirement who are not in possession of a travel authorisation to cross the external borders where they fulfil all the remaining conditions of Article 6(1) of Regulation (EU) 2016/399 provided that they cross the external borders of the Member States for the first time since the

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	guards shall notify the third country nationals subject to the travel authorisation requirement of the requirement to be in possession of a valid travel authorisation in accordance with Article 6(1)(b) of Regulation (EU) 2016/399.		end of the period referred to in paragraph 1 <del>of this Article</del> . <del>The border guards shall inform</del> <del>notify</del> the third country nationals subject to the travel authorisation requirement of the requirement to be in possession of a valid travel authorisation in accordance with Article 6(1)(b) of Regulation (EU) 2016/399. <u>The Commission may adopt a delegated act in accordance with Article 78 to extend that period for a maximum of a further six months.</u>	end of the period referred to in paragraph 1. The border guards shall inform the third country nationals subject to the travel authorisation requirement of the requirement to be in possession of a valid travel authorisation in accordance with Article 6(1)(b) of Regulation (EU) 2016/399. The Commission may adopt a delegated act in accordance with Article 78 to extend that period for a maximum of a further six months. <b>During the period of grace entries into the territories of the Member States not operating the EES shall not be taken into consideration.</b>
<b>1329.</b>	5. The Commission shall adopt delegated acts on the duration of the period of grace referred to in paragraph 4. That period shall not exceed twelve months from the end of the period defined in paragraph 1.		<del>5. — The Commission shall adopt delegated acts on the duration of the period of grace referred to in paragraph 4. That period shall not exceed twelve months from the end of the period defined in paragraph 1.</del>	<u>Presidency compromise proposal</u> <b>5. During the transitional period referred to in paragraphs 1 and 2, the ETIAS Central System shall respond to the carriers' query referred to in Article 39(2) by providing the carriers with an OK answer. During the period of grace referred to in paragraph 4, the response sent by the ETIAS Central System to the carriers' query shall take into consideration whether the third country national crosses the external borders of the Member States for the first time since the</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b>end of the period referred to in paragraph 1.</b> <b>To be further discussed</b>
1330.	<i>Article 73</i> <i>Use of data for reporting and statistics</i>		<i>Article 73</i> <i>Use of data for reporting and statistics</i>	<i>Article 73</i> <i>Use of data for reporting and statistics</i>
1331.	1. The duly authorised staff of the competent authorities of Member States, the Commission, eu-LISA and the ETIAS Central Unit shall have access to consult the following data, solely for the purposes of reporting and statistics without allowing for individual identification:		1. The duly authorised staff of the competent authorities of Member States, the Commission, eu-LISA and the ETIAS Central Unit shall have access to consult the following data, solely for the purposes of reporting and statistics without allowing for individual identification:	<u>To be further discussed</u> 1. The duly authorised staff of the competent authorities of Member States, the Commission, eu-LISA and the ETIAS Central Unit shall have access to consult the following data, solely for the purposes of reporting and statistics without allowing for individual identification <b>and in accordance with the safeguards related to non-discrimination referred to in Article 12:</b>
1332.	(a) status information;		(a) status information;	<u>Agreed text</u> (a) status information;
1333.		<b>Amendment 327</b> <b>Article 73(1)(b)</b>		
1334.	(b) nationalities, sex and date of birth of the applicant;	(b) nationalities, sex and <i>year</i> of birth of the applicant;	(b) nationalities, sex and <u>age</u> <del>date of birth</del> of the applicant;	<u>Provisionally agreed</u> (b) nationalities, sex and <b>year of birth</b> <del>age</del> of the applicant;
1335.	(c) the country of residence;		(c) the country of residence;	<u>Agreed text</u> (c) the country of residence;
1336.		<b>Amendment 328</b> <b>Article 73(1)(d)</b>		
1337.	(d) education;	Deleted	(d) education;	<b>Provisionally agreed</b> (d) education ( <del>level</del> -primary,



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				secondary, higher <b>or none</b> );
1338.		<b>Amendment 329 Article 73(1)(e)</b>		
1339.	(e) current occupation (domain), job title;	Deleted	(e) current occupation ( <del>domain</del> ), job title;	<b>Provisionally agreed</b> (e) current occupation <b>job group</b> ), job title;
1340.	(f) the type of the travel document and three letter code of the issuing country;		(f) the type of the travel document and three letter code of the issuing country;	<u>Agreed text</u> (f) the type of the travel document and three letter code of the issuing country;
1341.	(g) the type of travel authorisation and, for travel authorisation with limited territorial validity, a reference to the Member State(s) issuing the travel authorisation with limited territorial validity;		(g) the type of travel authorisation and, for travel authorisation with limited territorial validity <u>as referred to in Article 38</u> , a reference to the Member State(s) issuing the travel authorisation with limited territorial validity;	<u>Provisionally agreed</u> (g) the type of travel authorisation and, for travel authorisation with limited territorial validity as referred to in Article 38, a reference to the Member State(s) issuing the travel authorisation with limited territorial validity;
1342.	(h) the validity period of the travel authorisation;		(h) the validity period of the travel authorisation;	<u>Agreed text</u> (h) the validity period of the travel authorisation;
1343.	(i) the reasons for refusing, revoking or annulling a travel authorisation.		(i) the reasons for refusing, revoking or annulling a travel authorisation;	<u>Agreed text</u> (i) the reasons for refusing, revoking or annulling a travel authorisation;
1344.			<u>(j) IP address.</u>	<b>LIBE does not support this Council addition</b>
1345.		<b>Amendment 330 Article 73(2)</b>		
1346.	2. For the purpose of paragraph 1, eu-LISA shall establish, implement and host a	2. For the purpose of paragraph 1, eu-LISA shall, <b>according to the principles of data</b>	2. For the purpose of paragraph 1, eu-LISA shall establish, implement and host a	<b>Provisionally agreed (wording of the risks as horizontal point open)</b> 2. For the purpose of

Updated 1 February. LIBE comments marked green. Council comments marked yellow. COM input marked turquoise.

Texts still under discussion at technical level marked blue. Texts resulting from the trilogue on 12.12.2017 marked pink when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	central repository containing the data referred to in paragraph 1 which would not allow for the identification of individuals and would allow the authorities listed in paragraph 1 to obtain customisable reports and statistics to improve the assessment of the irregular migration, security and health risks, to enhance the efficiency of border checks, to help the ETIAS Central Unit processing the travel authorisation applications and to support evidence-based Union migration policymaking. The repository shall also contain daily statistics on the data referred to in paragraph 4. Access to the central repository shall be granted by means of secured access through S-TESTA with control of access and specific user profiles solely for the purpose of reporting and statistics.	<b>protection by design and by default</b> , establish, implement and host a central repository containing the data referred to in paragraph 1 which would not allow for the identification of individuals and would allow the authorities listed in paragraph 1 to obtain customisable reports and statistics to improve the assessment of the irregular migration <b>risk, the threat to security and the high epidemic risks</b> , to enhance the efficiency of border checks, to help the ETIAS Central Unit processing the travel authorisation applications and to support evidence-based Union migration policymaking. The repository shall also contain daily statistics on the data referred to in paragraph 4. Access to the central repository shall be granted by means of secured access through S-TESTA with control of access and specific user profiles solely for the purpose of reporting and statistics.	central repository containing the data referred to in paragraph 1 which would not allow for the identification of individuals and would allow the authorities listed in paragraph 1 to obtain customisable reports and statistics to improve the assessment of the <u>security, irregular illegal immigration, security and public health risks</u> , to enhance the efficiency of border checks, to help the ETIAS Central Unit <u>and the ETIAS National Units</u> processing the travel authorisation applications and to support evidence-based Union migration policymaking. The repository shall also contain daily statistics on the data referred to in paragraph 4. Access to the central repository shall be granted by means of secured access through S-TESTA <u>ng</u> with control of access and specific user profiles solely for the purpose of reporting and statistics.	paragraph 1, eu-LISA shall, <b>according to the principles of data protection by design and by default</b> , establish, implement and host a central repository <b>in its technical sites</b> containing the data referred to in paragraph 1 which would not allow for the identification of individuals and would allow the authorities listed in paragraph 1 to obtain customisable reports and statistics to improve the assessment [of the irregular migration <b>risk, the threat to security and the high epidemic risks</b> ,] to enhance the efficiency of border checks, to help the ETIAS Central Unit <u>and the ETIAS National Units</u> processing the travel authorisation applications and to support evidence-based Union migration policymaking. The repository shall also contain daily statistics on the data referred to in paragraph 4. Access to the central repository shall be granted by means of secured access through S-TESTA with control of access and specific user profiles solely for the purpose of reporting and statistics.
1347.	Detailed rules on the operation of the central repository and the data protection and security rules	<b><i>The Commission shall be empowered to adopt delegated acts in accordance with Article 78</i></b>	Detailed rules on the operation of the central repository and the data protection and security rules	<u>Provisionally agreed:</u> Detailed rules on the operation of the central repository and the data

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	applicable to the repository shall be adopted in accordance with the examination procedure referred to in Article 79(2).	<i>concerning the</i> rules on the operation of the central repository, <i>taking into consideration information security risk management and data protection by design and by default.</i>	applicable to the repository shall be adopted in accordance with the examination procedure referred to in Article 79(2).	protection and security rules applicable to the repository shall be adopted in accordance with the examination procedure referred to in Article 79(2).
<b>1348.</b>	3. The procedures put in place by eu-LISA to monitor the development and the functioning of the ETIAS Information System referred to in Article 81(1) shall include the possibility to produce regular statistics for ensuring that monitoring.		3. The procedures put in place by eu-LISA to monitor the development and the functioning of the ETIAS Information System referred to in Article 81(1) shall include the possibility to produce regular statistics for ensuring that monitoring.	
<b>1349.</b>		<b>Amendment 331 Article 73(4)</b>		
<b>1350.</b>	4. Every quarter, eu-LISA shall publish statistics on the ETIAS Information System showing in particular the number and nationality of applicants whose travel authorisation was refused, including the grounds for refusal, and of third country nationals whose travel authorisation were annulled or revoked.	4. Every quarter, eu-LISA shall publish statistics on the ETIAS Information System showing in particular the number and nationality of applicants whose travel authorisation was <i>granted or</i> refused, including the grounds for refusal, and of third country nationals whose travel authorisation were annulled or revoked.	4. Every quarter, eu-LISA shall publish statistics on the ETIAS Information System showing in particular the number and nationality of applicants whose travel authorisation was refused, including the grounds for refusal, and of third country nationals whose travel authorisation <del>were</del> <u>was</u> annulled or revoked.	<u>Provisionally agreed</u> 4. Every quarter, eu-LISA shall publish statistics on the ETIAS Information System showing in particular the number and nationality of applicants whose travel authorisation was <i>issued or</i> refused, including the grounds for refusal, and of third country nationals whose travel authorisation was annulled or revoked.
<b>1351.</b>		<b>Amendment 332 Article 73(5)</b>		
<b>1352.</b>	5. At the end of each year, statistical data shall be compiled in the form of quarterly statistics for	5. At the end of each year, statistical data shall be compiled in the form of <i>an annual report</i> for	5. At the end of each year, statistical data shall be compiled in the form of quarterly statistics for	<u>Provisionally agreed (idem Article 63(5) EES)</u> 5. At the end of each year,

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	that year.	that year. <i><b>The report shall be published and transmitted to the European Parliament, to the Council, to the Commission, to the European Data Protection Supervisor, to the European Border and Coast Guard Agency and to the supervisory authorities.</b></i>	that year.	statistical data shall be compiled in <del>the form of</del> <b>an annual report</b> for that year. <b>The report shall be published and transmitted to the European Parliament, to the Council, to the Commission, to the European Data Protection Supervisor, to the European Border and Coast Guard Agency and to the national supervisory authorities.</b>
1353.		<b>Amendment 333 Article 73(6)</b>		
1354.	6. At the request of the Commission, eu-LISA shall provide it with statistics on specific aspects related to the implementation of this Regulation as well as the statistics pursuant to paragraph 3.	6. At the request of the Commission, <i><b>the European Parliament and the Council</b></i> , eu-LISA shall provide it with statistics on specific aspects related to the implementation of this Regulation as well as the statistics pursuant to paragraph 3.	6. At the request of the Commission, eu-LISA shall provide it with statistics on specific aspects related to the implementation of this Regulation as well as the statistics pursuant to paragraph 3.	<u>Provisionally agreed</u> 6. At the request of the Commission, eu-LISA shall provide it with statistics on specific aspects related to the implementation of this Regulation as well as the statistics pursuant to paragraph 3.
1355.	<i>Article 74 Costs</i>		<i>Article 74 Costs</i>	<i>Article 74 Costs</i>
1356.		<b>Amendment 334 Article 74(1)</b>		
1357.	The costs incurred in connection with the development of the ETIAS Information System, the integration of the existing national border infrastructure and the connection to the National Uniform Interface as well as by hosting the National	The costs incurred in connection with the development of the ETIAS Information System, the integration of the existing national border infrastructure and the connection to the National Uniform Interface as well as by hosting the National	The costs incurred in connection with the development of the ETIAS Information System, the integration of the existing national border infrastructure and the connection to the National Uniform Interface as well as <u>the by hosting of the</u>	<u>Provisionally agreed</u> The costs incurred in connection with the development of the ETIAS Information System, the integration of the existing national border infrastructure and the connection to the National Uniform Interface as

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	Uniform Interface, the set-up of the ETIAS Central and National Units and the operation of the ETIAS shall be borne by the general budget of the Union.	Uniform Interface, the set-up of the ETIAS Central and National Units, <b>the maintenance</b> and operation of the ETIAS, <b>including the costs of staff of the ETIAS National Units</b> , shall be borne by the general budget of the Union. <b>eu-LISA shall pay particular attention to the risk of costs increases and ensure sufficient control of contractors.</b>	National Uniform Interface <del>and</del> , the set-up of the ETIAS Central and National Units <del>and the operation of the ETIAS</del> shall be borne by the general budget of the Union.	well as <del>the by</del> hosting of the National Uniform Interface <del>and</del> , the set-up of the ETIAS Central and National Units <del>and the operation of the ETIAS</del> shall be borne by the general budget of the Union. <u>Recital provisionally agreed:</u> <b>eu-LISA should pay particular attention to the risk of costs increases and ensure sufficient control of contractors.</b>
1358.			<u>The costs of the operation of the ETIAS shall be borne by the general budget of the Union. This shall include the operation and maintenance costs of the ETIAS Information System, including of the National Uniform Interface; the operation costs of the ETIAS Central Unit and the costs of staff and ICT of the ETIAS National Units.</u>	<u>Provisionally agreed</u> The costs of the operation of the ETIAS shall be borne by the general budget of the Union. This shall include the operation and maintenance costs of the ETIAS Information System, including of the National Uniform Interface; the operation costs of the ETIAS Central Unit and the costs of staff and <b>ICT technical equipment (hardware and software) necessary for the fulfilment of the tasks</b> of the ETIAS National Units. <b>[if agreed add here translation costs due to multilingual work of national units]</b>
1359.		<b>Amendment 335 Article 74(2)</b>		
1360.	The following costs shall be excluded:	Deleted	The following costs shall be excluded:	<u>Provisionally agreed</u> The following costs shall be excluded:

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>1361.</b>	(a) Member States' project management office (meetings, missions, offices);		(a) Member States' project management office (meetings, missions, offices);	<u>Provisionally agreed</u> (a) Member States' project management office (meetings, missions, offices);
<b>1362.</b>	(b) hosting of national systems (space, implementation, electricity, cooling);		(b) hosting of national systems (space, implementation, electricity, cooling);	<u>Provisionally agreed</u> (b) hosting of national <b>IT</b> systems (space, implementation, electricity, cooling);
<b>1363.</b>	(c) operation of national systems (operators and support contracts);		(c) operation of national systems (operators and support contracts);	<u>Provisionally agreed</u> (c) operation of national <b>IT</b> systems (operators and support contracts);
<b>1364.</b>	(d) customisation of existing border checks;		(d) customisation of existing border checks;	<u>Provisionally agreed</u> Deleted
<b>1365.</b>	(e) design, development, implementation, operation and maintenance of national communication networks;		(e) design, development, implementation, operation and maintenance of national communication networks.	<u>Provisionally agreed</u> (e) design, development, implementation, operation and maintenance of national communication networks.
<b>1366.</b>		<b>Amendment 336 Article 74(1a)(new)</b>		
<b>1367.</b>		<i>Member States shall receive financial support for expenses incurred by their additional responsibilities under Article 66. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to define this financial support.</i>		<u>Provisionally agreed</u> <b>The costs of the operation of the ETIAS shall also include financial support to Member States for expenses incurred for the customisation and automation of border checks in relation with the implementation of ETIAS. The total amount of this financial support shall be limited to a maximum of 15 million euros for</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b>the first year of operation, to a maximum of 25 million euros for the second year of operation and to a maximum of 50 million euros per year for the subsequent years of operation. The Commission shall be empowered to adopt delegated acts in accordance with Article 78 to define this financial support.</b>
1368.		<b>Amendment 337 Article 74(1b)(new)</b>		
1369.		<i>The European Border and Coast Guard Agency, eu-LISA, Europol, the national supervisory authorities, the European Data Protection Officer and the bodies which are part of the ETIAS Ethics Board shall receive the appropriate additional funding and staff necessary for the fulfilment of the tasks entrusted to them under this Regulation.</i>		<u>Provisionally agreed</u> <b>The European Border and Coast Guard Agency, eu-LISA and Europol shall receive the appropriate additional funding and staff necessary for the fulfilment of the tasks entrusted to them under this Regulation.</b>
1370.	<i>Article 75 Revenues</i>		<i>Article 75 Revenues</i>	<i>Article 75 Revenues</i>
1371.		<b>Amendment 338 Article 75(1)</b>		
1372.	The revenues generated by the ETIAS shall constitute external assigned revenue in accordance with Article 21(4) of Regulation (EU, EURATOM) No 966/2012.	The revenues generated by the ETIAS shall constitute external assigned revenue in accordance with Article 21(4) of Regulation (EU, EURATOM) No 966/2012.	The revenues generated by the ETIAS shall constitute <u>internal</u> <del>external</del> assigned revenue in accordance with Article 21(4) of Regulation (EU, EURATOM) No	The revenues generated by the ETIAS shall constitute internal assigned revenue in accordance with Article 21(4) of Regulation (EU, EURATOM) No 966/2012.

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>Any revenue remaining after covering the cost of the development of the ETIAS and the recurring costs of its operation and maintenance shall be assigned to the Union budget.</i>	966/2012. <u>They shall be assigned to cover the costs of the operation and maintenance of the ETIAS .</u>	They shall be assigned to cover the costs of the operation and maintenance of the ETIAS. <b>Any revenue remaining after covering these costs shall be assigned to the Union budget.</b> <b>LIBE would like to maintain this part without changes.</b>  <b>NB: CLS suggests the following slight redrafting which is more legally sound:</b> "The revenues generated by the ETIAS shall constitute internal assigned revenue in accordance with Article 21(4) of Regulation (EU, EURATOM) No 966/2012. They shall be assigned to cover the costs of the operation and maintenance of the ETIAS. <b>Any revenue <u>which has not been committed until the year n+1 in accordance with Article 14(b) of the Financial Regulation, remaining after covering these costs shall be assigned entered in to the Union budget.</u></b> "
1373.	<i>Article 76 Notifications</i>		<i>Article 76 Notifications</i>	<i>Article 76 Notifications</i>
1374.	1. Member States shall notify the Commission of the authority which is to be considered as controller referred to in Article 50.		1. Member States shall notify the Commission of the authority which is to be considered as controller referred to in Article 50.	<u>Agreed text</u> 1. Member States shall notify the Commission of the authority which is to be considered as



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
				controller referred to in Article 50.
<b>1375.</b>		<b>Amendment 339 Article 76(2)(1)</b>		
<b>1376.</b>	2. The ETIAS Central Unit and the Member States shall notify eu-LISA of the competent authorities referred to in Article 11 which have access to the ETIAS Information System.	The ETIAS Central Unit and the Member States shall notify <i>the Commission and</i> eu-LISA of the competent authorities referred to in Article 11 which have access to the ETIAS Information System.	2. The ETIAS Central Unit and the Member States shall notify eu-LISA of the <del>competent</del> authorities referred to in Article 11 which have access to the ETIAS Information System.	<u>Provisionally agreed (idem Article 65(2) EES)</u> The ETIAS Central Unit and the Member States shall notify <b>the Commission and</b> eu-LISA of the <b>competent</b> authorities referred to in Article 11 which have access to the ETIAS Information System.
<b>1377.</b>		<b>Amendment 340 Article 76(2)(2)</b>		
<b>1378.</b>	A consolidated list of those authorities shall be published in the <i>Official Journal of the European Union</i> within a period of three months from the date on which ETIAS commenced operations in accordance with Article 77. Where there are amendments to the list, eu-LISA shall publish an updated consolidated list once a year.	Deleted	A consolidated list of those authorities shall be published in the <i>Official Journal of the European Union</i> within a period of three months from the date on which ETIAS commenced operations in accordance with Article 77. Where there are amendments to the list, eu-LISA shall publish an updated consolidated list once a year.	<u>Provisionally agreed (idem Article 65(2) EES)</u> <b>Three months after the ETIAS has started operations in accordance with Article 77, eu-LISA shall publish</b> a consolidated list of those authorities <del>shall be published</del> in the <i>Official Journal of the European Union</i> <del>within a period of three months from the date on which ETIAS commenced operations in accordance with Article 77.</del> <b>Member States shall also notify without delay any changes thereto. Where there are amendments to the list, In the event of such changes, eu-LISA shall publish once a year an updated consolidated version list once a year</b> of that information.

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
1379.		<b>Amendment 341 Article 76(3)</b>		
1380.	3. Member States shall notify the Commission of their designated authorities referred to in Article 43 and shall notify without delay any amendments thereto.	3. Member States shall notify the Commission <i>and eu-LISA</i> of their designated authorities referred to in Article 43 and shall notify without delay any amendments thereto.	3. Member States shall notify the Commission of their designated authorities <u>and central access points</u> referred to in Article 43 and shall notify without delay any amendments thereto.	<u>Provisionally agreed</u> (idem Article 65(3) EES) 3. Member States shall notify the Commission <b>and eu-LISA</b> of their designated authorities and of their central access points referred to in Article 43 and shall notify without delay any amendments thereto.
1381.	4. eu-LISA shall notify the Commission of the successful completion of the test referred to in Article 77(1)(b).		4. eu-LISA shall notify the Commission of the successful completion of the test referred to in Article 77(1)(b).	<u>Agreed text</u> 4. eu-LISA shall notify the Commission of the successful completion of the test referred to in Article 77(1)(b).
1382.		<b>Amendment 342 Article 76(5)</b>		
1383.	5. The Commission shall make the information notified pursuant to paragraph 1 available to the Member States and the public by a constantly updated public website.	5. The Commission shall <b><i>publish</i></b> the information notified pursuant to <b><i>paragraphs 1, 2 and 3 in the Official Journal of the European Union. Where there are amendments thereto, the Commission shall publish once a year an updated consolidated version of this information. The Commission shall maintain</i></b> a constantly updated public website <b><i>containing this information in an easily accessible way.</i></b>	5. The Commission shall make the information notified pursuant to paragraph 1 available to the Member States and the public by a constantly updated public website.	<u>Provisionally agreed</u> (idem Article 65(6) EES) The Commission shall <b>publish the information referred to in</b> <del>make the information notified pursuant to</del> paragraphs 1 <b>and 3</b> <del>available to the Member States and the public by a constantly</del> <b>in the Official Journal of the European Union. In the event of changes thereto, the Commission shall publish once a year an updated consolidated version of that information. The Commission shall maintain a continuously</b> updated public

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
				website <b>containing that information.</b>
<b>1384.</b>	<i>Article 77 Start of operations</i>		<i>Article 77 Start of operations</i>	
<b>1385.</b>	1. The Commission shall determine the date from which the ETIAS is to start operations, after the following conditions are met:		1. The Commission shall determine the date from which the ETIAS is to start operations, after the following conditions are met:	
<b>1386.</b>		<b>Amendment 343 Article 77(1)(-a)(new)</b>		
<b>1387.</b>		<i>(-a) the necessary amendments to the legal acts of the information systems referred to in Article 10 with which interoperability shall be established with the ETIAS Information System have entered into force;</i>		EP amendment accepted in principle COM to make proposal for wording adjustment
<b>1388.</b>		<b>Amendment 344 Article 77(1)(-aa)(new)</b>		
<b>1389.</b>		<i>(-aa) the necessary amendment to Regulation (EU) No 1077/2011 of the European Parliament and of the Council<sup>92</sup> entrusting the eu-LISA with the operational management of ETIAS has entered into force;</i>		EP amendment accepted in principle Possibly add in new eu-LISA Regulation: "References to Regulation (EU) No 1077/2011 shall be construed as references to this Regulation."
<b>1390.</b>		<b>Amendment 345 Article 77(1)(-ab)(new)</b>		

<sup>92</sup> Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 286 1.11.2011, p. 1).

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
1391.		<i>(-ab) the necessary amendments to the legal acts of the information systems referred to in Article 18 providing for an access to these databases for the ETIAS Central Unit have entered into force;</i>		EP amendment accepted in principle COM to make proposal for wording adjustment
1392.	(a) the measures referred to in Article 15(3) and (4), Article 16(4), Article 28(3), Article 39(3), Article 40(2), Article 72(1) and (5) and Article 73(2) have been adopted;		(a) the measures referred to in Article 15(3) and (4), Article 16(4), Article 28(3), Article 39(3), Article 40(2), Article 72(1) and (5) and Article 73(2) have been adopted;	Might have to be updated
1393.	(b) eu-LISA has declared the successful completion of a comprehensive test of the ETIAS;		(b) eu-LISA has declared the successful completion of a comprehensive test of the ETIAS;	Agreed text (b) eu-LISA has declared the successful completion of a comprehensive test of the ETIAS;
1394.	(c) eu-LISA and the ETIAS Central Unit have validated the technical and legal arrangements to collect and transmit the data referred to in Article 15 to the ETIAS Central System and have notified them to the Commission;		(c) eu-LISA and the ETIAS Central Unit have validated the technical and legal arrangements to collect and transmit the data referred to in Article 15 to the ETIAS Central System and have notified them to the Commission;	Agreed text (c) eu-LISA and the ETIAS Central Unit have validated the technical and legal arrangements to collect and transmit the data referred to in Article 15 to the ETIAS Central System and have notified them to the Commission;
1395.	(d) the Member States and the ETIAS Central Unit have notified to the Commission the data concerning the various authorities referred to in Article 76(1) and (3).		(d) the Member States and the ETIAS Central Unit have notified to the Commission the data concerning the various authorities referred to in Article 76(1) and (3).	Agreed text (d) the Member States and the ETIAS Central Unit have notified to the Commission the data concerning the various authorities referred to in Article 76(1) and (3).
1396.	2. The test of the ETIAS referred to in point (b) of paragraph 1 shall be conducted by eu-LISA in		2. The test of the ETIAS referred to in point (b) of paragraph 1 shall be conducted by eu-LISA in	Agreed text 2. The test of the ETIAS referred to in point (b) of paragraph

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	cooperation with the Member States and the ETIAS Central Unit.		cooperation with the Member States and the ETIAS Central Unit.	1 shall be conducted by eu-LISA in cooperation with the Member States and the ETIAS Central Unit.
<b>1397.</b>	3. The Commission shall inform the European Parliament and the Council of the results of the test carried out pursuant to point (b) of paragraph 1.		3. The Commission shall inform the European Parliament and the Council of the results of the test carried out pursuant to point (b) of paragraph 1.	<u>Agreed text</u> 3. The Commission shall inform the European Parliament and the Council of the results of the test carried out pursuant to point (b) of paragraph 1.
<b>1398.</b>	4. The Commission decision referred to in paragraph 1 shall be published in the <i>Official Journal of the European Union</i> .		4. The Commission decision referred to in paragraph 1 shall be published in the <i>Official Journal of the European Union</i> .	<u>Agreed text</u> 4. The Commission decision referred to in paragraph 1 shall be published in the <i>Official Journal of the European Union</i> .
<b>1399.</b>	5. The Member States and the ETIAS Central Unit shall start using the ETIAS from the date determined by the Commission in accordance with paragraph 1.		5. The Member States and the ETIAS Central Unit shall start using the ETIAS from the date determined by the Commission in accordance with paragraph 1.	<u>Agreed text</u> 5. The Member States and the ETIAS Central Unit shall start using the ETIAS from the date determined by the Commission in accordance with paragraph 1.
<b>1400.</b>	<i>Article 78 Exercise of the delegation</i>		<i>Article 78 Exercise of the delegation</i>	<i>Article 78 Exercise of the delegation</i>
<b>1401.</b>	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	<u>Agreed text</u> 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
<b>1402.</b>		<b>Amendment 346 Article 78(2)</b>		
<b>1403.</b>	2. The power to adopt delegated acts referred to in Article 15(3) and (4), Article 16(4), Article	2. The power to adopt delegated acts referred to in Article <b>6(3a)</b> , <b>Article 13(db)</b> , <b>Article 15(5)</b>	2. The power to adopt delegated acts referred to in Article 15(3), <u>(5)</u> and <del>(4)</del> <u>(6)</u> , Article 16(4),	<u>Provisionally agreed:</u> 2. The power to adopt delegated acts referred to in Article

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	28(3) and Article 72(1) and (5) shall be conferred on the Commission for an indeterminate period of time from [ <i>the date of entry into force of this Regulation</i> ].	<b>and (6)</b> , Article 16(4), <b>Article 26a</b> , Article 28(3), <b>Article 32(2a)</b> , <b>Article 33</b> , Article 72(1) and (5), <b>Article 73(2) and Article 74</b> shall be conferred on the Commission for an indeterminate period of time from [ <i>the date of entry into force of this Regulation</i> ].	Article <u>23(2a)</u> <del>28(3)(4)</del> and Article 72(1) and <del>(5)(4)</del> shall be conferred on the Commission for an <del>an</del> <u>indeterminate</u> a period of <u>time</u> <u>five</u> years from [ <i>the date of entry into force of this Regulation</i> ]. <u>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</u>	[Article 6(3a)(new) <b>15(3)</b> <b>15(5)</b> <b>15(6)</b> <b>16(4)</b> <b>23(2a)</b> <b>[23(6aa)]</b> <b>28(2)</b> <b>30(1c)</b> <b>33(1a)</b> <b>47(1a)</b> <b>72(1)</b> <b>72(4)</b> <b>74(1a)</b> xxxxx] shall be conferred on the Commission for a period of five years from [ <i>the date of entry into force of this Regulation</i> ]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.  <b>List of delegated acts to be checked</b>
<b>1404.</b>		<b>Amendment 347 Article 78(3)</b>		
<b>1405.</b>	3. The delegation of power	3. The delegation of power	3. The delegation of power	<u>Provisionally agreed:</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	referred to in Article 15(3) and (4), Article 16(4), Article 28(3) and Article 72(1) and (5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	referred to in Article <b>6(3a)</b> , <b>Article 13(db)</b> , <b>Article 15(5) and (6)</b> , Article 16(4), <b>Article 26a</b> , Article 28(3), <b>Article 32(2a)</b> , <b>Article 33</b> , Article 72(1) and (5), <b>Article 73(2) and Article 74</b> may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	referred to in Article 15(3), <b>(5)</b> and <b>(46)</b> , Article 16(4), Article <b>23(2a)</b> <b>28(3)</b> and Article 72(1) and <b>(5)(4)</b> may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Article [xxxx] may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.  <b>NB: the exact references to the Articles numbers will be added once the text is stable.</b>
<b>1406.</b>			<u>3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.</u>	<u>Provisionally agreed:</u> 3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.
<b>1407.</b>	4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	<u>Agreed text</u> 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
				Council.
<b>1408.</b>		<b>Amendment 348 Article 78(5)</b>		
<b>1409.</b>	5. A delegated act adopted pursuant to Article 15(2) and (4), Article 16(4), Article 28(3) and Article 72(1) and (4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.	5. A delegated act adopted pursuant to Article <b>6(3a)</b> , <b>Article 13(db)</b> , <b>Article 15(5) and (6)</b> , Article 16(4), <b>Article 26a</b> , Article 28(3), <b>Article 32(2a)</b> , <b>Article 33</b> , Article 72(1) and (5), <b>Article 73(2) and Article 74</b> shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.	5. A delegated act adopted pursuant to Article 15(3)(2), (5) and <del>(4)</del> (6), Article 16(4), Article 28(3)(1) and Article 72(1) and <del>(5)</del> (4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.	<u>Provisionally agreed:</u> 5. A delegated act adopted pursuant to Article [xxxxxx] shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.  NB: the exact references to the Articles numbers will be added once the text is stable.
<b>1410.</b>	<i>Article 79 Committee procedure</i>		<i>Article 79 Committee procedure</i>	<i>Article 79 Committee procedure</i>
<b>1411.</b>	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.		1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	<u>Agreed text</u> 1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
				(EU) No 182/2011.
<b>1412.</b>	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.		2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. <u>Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply</u>	<b>LIBE does not support the addition of the “no-opinion clause”</b>
<b>1413.</b>	<i>Article 80 Advisory group</i>		<i>Article 80 Advisory group</i>	<i>Article 80 Advisory group</i>
<b>1414.</b>	The eu-LISA EES Advisory Group responsibilities shall be extended to ETIAS. This EES-ETIAS Advisory Group shall provide eu-LISA with the expertise related to the ETIAS in particular in the context of the preparation of its annual work programme and its annual activity report.		The eu-LISA EES Advisory Group responsibilities shall be extended to ETIAS. This EES-ETIAS Advisory Group shall provide eu-LISA with the expertise related to the ETIAS in particular in the context of the preparation of its annual work programme and its annual activity report.	<u>Agreed text</u> The eu-LISA EES Advisory Group responsibilities shall be extended to ETIAS. This EES-ETIAS Advisory Group shall provide eu-LISA with the expertise related to the ETIAS in particular in the context of the preparation of its annual work programme and its
<b>1415.</b>	<i>Article 81 Monitoring and evaluation</i>		<i>Article 81 Monitoring and evaluation</i>	<del>AM 78 (rows 279-288) to be further discussed to ensure coherence with this Article</del> <i>Article 81 Monitoring and evaluation</i>
<b>1416.</b>	1. eu-LISA shall ensure that procedures are in place to monitor the development of the ETIAS Information System in light of objectives relating to planning and		1. eu-LISA shall ensure that procedures are in place to monitor the development of the ETIAS Information System in light of objectives relating to planning and	<u>Agreed text</u> 1. eu-LISA shall ensure that procedures are in place to monitor the development of the ETIAS Information System in light of

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	costs and to monitor the functioning of the ETIAS in light of objectives relating to the technical output, cost-effectiveness, security and quality of service.		costs and to monitor the functioning of the ETIAS in light of objectives relating to the technical output, cost-effectiveness, security and quality of service.	objectives relating to planning and costs and to monitor the functioning of the ETIAS in light of objectives relating to the technical output, cost-effectiveness, security and quality of service.
1417.		<b>Amendment 349 Article 81(2)</b>		
1418.	2. By [ <i>Six months after the entry into force of this Regulation – OPOCE</i> , please replace with the actual date] and every six months thereafter during the development phase of the ETIAS Information System, eu-LISA shall submit a report to the European Parliament and the Council on the state of play of the development of the Central System, the Uniform Interfaces and the Communication Infrastructure between the Central System and the Uniform Interfaces. Once the development is finalised, a report shall be submitted to the European Parliament and the Council explaining in detail how the objectives, in particular relating to planning and costs, were achieved as well as justifying any divergences.	2. By [ <i>Six months after the entry into force of this Regulation – OPOCE</i> , please replace with the actual date] and every six months thereafter during the development phase of the ETIAS Information System, eu-LISA shall submit a report to the European Parliament and the Council on the state of play of the development of the Central System, the Uniform Interfaces and the Communication Infrastructure between the Central System and the Uniform Interfaces. <b><i>That report shall contain detailed information about the costs incurred and information as to any risks which may impact the overall costs of the system to be borne by the general budget of the Union in accordance with Article 74.</i></b> Once the development is finalised, a report shall be submitted to the European Parliament and the Council explaining in detail how the	2. By [ <i>Six months after the entry into force of this Regulation – OPOCE</i> , please replace with the actual date] and every six months thereafter during the development phase of the ETIAS Information System, eu-LISA shall submit a report to the European Parliament and the Council on the state of play of the development of the Central System, the <u>National</u> Uniform Interfaces and the Communication Infrastructure between the Central System and the <u>National</u> Uniform Interfaces. Once the development is finalised, a report shall be submitted to the European Parliament and the Council explaining in detail how the objectives, in particular relating to planning and costs, were achieved as well as justifying any divergences.	<u>Provisionally agreed</u> 2. By [ <i>Six months after the entry into force of this Regulation – OPOCE</i> , please replace with the actual date] and every six months thereafter during the development phase of the ETIAS Information System, eu-LISA shall submit a report to the European Parliament and the Council on the state of play of the development of the Central System, the <u>National</u> Uniform Interfaces and the Communication Infrastructure between the Central System and the <u>National</u> Uniform Interfaces. <b>That report shall contain detailed information about the costs incurred and information as to any risks which may impact the overall costs of the system to be borne by the general budget of the Union in accordance with Article 74.</b> <b>By [<i>Six months after the entry into force of this Regulation –</i></b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
		objectives, in particular relating to planning and costs, were achieved as well as justifying any divergences.		<b>OPOCE, please replace with the actual date] and every six months thereafter during the development phase of the ETIAS Information System, Europol and the European Border and Coast Guard Agency shall submit a report to the European Parliament and the Council on the state of preparation for the implementation of this Regulation including detailed information about the costs incurred and information as to any risks which may impact the overall costs of the system to be borne by the general budget of the Union in accordance with Article 74.</b> Once the development is finalised, a report shall be submitted to the European Parliament and the Council explaining in detail how the objectives, in particular relating to planning and costs, were achieved as well as justifying any divergences.
<b>1419.</b>	3. For the purposes of technical maintenance, eu-LISA shall have access to the necessary information relating to the data processing operations performed in the ETIAS Information System.		3. For the purposes of technical maintenance, eu-LISA shall have access to the necessary information relating to the data processing operations performed in the ETIAS Information System.	<u>Agreed text</u> 3. For the purposes of technical maintenance, eu-LISA shall have access to the necessary information relating to the data processing operations performed in

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				the ETIAS Information System.
1420.	4. For the first time two years after the start of operations of the ETIAS and every two years thereafter, eu-LISA shall submit to the European Parliament, the Council and the Commission a report on the technical functioning of ETIAS Information System, including the security thereof.		4. <del>For the first time</del> Two years after the start of operations of the ETIAS and every two years thereafter, eu-LISA shall submit to the European Parliament, the Council and the Commission a report on the technical functioning of ETIAS Information System, including the security thereof.	<u>Provisionally agreed:</u> 4. Two years after the start of operations of the ETIAS and every two years thereafter, eu-LISA shall submit to the European Parliament, the Council and the Commission a report on the technical functioning of ETIAS Information System, including the security thereof.
1421.		<b>Amendment 350 Article 81(5)(1) Introductory part</b>		
1422.	5. Three years after the start of operations of the ETIAS and every four years thereafter, the Commission shall evaluate ETIAS and shall make any necessary recommendations to the European Parliament and the Council. This evaluation shall include:	<i>Two</i> years after the start of operations of the ETIAS and every <i>three</i> years thereafter, the Commission shall evaluate ETIAS and shall make any necessary recommendations to the European Parliament and the Council, <b><i>including a detailed assessment of their budgetary implications.</i></b> This evaluation shall include:	5. Three years after the start of operations of the ETIAS and every four years thereafter, the Commission shall evaluate ETIAS and shall make any necessary recommendations to the European Parliament and the Council. This evaluation shall include:	<b><u>Presidency compromise proposal</u></b> <b><u>(based on wording from row 330 - EP amendment 87)</u></b> 5. Three years after the start of operations of the ETIAS and every four years thereafter, the Commission shall evaluate ETIAS and shall make any necessary recommendations to the European Parliament and the Council. This evaluation shall include: <b>(-a) the verification query of Interpol databases through ETIAS, including information on the number of hits against Interpol databases, the number of travel authorisations refused following such hits and information on any problems encountered, as well as, if</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b>appropriate, an assessment of the need for a legislative proposal amending this Regulation.</b>  NB: replacement of "verification" by "query" results from the alignment with wording of AM87 in row 327 <b>Ok for LIBE</b>
1423.		<b>Amendment 351</b> <b>Article 81(5)(1)(a)</b>		
1424.	(a) the results achieved by the ETIAS having regard to its objectives, mandate and tasks;	(a) <i>the costs and</i> the results achieved by the ETIAS having regard to its objectives, mandate and tasks;	(a) the results achieved by the ETIAS having regard to its objectives, mandate and tasks;	<u>Provisionally agreed</u> (see also row 1439) (a) the results achieved by the ETIAS having regard to its objectives, mandate and tasks;
1425.		<b>Amendment 352</b> <b>Article 81(5)(1)(b)</b>		
1426.	(b) the impact, effectiveness and efficiency of the ETIAS performance and its working practices in relation to its objectives, mandate and tasks;	(b) the impact, effectiveness and efficiency of the ETIAS performance, <i>including the ETIAS Central Unit and ETIAS National Units</i> , and its working practices in relation to its objectives, mandate and tasks;	(b) the impact, effectiveness and efficiency of the ETIAS performance and its working practices in relation to its objectives, mandate and tasks, <u>including the impact of the travel authorisation requirement for the purpose of airport transit, in relation to the objectives of the ETIAS and taking into account the economic impact of this requirement</u> ;	<u>Provisionally agreed</u> : (b) the impact, effectiveness and efficiency of the ETIAS performance and its working practices in relation to its objectives, mandate and tasks, <u>including the impact of the travel authorisation requirement for the purpose of airport transit, in relation to the objectives of the ETIAS and taking into account the economic impact of this requirement</u> ;

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
1427.		<b>Amendment 353</b> <b>Article 81(5)(1)(ba)</b>		
1428.		<i>(ba) the security of ETIAS;</i>		<u>Provisionally agreed</u> (ba) an assessment of the security of the ETIAS;
1429.		<b>Amendment 354</b> <b>Article 81(5)(1)(c)</b>		
1430.	(c) the rules of the automated application processor used for the purpose of risk assessment;	(c) the <i>screening</i> rules used for the purpose of risk assessment;	(c) the rules of the automated application processor used for the purpose of risk assessment;	<u>Provisionally agreed</u> (c) the <b>screening</b> rules used for the purpose of risk assessment;
1431.		<b>Amendment 355</b> <b>Article 81(5)(1)(ca)</b>		
1432.		<i>(ca) the ETIAS watchlist;</i>		<u>Provisionally agreed</u> (comes from row 1453)  <b>(ca) the ETIAS watchlist including the number of travel authorisation applications which were refused taking into account a positive hit against the ETIAS watchlist;</b>
1433.	(d) the possible need to modify the mandate of the ETIAS Central Unit;		(d) the possible need to modify the mandate of the ETIAS Central Unit;	<u>Agreed text</u> (d) the possible need to modify the mandate of the ETIAS Central Unit;
1434.	(e) the financial implications of any such modification;		(e) the financial implications of any such modification;	<u>Agreed text</u> (e) the financial implications of any such modification;
1435.	(f) the impact on fundamental		(f) the impact on fundamental	<u>Agreed text</u>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
	rights.		rights.	(f) the impact on fundamental rights.
1436.		<b>Amendment 356</b> <b>Article 81(5)(1)(fa)</b>		
1437.		<i>(fa) the impact on diplomatic relations between the Union and the third countries involved;</i>		<u>Provisionally agreed</u> <b>(fa) the impact on diplomatic relations between the Union and the third countries involved;</b>
1438.		<b>Amendment 357</b> <b>Article 81(5)(1)(fb)</b>		
1439.		<i>(fb) generated revenues of the EU and expenditures incurred by the EU bodies as well as Member States.</i>		<u>Provisionally agreed</u> <b>(fb) the revenue generated through the travel authorisation fee, the costs incurred in connection with the development of the ETIAS [as referred to in Article 74(1) first subparagraph], the costs for the operation of the ETIAS [as referred to in Article 74(1) second subparagraph], the costs incurred by eu-LISA, Europol and the European Border and Coast Guard Agency <b>in relation to their tasks pursuant to this Regulation</b>, as well as any revenue allocated in accordance with Article 75.</b>
1440.				<u>Provisionally agreed</u> (moved from row 1455) <b>(fc) the use of the ETIAS for law enforcement purposes on the basis of the information referred</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
				<b>to in paragraph 8 of this Article.</b>
<b>1441.</b>		<b>Amendment 358 Article 81(2)</b>		
<b>1442.</b>	The Commission shall transmit the evaluation report to the European Parliament and the Council.	The Commission shall transmit the evaluation report to the European Parliament, the Council, <i>the European Data Protection Supervisor and the European Agency for Fundamental Rights</i> .	The Commission shall transmit the evaluation report to the European Parliament and the Council.	<u>Provisionally agreed</u> The Commission shall transmit the evaluation report to the European Parliament, the Council, <b>the European Data Protection Supervisor and the European Agency for Fundamental Rights</b> .
<b>1443.</b>	6. The Member States and Europol shall provide eu-LISA, the ETIAS Central Unit and the Commission with the information necessary to draft the reports referred to in paragraphs 4 and 5. This information shall not jeopardise working methods or include information that reveals sources, staff members or investigations of the designated authorities.		6. The Member States and Europol shall provide eu-LISA, the ETIAS Central Unit and the Commission with the information necessary to draft the reports referred to in paragraphs 4 and 5. This information shall not jeopardise working methods or include information that reveals sources, staff members or investigations of the designated authorities.	<u>Agreed text</u> 6. The Member States and Europol shall provide eu-LISA, the ETIAS Central Unit and the Commission with the information necessary to draft the reports referred to in paragraphs 4 and 5. This information shall not jeopardise working methods or include information that reveals sources, staff members or investigations of the designated authorities.
<b>1444.</b>	7. eu-LISA and the ETIAS Central Unit shall provide the Commission with the information necessary to produce the evaluations referred to in paragraph 5.		7. eu-LISA and the ETIAS Central Unit shall provide the Commission with the information necessary to produce the evaluations referred to in paragraph 5.	<u>Agreed text</u> 7. eu-LISA and the ETIAS Central Unit shall provide the Commission with the information necessary to produce the evaluations referred to in paragraph 5.
<b>1445.</b>	8. While respecting the provisions of national law on the		8. While respecting the provisions of national law on the	<u>Provisionally agreed</u> 8. While respecting the



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	publication of sensitive information, each Member State and Europol shall prepare annual reports on the effectiveness of access to data stored in the ETIAS Central System for law enforcement purposes containing information and statistics on:		publication of sensitive information, each Member State and Europol shall prepare annual reports on the effectiveness of access to data stored in the ETIAS Central System for <del>law enforcement</del> <u>the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences</u> , containing information and statistics on:	provisions of national law on the publication of sensitive information, each Member State and Europol shall prepare annual reports on the effectiveness of access to data stored in the ETIAS Central System for law enforcement purposes containing information and statistics on:
<b>1446.</b>	(a) the exact purpose of the consultation including the type of terrorist or serious criminal offence;		(a) the exact purpose of the consultation including the type of terrorist or serious criminal offence;	<u>Agreed text</u> (a) the exact purpose of the consultation including the type of terrorist or serious criminal offence;
<b>1447.</b>	(b) reasonable grounds given for the substantiated suspicion that the suspect, perpetrator or victim is covered by this Regulation;		(b) reasonable grounds given for the substantiated suspicion that the suspect, perpetrator or victim is covered by this Regulation;	<u>Agreed text</u> (b) reasonable grounds given for the substantiated suspicion that the suspect, perpetrator or victim is covered by this Regulation;
<b>1448.</b>	(c) the number of requests for access to the ETIAS Central System for law enforcement purposes;		(c) the number of requests for access to the ETIAS Central System <u>in order to prevent, detect and investigate terrorist offences or other serious criminal offences</u> <del>for law enforcement purposes</del> ;	<u>Provisionally agreed (idem Article 72(8)(d) EES)</u> (c) the number of requests for access to the ETIAS Central System <u>in order to prevent, detect and investigate terrorist offences or other serious criminal offences for law enforcement purposes</u> ;
<b>1449.</b>	(d) the number and type of cases which have ended in successful identifications;		(d) the number and type of cases which have ended in <u>hits</u> <del>successful identifications</del> ;	<u>Provisionally agreed</u> (d) the number and type of cases which have <del>ended</del> <b>resulted in</b> hits

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>1450.</b>	(e) the need and use made of the exceptional case of urgency including those cases where that urgency was not accepted by the ex post verification carried out by the central access point.		(e) the need and use made of the <del>exceptional case of</del> urgency <u>procedure referred to in Article 44(4) including those cases where that urgency was not accepted by the ex post verification carried out by the central access point in accordance with Article 44(5).</u>	<u>Provisionally agreed</u> (e) <del>the need and use made of</del> <b>number and type of cases in which the</b> urgency procedure referred to in Article 44(4) <b>was used</b> , including those cases where that urgency was not accepted by the ex post verification carried out by the central access point <del>in accordance with Article 44(5).</del>
<b>1451.</b>			<u>A technical solution shall <del>to be</del> made available to Member States in order to facilitate the collection of this data pursuant to Chapter IX for the purpose of generating statistics referred to in this paragraph. The specifications shall be adopted by the Commission by means of implementing acts in accordance with the examination procedure referred to in Article 79(2).</u>	<u>Provisionally agreed</u> A technical solution shall be made available to Member States in order to facilitate the collection of this data pursuant to Chapter IX for the purpose of generating statistics referred to in this paragraph. The Commission shall adopt implementing acts concerning the specifications of the technical solution. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 79(2).
<b>1452.</b>		<b>Amendment 359 Article 81(8)(1)(ea)(new)</b>		
<b>1453.</b>		<i>(ea) the number of travel authorisation applications refused on the basis of a positive hit involving the ETIAS watchlist;</i>		See above under row 1432
<b>1454.</b>		<b>Amendment 360</b>		

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<b>Article 81(8)(2)</b>		
1455.	Member States' and Europol's annual reports shall be transmitted to the Commission by 30 June of the subsequent year.	Member States' and Europol's annual reports shall be transmitted to the Commission, <i>the European Parliament and the Council</i> by 30 June of the subsequent year.	Member States' and Europol's annual reports shall be transmitted to the Commission by 30 June of the subsequent year.	See above under row 1440
1456.			<i>Article 81a Practical Handbook</i>	<u>Provisionally agreed</u> <i>Article 81a Practical Handbook</i>
1457.			<u>The Commission shall, in close cooperation with the Member States and the relevant Union Agencies, make available a practical handbook, which shall contain guidelines, recommendations and best practices for the implementation of this Regulation, also taking into account relevant existing handbooks. The Commission shall adopt the handbook in the form of a recommendation.</u>	Provisionally agreed The Commission shall, in close cooperation with the Member States and the relevant Union Agencies, make available a practical handbook, which shall contain guidelines, recommendations and best practices for the implementation of this Regulation, also taking into account relevant existing handbooks. The Commission shall adopt the handbook in the form of a recommendation.
1458.				<u>Provisionally agreed</u> <i>Article 81b Ceuta and Melilla</i>
1459.				<u>Provisionally agreed</u> This Regulation shall not affect the special rules applying to the cities of Ceuta and Melilla, as defined in the Declaration of the Kingdom of Spain on the cities of Ceuta and

Updated 1 February. LIBE comments marked green. Council comments marked yellow. COM input marked turquoise.

Texts still under discussion at technical level marked blue. Texts resulting from the trilogue on 12.12.2017 marked pink when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				Melilla in the Final Act to the Agreement on the Accession of the Kingdom of Spain to the Convention implementing the Schengen Agreement of 14 June 1985.
1460.			<i>Article 81b</i> <i>Financial Contribution of the countries associated with the implementation, application and development of the Schengen acquis</i>	Agreed in principle To be checked whether “arrangements” can be replaced by “international agreements” It cannot, see for example wording used in eu-LISA Regulation (CLS) Recital to be provided by Council Legal Service clarifying that “arrangement” will mean “international agreement under Art. 218 TFEU”  <i>Article 81b</i> <i>Financial contribution of the countries associated with the implementation, application and development of the Schengen acquis</i>
1461.			<u>Under the relevant provisions of their association agreements, arrangements shall be made in relation to the financial contributions of the countries associated with the implementation, application and development of the Schengen acquis.</u>	Under the relevant provisions of their association agreements, arrangements shall be made in relation to the financial contributions of the countries associated with the implementation, application and development of the Schengen acquis.
1462.	<i>Article 82</i>		<i>Article 82</i>	<i>Article 82</i>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
	<i>Entry into force and applicability</i>		<i>Entry into force and applicability</i>	<i>Entry into force and applicability</i>
<b>1463.</b>	This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .		This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	<u>Agreed text</u> This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .
<b>1464.</b>		<b>Amendment 361 Article 82(1a)(new)</b>		
<b>1465.</b>		<i>This Regulation shall apply from the date determined by the Commission in accordance with Article 77, with the exception of Articles 62, 63, 68, 74, 76, 78, 79 as well as the provisions related to the measures referred to in Article 77(1), which shall apply from the date of entry into force of this Regulation.</i>		<u>Provisionally agreed</u> <b>This Regulation shall apply from the date determined by the Commission in accordance with Article 77, with the exception of [Articles xxxxxx] as well as the provisions related to the measures referred to in Article 77(1), which shall apply from the date of entry into force of this Regulation.</b>  NB: the exact references to the Articles numbers will be added once the text is stable.  <u>Presidency compromise proposal (to be tested with delegations)</u> <b>The provisions relating to the consultation of Eurodac shall only enter into force once the proposal for a recast of the Eurodac Regulation is adopted.</b> <b>Provision to be included</b>

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
				<b>elsewhere (Art. 18?)</b>
1466.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.		This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	<u>Agreed text</u> This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.
1467.	Done at Brussels,		Done at Brussels,	<u>Agreed text</u> Done at Brussels,
1468.	<i>For the European Parliament For the Council</i>		<i>For the European Parliament For the Council</i>	<u>Agreed text</u> <i>For the European Parliament For the Council</i>
1469.	<i>The President The President</i>		<i>The President The President</i>	<u>Agreed text</u> <i>The President The President</i>
1470.		<b>Amendment 362 Annex 1a (new)</b>	<b>Annex</b>	<b>Annex</b>
1471.		<i>List of criminal offences referred to in Article 15(4)(b)</i>	<b>List of offences referred to in Article 15(4)(b)</b>	<u>Provisionally agreed</u> List of <b>criminal</b> offences referred to in Article 15(4)(b)
1472.		<i>1. terrorist offences,</i>	<u>0. terrorist offences</u>	1. terrorist offences,
1473.		<i>2. participation in a criminal organisation,</i>	1. participation in a criminal organisation,	2. participation in a criminal organisation,

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
1474.		<b>3. <i>trafficking in human beings,</i></b>	2. trafficking in human beings,	3. trafficking in human beings,
1475.		<b>4. <i>sexual exploitation of children and child pornography,</i></b>	3. sexual exploitation of children and child pornography,	4. sexual exploitation of children and child pornography,
1476.		<b>5. <i>illicit trafficking in narcotic drugs and psychotropic substances,</i></b>	4. illicit trafficking in narcotic drugs and psychotropic substances,	5. illicit trafficking in narcotic drugs and psychotropic substances,
1477.		<b>6. <i>illicit trafficking in weapons, munitions and explosives,</i></b>	5. illicit trafficking in weapons, munitions and explosives,	6. illicit trafficking in weapons, munitions and explosives,
1478.		<b>7. <i>corruption,</i></b>	6. corruption,	7. corruption,
1479.		<b>8. <i>fraud, including that against the financial interests of the Union,</i></b>	7. fraud, including that against the financial interests of the Union,	8. fraud, including that against the financial interests of the Union,
1480.		<b>9. <i>laundering of the proceeds of crime and counterfeiting of currency, including the euro,</i></b>	8. laundering of the proceeds of crime and counterfeiting of currency, including the euro,	9. laundering of the proceeds of crime and counterfeiting of currency, including the euro,
1481.		<b>10. <i>computer-related crime/cybercrime,</i></b>	9. computer-related crime/cybercrime,	10. computer-related crime/cybercrime,
1482.		<b>11. <i>environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties,</i></b>	10. environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties,	11. environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties,
1483.		<b>12. <i>facilitation of</i></b>	11. facilitation of unauthorised	12. facilitation of unauthorised

Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	Commission proposal (ST 14082/16)	EP amendments	Council position (ST 10017/17)	Compromise text proposals
		<i>unauthorised entry and residence,</i>	entry and residence,	entry and residence,
1484.		<i>13. murder, grievous bodily injury,</i>	12. murder, grievous bodily injury,	13. murder, grievous bodily injury,
1485.		<i>14. illicit trade in human organs and tissue,</i>	13. illicit trade in human organs and tissue,	14. illicit trade in human organs and tissue,
1486.		<i>15. kidnapping, illegal restraint and hostage-taking,</i>	14. kidnapping, illegal restraint and hostage-taking,	15. kidnapping, illegal restraint and hostage-taking,
1487.		<i>16. organised and armed robbery,</i>	15. organised and armed robbery,	16. organised and armed robbery,
1488.		<i>17. illicit trafficking in cultural goods, including antiques and works of art,</i>	16. illicit trafficking in cultural goods, including antiques and works of art,	17. illicit trafficking in cultural goods, including antiques and works of art,
1489.		<i>18. counterfeiting and piracy of products,</i>	17. counterfeiting and piracy of products,	18. counterfeiting and piracy of products,
1490.		<i>19. forgery of administrative documents and trafficking therein,</i>	18. forgery of administrative documents and trafficking therein,	19. forgery of administrative documents and trafficking therein,
1491.		<i>20. illicit trafficking in hormonal substances and other growth promoters,</i>	19. illicit trafficking in hormonal substances and other growth promoters,	20. illicit trafficking in hormonal substances and other growth promoters,
1492.		<i>21. illicit trafficking in nuclear or radioactive materials,</i>	20. illicit trafficking in nuclear or radioactive materials,	21. illicit trafficking in nuclear or radioactive materials,
1493.		<i>22. rape,</i>	21. rape,	22. rape,



Updated 1 February. LIBE comments marked **green**. Council comments marked **yellow**. COM input marked **turquoise**.

Texts still under discussion at technical level marked **blue**. Texts resulting from the trilogue on 12.12.2017 marked **pink** when still under discussion.

	<b>Commission proposal (ST 14082/16)</b>	<b>EP amendments</b>	<b>Council position (ST 10017/17)</b>	<b>Compromise text proposals</b>
<b>1494.</b>		<b>23. <i>crimes within the jurisdiction of the International Criminal Court,</i></b>	22. crimes within the jurisdiction of the International Criminal Court,	23. crimes within the jurisdiction of the International Criminal Court,
<b>1495.</b>		<b>24. <i>unlawful seizure of aircraft/ships,</i></b>	23. unlawful seizure of aircraft/ships,	24. unlawful seizure of aircraft/ships,
<b>1496.</b>		<b>25. <i>sabotage,</i></b>	24. sabotage,	25. sabotage,
<b>1497.</b>		<b>26. <i>trafficking in stolen vehicles,</i></b>	25. trafficking in stolen vehicles,	26. trafficking in stolen vehicles,
<b>1498.</b>		<b>27. <i>industrial espionage,</i></b>	26. industrial espionage,	27. industrial espionage,
<b>1499.</b>		<b>28. <i>arson,</i></b>	<u>27. arson,</u>	28. arson,
<b>1500.</b>		<b>29. <i>racism and xenophobia.</i></b>	<u>28. racism and xenophobia.</u>	29. racism and xenophobia.