



2017/0351(COD)

23.7.2018

AMENDMENTS

195 - 468

Draft report

Jeroen Lenaers

(PE622.263v02-00)

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

Proposal for a regulation

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

Amendment 195
Cornelia Ernst

Proposal for a regulation

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Proposal for rejection

The European Parliament rejects the Commission proposal.

Or. en

Justification

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

Amendment 196
Cornelia Ernst

Proposal for a regulation
Title 1

Text proposed by the Commission

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on establishing a framework for
interoperability between EU information
systems (borders and visa) and amending
Council Decision 2004/512/EC, Regulation
(EC) No 767/2008, Council Decision
2008/633/JHA, Regulation (EU) 2016/399
and Regulation (EU) 2017/2226
{SWD(2017) 473} {SWD(2017) 474}

Amendment

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on establishing a framework for
interconnectivity between EU information
systems (borders and visa) and amending
Council Decision 2004/512/EC, Regulation
(EC) No 767/2008, Council Decision
2008/633/JHA, Regulation (EU) 2016/399
and Regulation (EU) 2017/2226
{SWD(2017) 473} {SWD(2017) 474}

*(The change from ‘interoperability’ to
‘interconnectivity’ applies throughout the*

text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Amendment 197

Bodil Valero

Proposal for a regulation

Title 1

Text proposed by the Commission

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on establishing a framework for
interoperability between EU information
systems (borders and visa) and amending
Council Decision 2004/512/EC, Regulation
(EC) No 767/2008, Council Decision
2008/633/JHA, Regulation (EU) 2016/399
and Regulation (EU) 2017/2226
{SWD(2017) 473} {SWD(2017) 474}

Amendment

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on establishing a framework for
accessibility of EU information systems
(borders and visa) and amending Council
Decision 2004/512/EC, Regulation (EC)
No 767/2008, Council Decision
2008/633/JHA, Regulation (EU) 2016/399
and Regulation (EU) 2017/2226
{SWD(2017) 473} {SWD(2017) 474}

*(Horizontal amendment: the change
applies throughout the text. Adopting it will
necessitate corresponding changes
throughout.)*

Or. en

Amendment 198

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

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

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

Amendment 199

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

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) In its Resolution of 6 July 2016 on the strategic priorities for the Commission Work Programme 2017⁴⁷, the European Parliament called for proposals to improve and develop existing EU information systems, address information gaps and move towards their interoperability, as well as proposals for compulsory information sharing at EU level, accompanied by the necessary data protection safeguards.

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

Amendment

(3) In its Resolution of 6 July 2016 on the strategic priorities for the Commission Work Programme 2017⁴⁷, the European Parliament called for proposals to improve and develop existing EU information systems, address information gaps and move towards their interoperability, as well as proposals for compulsory information sharing at EU level, accompanied by the necessary data protection safeguards. ***Such safeguards should include the prevention of unauthorized access and sharing of data with unauthorized authorities, logging access and usage by authorized users, the implementation of minimum quality standards, ensuring the right to effective remedy and the practical possibility to rebut false assumptions and inaccurate data held by the relevant authorities.***

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

Amendment 200

Bodil Valero

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) In its final report of 11 May 2017⁴⁹, the high-level expert group on information systems and interoperability concluded that it is necessary and technically feasible to work towards practical solutions for interoperability and that they can, in principle, both deliver operational gains and be established in compliance with data protection requirements.

49

<http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetailDoc&id=32600&no=1>.

Amendment

(5) In its final report of 11 May 2017⁴⁹, the high-level expert group on information systems and interoperability concluded that it is necessary and technically feasible to work towards practical solutions for interoperability and that they can, in principle, both deliver operational gains and be established in compliance with data protection requirements. ***In the same final report, the EDPS stated that he was not in a position to endorse all the conclusions referred to by the high-level expert group, citing concerns related to legal bases, data protection and information security.***

49

<http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetailDoc&id=32600&no=1>.

Or. en

Amendment 201

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

**Proposal for a regulation
Recital 8 a (new)**

Text proposed by the Commission

Amendment

(8a) In his Opinion 4/2018 of 16 April 2018,^{1a} the European Data Protection Supervisor emphasised that the decision to make large-scale IT systems interoperable would not only permanently and profoundly affect their structure and their way of operating, but would also change the way legal principles have been interpreted in this area so far and would as such mark a ‘point of no return’.

1a

http://edps.europa.eu/sites/edp/files/publication/2018-04-16_interoperability_opinion_en.pdf

Or. en

Amendment 202

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

**Proposal for a regulation
Recital 8 b (new)**

Text proposed by the Commission

Amendment

(8b) In its Opinion of 11 April 2018,^{2a} the Article 29 Data Protection Working Party reiterated that the process towards interoperability of systems raises fundamental questions regarding the purpose, necessity, proportionality of the data processing as well as concerns regarding the principles of purpose limitation, data minimization, data retention and clear identification of a data controller.

2a

http://ec.europa.eu/newsroom/article29/document.cfm?action=display&doc_id=51517

Or. en

**Amendment 203
Cornelia Ernst**

**Proposal for a regulation
Recital 9**

Text proposed by the Commission

Amendment

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

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

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

Or. en

Amendment 204
Bodil Valero

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) With a view to improve the management of the external borders, to contribute to preventing and combating irregular migration and to contribute to a

Amendment

(9) With a view to improve the management of the external borders, to contribute to preventing and combating irregular migration and to contribute to a

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

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

Or. en

Amendment 205

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

Proposal for a regulation

Recital 9

Text proposed by the Commission

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

Amendment

(9) With a view to improve the management of the external borders, to **facilitating regular border crossings, to** contribute to preventing and combating irregular migration, and to **assist** in the **prevention, detection and investigation of terrorist offences or other serious criminal offences**, interoperability between EU information systems, namely [the Entry/Exit System (EES)], the Visa Information System (VIS), [the European Travel Information and Authorisation

Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen Information System (SIS), and the [European Criminal Records Information System for third-country nationals (ECRIS-TCN)] should be established in ***order for these EU information systems and their data to supplement each other.*** To achieve this, a European search portal (ESP), a shared biometric matching service (shared BMS), ***a common identity repository (CIR)*** and a multiple-identity detector (MID) should be established as interoperability components.

System(ETIAS)], Eurodac, the Schengen Information System (SIS), and the [European Criminal Records Information System for third-country nationals (ECRIS-TCN)]should be established in ***so far as that is possible while respecting the fundamental rights of the individual, in particular, the right to protection of personal data.*** To achieve this, a European search portal (ESP), a shared biometric matching service (shared BMS) and a multiple-identity detector (MID)should be established as interoperability components.

Or. en

Amendment 206

Cornelia Ernst

Proposal for a regulation

Recital 10

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 207

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

Proposal for a regulation

Recital 10

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 208

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Recital 10

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 209
Bodil Valero

Proposal for a regulation
Recital 10

Text proposed by the Commission

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

Amendment

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

fraud, improve and harmonise data quality requirements of the respective EU information systems, facilitate the technical and operational implementation by Member States of existing and future EU information systems, strengthen *and simplify* the data security and data protection safeguards that govern the respective EU information systems, streamline the law enforcement access to the EES, the VIS, the [ETIAS] and Eurodac, and support the purposes of the EES, the VIS, the [ETIAS], Eurodac, the SIS and the [ECRIS-TCN system].

fraud, improve and harmonise data quality requirements of the respective EU information systems, facilitate the technical and operational implementation by Member States of existing and future EU information systems, strengthen the data security and data protection safeguards that govern the respective EU information systems, streamline the law enforcement access to the EES, the VIS, the [ETIAS] and Eurodac, and support the purposes of the EES, the VIS, the [ETIAS], Eurodac, the SIS and the [ECRIS-TCN system].

Or. en

Amendment 210

Cornelia Ernst

Proposal for a regulation

Recital 11

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 211

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

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) The interoperability components

Amendment

(11) The interoperability components

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

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

Or. en

Amendment 212
Cornelia Ernst

Proposal for a regulation
Recital 12

Text proposed by the Commission

Amendment

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

deleted

Or. en

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

Proposal for a regulation
Recital 12

Text proposed by the Commission

Amendment

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

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

information systems and by Europol, *and to EU citizens whose personal data is processed in the SIS and by Europol.*

information systems and by Europol. *Interoperability should not concern EU citizens.*

Or. en

Amendment 214

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

Proposal for a regulation

Recital 12 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 215

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Recital 12 a (new)

Text proposed by the Commission

Amendment

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

Amendment 216

Cornelia Ernst

Proposal for a regulation**Recital 13***Text proposed by the Commission*

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

Amendment

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

Or. en

Amendment 217

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

Proposal for a regulation**Recital 13***Text proposed by the Commission*

(13) The European search portal (ESP)

Amendment

(13) The European search portal (ESP)

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

should facilitate technically the ability of ***the authorised*** Member State authorities and EU bodies to have ***a controlled yet*** fast, seamless ***and*** efficient access to the ***relevant EU databases to*** Europol data and ***to*** Interpol databases ***in so far as this is necessary for the performance of*** their tasks ***and*** in accordance with their access rights. ***In that way, the ESP should*** support the objectives of the EES, the VIS, the [ETIAS], Eurodac, the SIS, the [ECRIS-TCN system] and the Europol data. Enabling the simultaneous querying of all relevant EU ***databases*** in parallel, as well as of the Europol data and the Interpol databases, the ESP should act as a single window or ‘message broker’ to search various central systems and retrieve the necessary information seamlessly and in full respect of the access control and data protection requirements of the underlying systems.

Or. en

Amendment 218

Bodil Valero

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The European search portal (ESP) should be established to facilitate technically the ***ability*** of Member State authorities and EU bodies ***to have fast, seamless, efficient, systematic and controlled access*** to the EU information systems, the Europol data and the Interpol databases needed to perform their tasks, in accordance with their access rights, and to support the objectives of the EES, the VIS, the [ETIAS], Eurodac, the SIS, the [ECRIS-TCN system] and the Europol data. Enabling the simultaneous querying of all relevant EU information systems in

Amendment

(13) The European search portal (ESP) should be established to facilitate technically the ***access*** of Member State authorities and EU bodies, ***in specific cases and under specific conditions***, to the EU information systems, the Europol data and the Interpol databases needed to perform their tasks, in accordance with their access rights, and to support the objectives ***and purposes*** of the EES, the VIS, the [ETIAS], Eurodac, the SIS, the [ECRIS-TCN system] and the Europol data. Enabling the simultaneous querying of all relevant EU information systems in

parallel, as well as of the Europol data and the Interpol databases, the ESP should act as a single window or ‘message broker’ to search various central systems and retrieve the necessary information seamlessly and in full respect of the access control and data protection requirements of the underlying systems.

parallel, as well as of the Europol data and the Interpol databases, the ESP should act as a single window or ‘message broker’ to search various central systems and retrieve the necessary information seamlessly and in full respect of the access control and data protection requirements of the underlying systems.

Or. en

Amendment 219
Cornelia Ernst

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

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

deleted

the specific rules laid down in Council Common Position 2005/69/JHA⁵⁵ and Council Decision 2007/533/JHA⁵⁶.

⁵³ *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) (OJ L 119, 4.5.2016, p. 1).*

⁵⁴ *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 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 (OJ L 119, 4.5.2016, p. 89).*

⁵⁵ *Council Common Position 2005/69/JHA of 24 January 2005 on exchanging certain data with Interpol (OJ L 27, 29.1.2005, p. 61).*

⁵⁶ *Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205, 7.8.2007, p. 63).*

Or. en

Amendment 220
Cornelia Ernst

Proposal for a regulation
Recital 15

Text proposed by the Commission

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

Amendment

(15) The European search portal (ESP) should be developed and configured in such a way that it ***fully respects purpose and access limitations and, additionally,*** does not allow the use of fields of data for the query that are not related to persons or travel documents or that are not present in an EU information system.

Or. en

Amendment 221
Cornelia Ernst

Proposal for a regulation
Recital 16

Text proposed by the Commission

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

Amendment

(16) To ensure fast and systematic use of all ***relevant*** EU information systems, the European search portal (ESP) should be used to query the common identity repository, the EES, the VIS, [the ETIAS]. However, the national connection to the different ***relevant*** EU information systems should remain in order to provide a technical fall back. The ESP should be an additional means to query the Central SIS, complementing the existing dedicated interfaces.

Or. en

Amendment 222
Bodil Valero

Proposal for a regulation

Recital 16

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 223

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

Proposal for a regulation

Recital 16

Text proposed by the Commission

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

Amendment

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

Central SIS, the Europol data and the Interpol systems, complementing the existing dedicated interfaces.

Interpol systems, complementing the existing dedicated interfaces.

Or. en

Justification

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

Amendment 224
Cornelia Ernst

Proposal for a regulation
Recital 17

Text proposed by the Commission

Amendment

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

deleted

comprised of data derived from a feature extraction of actual biometric samples. The shared BMS should regroup and store all these biometric templates in one single location, facilitating cross-system comparisons using biometric data and enabling economies of scale in developing and maintaining the EU central systems.

Or. en

Amendment 225
Cornelia Ernst

Proposal for a regulation
Recital 17

Text proposed by the Commission

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

Amendment

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

should regroup and store all these biometric templates in one single location, facilitating cross-system comparisons using biometric data and enabling economies of scale in developing and maintaining the EU central systems.

Or. en

Amendment 226

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

Proposal for a regulation

Recital 17

Text proposed by the Commission

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

Amendment

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

biometric templates in one single location, facilitating cross-system comparisons using biometric data ***and enabling economies of scale in developing and maintaining the EU central systems.***

different ones in each of the underlying systems. All automated fingerprint identification systems, including those currently used for Eurodac, the VIS and the SIS, use biometric templates comprised of data derived from a feature extraction of actual biometric samples. The shared BMS should, ***allow for a*** cross-system comparisons ***of those biometric templates*** using biometric data.

Or. en

Amendment 227
Bodil Valero

Proposal for a regulation
Recital 17

Text proposed by the Commission

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

Amendment

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

data derived from a feature extraction of actual biometric samples. The shared BMS should *regroup and store* all these biometric templates in one single location, facilitating cross-system comparisons using biometric data and enabling economies of scale in developing and maintaining the EU central systems.

data derived from a feature extraction of actual biometric samples. The shared BMS should *enable the querying of* all these biometric templates in one single location, facilitating cross-system comparisons using biometric data and enabling economies of scale in developing and maintaining the EU central systems.

Or. en

Amendment 228

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

Proposal for a regulation

Recital 18

Text proposed by the Commission

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

Amendment

deleted

Or. en

Justification

Moved into Recital 17

Amendment 229

Maria Grapini

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) Biometric data constitute sensitive personal data. This regulation should lay down the basis for and the safeguards for

Amendment

(18) Biometric data constitute sensitive personal data. This Regulation should lay down the basis and the safeguards for the

processing of such data for the purpose of uniquely identifying the persons concerned.

processing of such data for the purpose of uniquely identifying the persons concerned, *as well as the manner in which the multiple identity detector could automatically provide responses as to a person's identity and the manner of accessing the European search portal.*

Or. ro

Amendment 230
Cornelia Ernst

Proposal for a regulation
Recital 18

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 231
Cornelia Ernst

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) The systems established by Regulation (EU) 2017/2226 of the European Parliament and of the Council⁵⁷, Regulation (EC) No 767/2008 of the European Parliament and of the Council⁵⁸, *[the ETIAS Regulation] for the management of the borders of the Union, the system established by [the Eurodac Regulation] to identify the applicants for*

Amendment

(19) The systems established by Regulation (EU) 2017/2226 of the European Parliament and of the Council⁵⁷ *and* Regulation (EC) No 767/2008 of the European Parliament and of the Council⁵⁸ require in order to be effective to rely on the accurate identification of the third-country nationals whose personal data are stored therein.

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

⁵⁷ Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 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 and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (EES Regulation) (OJ L 327, 9.12.2017, p. 20–82).

⁵⁸ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

⁵⁷ Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 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 and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (EES Regulation) (OJ L 327, 9.12.2017, p. 20–82).

⁵⁸ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

Or. en

Justification

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

Amendment 232

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

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) The systems established by Regulation (EU) 2017/2226 of the European Parliament and of the Council⁵⁷, Regulation (EC) No 767/2008 of the European Parliament and of the Council⁵⁸, [the ETIAS Regulation] for the management of the borders of the Union, the system established by [the Eurodac Regulation] to identify the applicants for international protection and combat irregular migration, and the system established by [the ECRIS-TCN system Regulation] require ***in order to be effective to rely on*** the accurate identification of ***the*** third-country nationals whose personal data are stored therein.

⁵⁷ Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 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 and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (EES Regulation) (OJ L 327, 9.12.2017, p. 20–82).

⁵⁸ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

Amendment

(19) The systems established by Regulation (EU) 2017/2226 of the European Parliament and of the Council⁵⁷, Regulation (EC) No 767/2008 of the European Parliament and of the Council⁵⁸, [the ETIAS Regulation] for the management of the borders of the Union, the system established by [the Eurodac Regulation] to identify the applicants for international protection and combat irregular migration, and the system established by [the ECRIS-TCN system Regulation] require the accurate identification of ***those*** third-country nationals whose personal data are stored therein.

⁵⁷ Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 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 and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (EES Regulation) (OJ L 327, 9.12.2017, p. 20–82).

⁵⁸ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

Or. en

Justification

Linguistic change

Amendment 233

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

Proposal for a regulation

Recital 20

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 234

Bodil Valero

Proposal for a regulation

Recital 20

Text proposed by the Commission

Amendment

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

Or. en

Amendment 235

Cornelia Ernst

Proposal for a regulation
Recital 20

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 236
Cornelia Ernst

Proposal for a regulation
Recital 21

Text proposed by the Commission

Amendment

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

(21) Personal data stored in these EU information systems may relate to the same persons but under different or incomplete identities.

purposes of the underlying systems and should be automatically deleted when the data is deleted in the underlying systems in accordance with their logical separation.

Or. en

Amendment 237

Bodil Valero

Proposal for a regulation

Recital 21

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 238

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

Proposal for a regulation

Recital 21

Text proposed by the Commission

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

Amendment

(21) Personal data stored in these EU information systems may relate to the same persons but under different or incomplete identities. Member States dispose of efficient ways to identify their citizens or registered permanent residents in their territory, but the same is not true for third-country nationals. The interoperability between EU information systems should **help correctly identify** third-country nationals. **Each individual information system should continue to** store the personal data concerning third-country nationals **required under their founding regulations. This information will be made interoperable by virtue of the European Search Portal, the Biometric Matching Service and the Multiple Identity Detector.**

Or. en

Amendment 239

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Recital 21

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 240

Cornelia Ernst

Proposal for a regulation

Recital 22

Text proposed by the Commission

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

Amendment

deleted

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

Or. en

Amendment 241

Bodil Valero

Proposal for a regulation

Recital 22

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 242

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

Weidenholzer, Ana Gomes

Proposal for a regulation

Recital 22

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The Common Identity Repository is unnecessary to achieve the aims of interoperability and should be deleted. Storing the personal data of hundreds of millions of third country nationals from multiple databases in a single home on the grounds of efficiency contravenes the principles of purpose limitation and data minimisation. The underlying databases will in any case continue to store the personal data and can be queried by the ESP of sBMS as required.

Amendment 243

Cornelia Ernst

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) *In that connection, creating an individual file in the common identity repository (CIR) for each person that is recorded in the EES, the VIS, the ETIAS,*

Amendment

deleted

Eurodac or the ECRIS-TCN system, is necessary to achieve the purpose of correct identification of third-country nationals within the Schengen area, and to support the multiple-identity detector for the dual purpose of facilitating identity checks for bona fide travellers and combating identity fraud. The individual file should store in one single place and make accessible to the duly authorised end-users all the possible identities linked to a person.

Or. en

Amendment 244
Bodil Valero

Proposal for a regulation
Recital 23

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 245
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 23

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

The Common Identity Repository is unnecessary to achieve the aims of interoperability and should be deleted. Storing the personal data of hundreds of millions of third country nationals from multiple databases in a single home on the grounds of efficiency contravenes the principles of purpose limitation and data minimisation. The underlying databases will in any case continue to store the personal data and can be queried by the ESP of sBMS as required.

Amendment 246
Bodil Valero

Proposal for a regulation
Recital 24

Text proposed by the Commission

Amendment

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

deleted

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

Or. en

Amendment 247

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

Proposal for a regulation

Recital 24

Text proposed by the Commission

Amendment

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

Or. en

Justification

The Common Identity Repository is unnecessary to achieve the aims of interoperability and should be deleted. Storing the personal data of hundreds of millions of third country nationals from multiple databases in a single home on the grounds of efficiency contravenes the principles of purpose limitation and data minimisation. The underlying databases will in any case continue to store the personal data and can be queried by the ESP of sBMS as required.

Amendment 248

Cornelia Ernst

Proposal for a regulation

Recital 24

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 249

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Recital 24

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 250

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

Proposal for a regulation

Recital 25

Text proposed by the Commission

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

deleted

Amendment

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

Or. en

Justification

The Common Identity Repository is unnecessary to achieve the aims of interoperability and should be deleted. Storing the personal data of hundreds of millions of third country nationals from multiple databases in a single home on the grounds of efficiency contravenes the principles of purpose limitation and data minimisation. The underlying databases will in any case continue to store the personal data and can be queried by the ESP of sBMS as required.

Amendment 251

Bodil Valero

Proposal for a regulation

Recital 25

Text proposed by the Commission

Amendment

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

Or. en

Amendment 252

Cornelia Ernst

Proposal for a regulation

Recital 25

Text proposed by the Commission

Amendment

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

Or. en

Amendment 253

Bodil Valero

Proposal for a regulation

Recital 26

Text proposed by the Commission

Amendment

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

Or. en

Amendment 254

Cornelia Ernst

Proposal for a regulation

Recital 26

Text proposed by the Commission

Amendment

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

Amendment 255

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

Proposal for a regulation
Recital 26

Text proposed by the Commission

Amendment

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

Or. en

Justification

The Common Identity Repository is unnecessary to achieve the aims of interoperability and should be deleted. Storing the personal data of hundreds of millions of third country nationals from multiple databases in a single home on the grounds of efficiency contravenes the principles of purpose limitation and data minimisation. The underlying databases will in any case continue to store the personal data and can be queried by the ESP of sBMS as required.

Amendment 256
Cornelia Ernst

Proposal for a regulation
Recital 27

Text proposed by the Commission

Amendment

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

biometric data of that person taken during an identity check.

Or. en

Amendment 257
Bodil Valero

Proposal for a regulation
Recital 27

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 258
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 27

Text proposed by the Commission

Amendment

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

*(27) In order to **assist in** the correct identification of a person, **where a travel document or other identity document proves insufficient or is unavailable**, Member State competent authorities within the meaning of Article 3(7) of Directive 2016/680 should be allowed to query the **European Search Portal (ESP) or the shared Biometric Matching Service (sBMS) and the underlying Union***

*information systems with the **biographical or** biometric data of that person taken during an identity check **provided always that individual concerned is physically present during such a check.***

Or. en

Amendment 259

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Recital 27

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 260

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

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) In order to ensure the correct identification of a person, Member State authorities competent for preventing and combating irregular migration and competent authorities within the meaning of Article 3(7) of Directive 2016/680 should be allowed to query the common

Amendment

(27) In order to ensure the correct identification of a person, Member State authorities competent for preventing and combating irregular migration and competent authorities within the meaning of Article 3(7) of Directive 2016/680 should be allowed to query the common

identity repository (CIR) with the biometric data of that person taken during an identity check.

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

Or. en

Amendment 261

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

Proposal for a regulation

Recital 27 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 262

Cornelia Ernst

Proposal for a regulation

Recital 28

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 263

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

Proposal for a regulation

Recital 28

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

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

Amendment 264

Bodil Valero

Proposal for a regulation

Recital 28

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 265

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Recital 28

Text proposed by the Commission

Amendment

(28) Where the biometric data of the person cannot be used or if the query with that data fails, the query should be carried out with identity data of that person in combination with travel document data. Where the query indicates that data on that person are stored in the common identity repository (CIR), Member State authorities

(28) Where the biometric data of the person cannot be used or if the query with that data fails, the query should be carried out with identity data of that person in combination with travel document data. Where the query indicates that data on that person are stored in the common identity repository (CIR), Member State authorities

should have access to consult the identity data of that person stored in the CIR, **without** providing **any** indication **as** to which EU information system the data belongs to.

should have access to consult the identity data of that person stored in the CIR, **also** providing indication to which EU information system the data belongs to.

Or. en

Amendment 266
Bodil Valero

Proposal for a regulation
Recital 29

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 267
Cornelia Ernst

Proposal for a regulation
Recital 29

Text proposed by the Commission

Amendment

(29) Member States should adopt national legislative measures designating the authorities competent to perform identity checks with the use of the common identity repository (CIR) and

deleted

laying down the procedures, conditions and criteria of such checks in line with the principle of proportionality. In particular, the power to collect biometric data during an identity check of a person present before the member of those authorities should be provided for by national legislative measures.

Or. en

Amendment 268

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

Proposal for a regulation

Recital 29

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The possibility for MS police authorities to use EU databases to identify persons on a random basis is an entirely new provision of Union law. In those circumstances, notwithstanding national law governing identification practices, certain conditions must be laid down at Union level to regulate the use of such a provision.

Amendment 269
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Recital 30

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 270
Maria Grapini

Proposal for a regulation
Recital 30

Text proposed by the Commission

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

Amendment

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

Or. ro

Amendment 271

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

Proposal for a regulation

Recital 30

Text proposed by the Commission

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

Amendment

(30) This Regulation should also introduces a new possibility for streamlined access to data beyond identity data present in the EES, the VIS, [the ETIAS] or Eurodac by Member State designated law enforcement authorities and Europol. Data, including data other than identity data contained in those systems, may be necessary for the prevention, detection, investigation and prosecution of terrorist offences or serious criminal offences in a specific case ***where there are reasonable grounds to consider that consultation will substantially contribute to the prevention, detection or investigation of the criminal offences in question; in particular where there is a substantiated suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence falls under the category of third country nationals whose data are stored in the EES, the VIS, the ETIAS and the Eurodac system. Such streamlined access will be provided after a prior search in the national databases has been carried out and a query of the automated fingerprint identification system of the other Member States under Decision 2008/615/JHA has been launched.***

Or. en

Justification

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

Amendment 272

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

Proposal for a regulation

Recital 31

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 273

Bodil Valero

Proposal for a regulation

Recital 31

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 274

Cornelia Ernst

Proposal for a regulation

Recital 31

Text proposed by the Commission

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

Amendment

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

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

using biometric data of that person taken during an identity check, should continue to be governed by the provisions in the respective legal instruments. The designated law enforcement authorities and Europol do not know in advance which of the EU information systems contains data of the persons they need to inquire upon. This results in delays and inefficiencies in the conduct of their tasks. The end-user authorised by the designated authority should therefore be allowed to see in which of the EU information systems the data corresponding to the query introduced are recorded. The concerned system would thus be flagged following the automated verification of the presence of a hit in the system (a so-called hit-flag functionality).

Or. en

Amendment 275

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Recital 31

Text proposed by the Commission

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

Amendment

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

results in delays and inefficiencies in the conduct of their tasks. The end-user authorised by the designated authority should therefore be allowed to see in which of the EU information systems the data corresponding to the query introduced are recorded. The concerned system would thus be flagged following the automated verification of the presence of a hit in the system (a so-called hit-flag functionality).

the conduct of their tasks. The end-user authorised by the designated authority should therefore be allowed to see in which of the EU information systems the data corresponding to the query introduced are recorded. The concerned system would thus be flagged following the automated verification of the presence of a hit in the system (a so-called hit-flag functionality).

Or. en

Amendment 276

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

Proposal for a regulation

Recital 31 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

flagged underlying information system.

Amendment 277

Bodil Valero

Proposal for a regulation

Recital 32

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 278

Cornelia Ernst

Proposal for a regulation

Recital 32

Text proposed by the Commission

Amendment

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

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

Amendment 279

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

Proposal for a regulation
Recital 32

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 280

Bodil Valero

Proposal for a regulation
Recital 33

Text proposed by the Commission

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

Amendment

deleted

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

Or. en

Amendment 281

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

Proposal for a regulation Recital 33

Text proposed by the Commission

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

Amendment

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

flagged as containing it.

principles of necessity and proportionality.

Or. en

Amendment 282
Cornelia Ernst

Proposal for a regulation
Recital 33

Text proposed by the Commission

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

Amendment

(33) The query by Member State designated authorities and Europol in order to obtain a hit-flag type of response indicating the data is recorded in the EES, the VIS *or* [the ETIAS] requires automated processing of personal data. A hit-flag would reveal personal data of the concerned individual *in the form of* an indication that some of his or her data are stored in one of the systems *if the end-user has access rights to the database/system that these data are stored in*. No adverse decision for the concerned individual should be made by the authorised end-user solely on the basis of the simple occurrence of a hit-flag. Access by the end-user of a hit-flag would therefore realise a very limited interference with the right to protection of personal data of the concerned individual, while it would be necessary to allow the designated authority and Europol to address its request for access for personal data more effectively directly to the system that was flagged as containing it *while respecting purpose limitation and access rights* .

Or. en

Amendment 283
Bodil Valero

Proposal for a regulation
Recital 34

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 284
Cornelia Ernst

Proposal for a regulation
Recital 34

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

deleted

Or. en

Amendment 285

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

Proposal for a regulation

Recital 34

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

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

Or. en

Justification

The argument for removing the cascade approach entirely is based only on efficiency. There is no significant time loss attributable to checking national databases and the AFIS has been in force for over ten years now.

Amendment 286
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Recital 34

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 287

Bodil Valero

Proposal for a regulation

Recital 35

Text proposed by the Commission

Amendment

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

Or. en

Amendment 288

Cornelia Ernst

Proposal for a regulation

Recital 35

Text proposed by the Commission

Amendment

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

Or. en

Amendment 289

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

**Proposal for a regulation
Recital 35**

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Amendment tabled for consistency with the deletion of the CIR.

Amendment 290

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

**Proposal for a regulation
Recital 36**

Text proposed by the Commission

(36) **The possibility to achieve** the objectives of **the** EU information systems **is undermined by the current inability for** the authorities using **these** systems to conduct sufficiently reliable verifications of the identities of the third-country nationals whose data are stored in different systems. **That inability is determined by the fact that** the set of identity data stored in a given individual system may be fraudulent, **incorrect, or incomplete, and**

Amendment

(36) **To better realise** the objectives of EU information systems, the authorities using **those** systems **should be able** to conduct sufficiently reliable verifications of the identities of the third-country nationals whose data are stored in different systems. The set of identity data stored in a given individual system may be **incorrect, incomplete or** fraudulent, **and** there is currently no **way of detecting incorrect, incomplete or** fraudulent identity data by

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

way of comparison with data stored in another system. To remedy this situation it is necessary to have a technical instrument at Union level allowing accurate identification of third-country nationals for these purposes.

Or. en

Justification

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

Amendment 291 **Cornelia Ernst**

Proposal for a regulation **Recital 36**

Text proposed by the Commission

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

Amendment

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

nationals for these purposes.

Or. en

Amendment 292

Bodil Valero

Proposal for a regulation

Recital 37

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 293
Cornelia Ernst

Proposal for a regulation
Recital 37

Text proposed by the Commission

Amendment

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

deleted

Or. en

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

Proposal for a regulation
Recital 37

Text proposed by the Commission

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

Amendment

(37) The multiple-identity detector (MID) should create and store links between data in the different EU information systems in order to detect multiple identities, with the dual purpose of facilitating identity checks for bona fide travellers and combating identity fraud. **The creation of those links constitutes automated decision-making as referred to in Regulation (EU) 2016/679 and in Directive (EU) 2016/680 and therefore requires transparency towards the individuals affected and the implementation of necessary safeguards in accordance with EU data protection rules.** The MID should contain links **only** between individuals present in more than one EU information system, strictly limited to the data necessary to verify that a person is recorded lawfully or unlawfully under different biographical identities in different systems, or to clarify that two persons having similar biographical data may not be the same person. Data processing through the European search portal (ESP) and the shared biometric matching service (shared BMS) in order to link individual files across individual systems should be kept to an absolute minimum and therefore is limited to a multiple-identity detection at the time new data is added to **the EES, the VIS, [the ETIAS], Eurodac or the SIS**. The MID should include safeguards against potential discrimination or unfavourable decisions for persons with multiple lawful identities.

Or. en

Justification

In line with the recommendations of the European Data Protection Supervisor (para 88).

Amendment 295
Cornelia Ernst

Proposal for a regulation
Recital 38

Text proposed by the Commission

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

Amendment

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

Or. en

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

Proposal for a regulation
Recital 38

Text proposed by the Commission

(38) This Regulation provides for new data processing operations aimed at *identifying* the persons concerned *correctly*. This constitutes an interference with their fundamental rights as protected by Articles 7 and 8 of the Charter of Fundamental Rights. Since *the effective implementation of the* EU information systems *is dependent upon correct*

Amendment

(38) This Regulation provides for new data processing operations aimed at *ensuring the correct identification of* the persons concerned. This constitutes an interference with their fundamental rights as protected by Articles 7 and 8 of the Charter of Fundamental Rights. Since *it is necessary to correctly identify those persons in order to fully realise the*

identification of the individuals concerned, such interference is justified by *the same objectives for which each of those systems have been established, the effective management of the Union's borders, the internal security of the Union, the effective implementation of the Union's asylum and visa policies and the fight against irregular migration.*

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

Or. en

Justification

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

Amendment 297

Bodil Valero

Proposal for a regulation

Recital 39

Text proposed by the Commission

Amendment

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

deleted

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

Or. en

Amendment 298
Cornelia Ernst

Proposal for a regulation
Recital 39

Text proposed by the Commission

Amendment

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

Or. en

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

Proposal for a regulation
Recital 39

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Amendment tabled for consistency with the deletion of the CIR.

Amendment 300
Cornelia Ernst

Proposal for a regulation
Recital 40

Text proposed by the Commission

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

Amendment

deleted

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

Or. en

Amendment 301

Bodil Valero

Proposal for a regulation

Recital 40

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 302

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

Proposal for a regulation

Recital 40

Text proposed by the Commission

Amendment

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

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

(MID) for the purpose of the manual identity verification.

Or. en

Amendment 303
Cornelia Ernst

Proposal for a regulation
Recital 41

Text proposed by the Commission

Amendment

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

Or. en

Amendment 304
Bodil Valero

Proposal for a regulation
Recital 41

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 305

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

Proposal for a regulation

Recital 41

Text proposed by the Commission

(41) Access to the multiple-identity detector (MID) by Member State authorities and EU bodies having access to at least one EU information system ***included in the common identity repository (CIR) or to the SIS*** should be limited to ***so called*** red links where the linked data shares the same biometric but different identity data and the authority responsible for the verification of different identities concluded it refers ***unlawfully*** to the same person, or where the linked data has ***similar*** identity data and the authority responsible for the verification of different

Amendment

(41) Access to the multiple-identity detector (MID) by Member State authorities and EU bodies having access to at least one ***of the relevant*** EU information system should be limited to red links, where the linked data shares the same biometric but different identity data and the authority responsible for the verification of different identities concluded it refers to the same person ***in an unjustified manner***, or where the linked data has ***different*** identity data and the authority responsible for the verification of different identities concluded it refers to the same person ***in***

identities concluded it refers *unlawfully* to the same person. Where the linked identity data *is* not similar, a yellow link should be established and a manual verification should take place in order to confirm the link or change its colour accordingly.

an unjustified manner. Where the linked identity data *are* not similar, a yellow link should be established and a manual verification should take place in order to confirm the link or change its colour accordingly.

Or. en

Amendment 306

Bodil Valero

Proposal for a regulation

Recital 42

Text proposed by the Commission

Amendment

(42) The manual verification of multiple identities should be ensured by the authority creating or updating the data that triggered a hit resulting in a link with data already stored in another EU information system. The authority responsible for the verification of multiple identities should assess whether there are multiple lawful or unlawful identities. Such assessment should be performed where possible in the presence of the third-country national and where necessary by requesting additional clarifications or information. Such assessment should be performed without delay, in line with legal requirements for the accuracy of information under Union and national law.

deleted

Or. en

Amendment 307

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

Proposal for a regulation

Recital 42

Text proposed by the Commission

(42) The manual verification of multiple identities should be ensured by the authority creating or updating the data that triggered a hit resulting in a link with data already stored in another EU information system. The authority responsible for the verification of multiple identities should assess whether there are multiple lawful or unlawful identities. Such assessment should be performed *where possible* in the presence of the third-country national and where necessary by requesting additional clarifications or information. Such assessment should be performed without delay, in line with legal requirements for the accuracy of information under Union and national law.

Amendment

(42) The manual verification of multiple identities should be ensured by the authority creating or updating the data that triggered a hit resulting in a link with data already stored in another EU information system *as described in this Regulation in full respect of access rights granted under Union and national law*. The authority responsible for the verification of multiple identities should assess whether there are multiple lawful or unlawful identities. Such assessment should be performed *only* in the presence of the third-country national and where necessary by requesting additional clarifications or information. Such assessment should be performed without delay, in line with legal requirements for the accuracy of information under Union and national law.

Or. en

Amendment 308

Bodil Valero

Proposal for a regulation

Recital 43

Text proposed by the Commission

(43) For the links obtained in relation to the Schengen Information System (SIS) related to the alerts in respect of persons wanted for arrest or for surrender or extradition purposes, on missing or vulnerable persons, on persons sought to assist with a judicial procedure, on persons for discreet checks or specific checks or on unknown wanted persons, the authority responsible for the verification of multiple identities should be the SIRENE Bureau of the Member State that created the alert. Indeed those categories of SIS alerts are sensitive and should not necessarily be shared with the

Amendment

deleted

authorities creating or updating the data in one of the other EU information systems. The creation of a link with SIS data should be without prejudice to the actions to be taken in accordance with the [SIS Regulations].

Or. en

Amendment 309

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

Proposal for a regulation Recital 43

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 310
Cornelia Ernst

Proposal for a regulation
Recital 43

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 311
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 44

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Linguistic amendment

Amendment 312
Cornelia Ernst

Proposal for a regulation
Recital 44

Text proposed by the Commission

(44) eu-LISA should establish automated data quality control mechanisms and common data quality indicators. eu-LISA should be responsible to develop a central monitoring capacity for data quality and to produce regular data analysis reports to improve the control of implementation and application by Member States of EU

Amendment

(44) eu-LISA should establish automated data quality control mechanisms and common data quality indicators. eu-LISA should be responsible to develop a central monitoring capacity for data quality and to produce regular data analysis reports to improve the control of implementation and application by Member States of EU

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

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

Or. en

Amendment 313

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Recital 44

Text proposed by the Commission

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

Amendment

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

carry out any necessary remedial actions.

Or. en

Amendment 314
Cornelia Ernst

Proposal for a regulation
Recital 45

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 315
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Recital 46

Text proposed by the Commission

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

Amendment

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

manner.

equivalent manner.

Or. en

Amendment 316

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Recital 46

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 317

Cornelia Ernst

Proposal for a regulation

Recital 47

Text proposed by the Commission

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

Amendment

deleted

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

Or. en

Amendment 318

Bodil Valero

Proposal for a regulation

Recital 47

Text proposed by the Commission

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

Amendment

(47) **Functionalities** for reporting and statistics should be established to generate cross-system statistical data and analytical reporting for policy, operational and data quality purposes. eu-LISA should **develop these functionalities to extract** anonymous statistical data from the above-mentioned systems, and the shared biometric matching service (**shared BMS**). eu-LISA should render the data anonymous. The process for rendering the data anonymous should be automated and no direct access by eu-LISA staff should be granted to any personal data stored in the EU information systems or in the interoperability components.

components.

Or. en

Amendment 319

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

Proposal for a regulation

Recital 47

Text proposed by the Commission

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

Amendment

(47) A central repository for reporting and statistics (CRRS) should be established to generate cross-system statistical data and analytical reporting for policy, operational and data quality purposes ***in line with the objectives of the underlying systems and in conformity with their respective legal bases***. eu-LISA should establish, implement and host the CRRS in its technical sites. ***The CRRS should contain only*** anonymous statistical data from the ***relevant EU information*** systems the multiple-identity detector and the shared biometric matching service. The data contained in the CRRS should not ***allow for*** the identification of individuals. eu-LISA should ***immediately*** render the data anonymous and should record ***only such anonymised*** data in the CRRS. The process for rendering the data anonymous should be automated and no direct access by eu-LISA staff should be granted to any personal data stored in the EU information systems or in the interoperability components.

Or. en

Justification

The statistical reporting of the CRRS must be limited to the objectives of the individual systems. Anonymisation of the data should be immediate. No data should be stored in the CRRS unless it has been anonymised.

Amendment 320

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

Proposal for a regulation

Recital 48

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 321

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

Proposal for a regulation

Recital 49

Text proposed by the Commission

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

Amendment

deleted

Or. en

Justification

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

Amendment 322

Cornelia Ernst

Proposal for a regulation

Recital 51

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 323

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

Proposal for a regulation

Recital 52

Text proposed by the Commission

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

Amendment

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

45/2001 and delivered an opinion on ... “

45/2001 and delivered an opinion on **16 April 2018** “

Or. en

Amendment 324

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

Proposal for a regulation

Recital 55

Text proposed by the Commission

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

⁶⁰ 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, OJ L 77, 23.3.2016, p.1.

Amendment

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

⁶⁰ 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, OJ L 77, 23.3.2016, p.1.

Or. en

Amendment 325

Cornelia Ernst

Proposal for a regulation

Recital 56

Text proposed by the Commission

Amendment

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

deleted

Or. en

**Amendment 326
Bodil Valero**

**Proposal for a regulation
Recital 56**

Text proposed by the Commission

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

Amendment

(56) As a consequence of this combined application of the rules, the European search portal (ESP) should constitute the main access point for the compulsory systematic consultation of databases for third-country nationals at border crossing points provided for by the Schengen Borders Code.

refusal of entry and the existing grounds for refusal of entry listed in the Schengen Borders Code should therefore not be amended.

Or. en

Amendment 327

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

Proposal for a regulation

Recital 56

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 328

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

Proposal for a regulation

Recital 57 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 329

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

**Proposal for a regulation
Recital 58**

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

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

Amendment 330
Cornelia Ernst

Proposal for a regulation
Recital 58

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 331
Bodil Valero

Proposal for a regulation
Recital 58

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 332

Cornelia Ernst

Proposal for a regulation
Recital 59

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 333
Bodil Valero

Proposal for a regulation
Recital 59

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 334
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef

Weidenholzer, Ana Gomes

Proposal for a regulation

Recital 59

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 335

Cornelia Ernst

Proposal for a regulation

Recital 60

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 336

Bodil Valero

Proposal for a regulation
Recital 61

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 337
Cornelia Ernst

Proposal for a regulation
Recital 61

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 338
Maria Grapini

Proposal for a regulation
Recital 61

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

(61) In order to allow competent authorities and the EU bodies to adapt to the new requirements on the use of the European search portal (ESP), it is necessary to provide for a transitional period ***which should entail, inter alia, training programmes for end users so as to ensure that the new instruments operate to their full potential.*** Similarly, in order to allow for the coherent and optimal functioning of the multiple-identity detector (MID), transitional measures should be established for the start of its operations.

Or. ro

Amendment 339

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

Proposal for a regulation

Recital 62

(62) ***The costs for the development of the interoperability components projected under the current Multiannual Financial Framework are lower than*** the remaining amount on the budget earmarked ***for Smart Borders in Regulation (EU) No 515/2014 of the European Parliament and the Council⁶¹. Accordingly, this Regulation, pursuant to Article 5(5)(b) of Regulation (EU) No 515/2014, should reallocate the amount currently attributed*** for developing IT systems supporting the management of migration flows across the external borders.

(62) The remaining amount on the budget earmarked for developing IT systems supporting the management of migration flows across the external borders ***in Regulation (EU) No 515/2014 of the European Parliament and the Council should be reallocated to this⁶¹ Regulation, pursuant to Article 5(5)(b) of Regulation (EU) No 515/2014.***

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

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

financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

Or. en

Justification

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

Amendment 340 **Daniel Dalton**

Proposal for a regulation **Recital 62**

Text proposed by the Commission

(62) The costs for the development of the interoperability components projected under the current Multiannual Financial Framework are lower than the remaining amount on the budget earmarked for Smart Borders in Regulation (EU) No 515/2014 of the European Parliament and the Council⁶¹. Accordingly, this Regulation, pursuant to Article 5(5)(b) of Regulation (EU) No 515/2014, should reallocate the amount currently attributed for developing IT systems supporting the management of migration flows across the external borders.

⁶¹ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing as part of the Internal Security Fund, the Instrument for financial support for external borders and visa and repealing Decision No

Amendment

(62) The costs for the development of the interoperability components projected under the current Multiannual Financial Framework are lower than the remaining amount on the budget earmarked for Smart Borders in Regulation (EU) No 515/2014 of the European Parliament and the Council⁶¹. Accordingly, this Regulation, pursuant to Article 5(5)(b) of Regulation (EU) No 515/2014, should reallocate the amount currently attributed for developing IT systems supporting the management of migration flows across the external borders. ***In addition, eu-LISA shall use best endeavours to keep costs to a minimum and to identify and implement the most cost-effective technical solutions.***

⁶¹ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing as part of the Internal Security Fund, the Instrument for financial support for external borders and visa and repealing Decision No

Justification

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

Amendment 341

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

Proposal for a regulation

Recital 63

Text proposed by the Commission

(63) In order to supplement certain detailed technical aspects of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the profiles for the users of the European search portal (ESP) **and** the content and format of the ESP replies. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016⁶². In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member State experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment

(63) In order to supplement certain detailed technical aspects of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. ***In particular, power should be delegated to the Commission*** in respect of the profiles for the users of the European search portal (ESP), the content and format of the ESP replies, ***the procedures to determine the cases where identity data can be considered as identical or similar, and the rules on the operation of the Central Repository for Reporting and Statistics, including specific safeguards for processing of personal data and security rules applicable to the repository.*** It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016⁶². In particular, to ensure equal participation in

the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member State experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁶² http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.123.01.0001.01.ENG.

⁶² http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.123.01.0001.01.ENG.

Or. en

Justification

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

Amendment 342

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

Proposal for a regulation

Recital 64

Text proposed by the Commission

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

Amendment

(64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt detailed rules on: automated data quality control mechanisms, procedures and indicators; development of the UMF standard; and cooperation procedure in case of security incidents. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁶³ .

of the Council⁶³ .

⁶³ 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 the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⁶³ 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 the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. en

Justification

This amendment is tabled for consistency with the previous amendment.

Amendment 343 **Bodil Valero**

Proposal for a regulation **Recital 64**

Text proposed by the Commission

(64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt detailed rules on: automated data quality control mechanisms, procedures and indicators; development of the UMF standard; procedures for determining cases of similarity of identities; ***the operation of the central repository for reporting and statistics***; and cooperation procedure in case of security incidents. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁶³ .

⁶³ 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

Amendment

(64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt detailed rules on: automated data quality control mechanisms, procedures and indicators; development of the UMF standard; procedures for determining cases of similarity of identities; and cooperation procedure in case of security incidents. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁶³ .

⁶³ 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 the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. en

Amendment 344
Cornelia Ernst

Proposal for a regulation
Recital 64

Text proposed by the Commission

(64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt detailed rules on: automated data quality control mechanisms, procedures and indicators; development of the UMF standard; procedures for determining cases of similarity of identities; ***the operation of the central repository for reporting and statistics***; and cooperation procedure in case of security incidents. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁶³.

⁶³ 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 the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Amendment

(64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt detailed rules on: automated data quality control mechanisms, procedures and indicators; development of the UMF standard; procedures for determining cases of similarity of identities; and cooperation procedure in case of security incidents. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁶³.

⁶³ 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 the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. en

Amendment 345
Bodil Valero

Proposal for a regulation
Recital 65

Text proposed by the Commission

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

Amendment

deleted

Or. en

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

Proposal for a regulation
Recital 65 a (new)

Text proposed by the Commission

Amendment

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

underlying information system.

Or. en

Justification

It is important that third country nationals and other data subjects whose sensitive personal data will be processed through interoperability components can effectively exercise the rights granted to them under EU data protection rules. In that regard, as interoperability provides a one-stop shop for national authorities seeking to identify an individual or to clarify the existence of more than one identity for an individual, third country nationals - especially those not present on EU territory - should have a one-stop shop for launching requests for access, correction, erasure or rectification of their personal data. This should be without prejudice to their right to address themselves directly to the Member State responsible.

Amendment 347

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

Proposal for a regulation

Recital 65 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

This recital is misleading as this Regulation does not seek to govern the processing of

information by Europol. Recital 48 lays down the data protection regime applicable for the purposes of interoperability.

Amendment 348

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

Proposal for a regulation

Recital 65 b (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 349

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

Proposal for a regulation

Recital 65 c (new)

Text proposed by the Commission

Amendment

(65c) Article 52(1) of the Charter of Fundamental Rights states that any limitation on the exercise of rights and freedoms recognised by the Charter must be provided for by law and respect the essence of those rights and freedoms and be subject to the principle of proportionality. Limitations may be made only if they are necessary if they genuinely meet the objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others.

Or. en

Justification

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

Amendment 350

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

Proposal for a regulation

Recital 65 d (new)

Text proposed by the Commission

Amendment

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

^{1a} **REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016 on the protection of natural persons with**

***regard to the processing of personal data
and on the free movement of such data,
and repealing Directive 95/46/EC
(General Data Protection Regulation)***

Or. en

Justification

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

Amendment 351

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

Proposal for a regulation

Recital 65 e (new)

Text proposed by the Commission

Amendment

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

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

limitation’)”

Or. en

Justification

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

Amendment 352

Cornelia Ernst

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 353

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

Amendment

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

1. This Regulation, together with [Regulation 2018/xx on **accessibility** police and judicial cooperation, asylum and migration], establishes a framework to ensure the **better accessibility of** the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen Information System (SIS), and [the European Criminal Records Information System for third-country nationals (ECRIS-TCN)] in order **to search for persons in specific cases and under specific conditions based on their identity data or their fingerprint data**.

Or. en

Amendment 354

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

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 355

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 356

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

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation, together with [Regulation 2018/xx on interoperability police and judicial cooperation, asylum and

Amendment

1. This Regulation, together with [Regulation 2018/xx on interoperability police and judicial cooperation, asylum and

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

migration], establishes a framework to ensure the interoperability between the Entry/Exit System (EES), the Visa Information System (VIS), [the European Travel Information and Authorisation System (ETIAS)], Eurodac, the Schengen Information System (SIS), and [the European Criminal Records Information System for third-country nationals (ECRIS-TCN)] in order for those systems and data *contained in those systems* to supplement each other.

Or. en

Amendment 357
Cornelia Ernst

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

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

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

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

Amendment 359

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 2 – point c

Text proposed by the Commission

Amendment

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

Or. en

Amendment 360

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 2 – point d

Text proposed by the Commission

Amendment

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

Or. en

Amendment 361

Cornelia Ernst

Proposal for a regulation

Article 1 – paragraph 2 – point d

Text proposed by the Commission

Amendment

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

Or. en

Amendment 362

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 363

Cornelia Ernst

Proposal for a regulation

Article 1 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 364

Cornelia Ernst

Proposal for a regulation

Article 1 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 365

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 1 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 366

Bodil Valero

Proposal for a regulation

Article 1 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 367

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 1 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 368

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

Proposal for a regulation

Article 2 – paragraph 1 – introductory part

Text proposed by the Commission

1. By ensuring interoperability, this Regulation shall ***have the following*** objectives:

Amendment

1. By ensuring interoperability, ***the purpose of*** this Regulation shall ***be to support the*** objectives ***referred to respectively in Article 6 of Regulation (EU) 2017/226; Articles 2 and 3 of Regulation (EC) No 767/2008; Article 4 of Regulation (EU) 2018/xxx [ETIAS Regulation]; Article 1 of Regulation (EU) No 603/2013; Article 1 of Regulation (EU) 2018/xxx [on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation]; Article 1 of Regulation (EU) 2018/xxx [on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks]; Article 3 of Regulation (EU) 2018/xxx [on the use of the Schengen Information System for the return of illegally-staying third-country nationals], and Article 2 of [the ECRIS-TCN] Regulation; and in particular:***

Or. en

Justification

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

Amendment 369

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

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

Text proposed by the Commission

(a) to *improve the management of* the external borders;

Amendment

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

Or. en

Amendment 370
Bodil Valero

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

Text proposed by the Commission

(a) to improve the *management of* the external borders;

Amendment

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

Or. en

Amendment 371
Cornelia Ernst

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

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 372
Bodil Valero

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

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 373

Bodil Valero

Proposal for a regulation

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 374

Cornelia Ernst

Proposal for a regulation

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 375
Cornelia Ernst

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 376
Bodil Valero

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 377

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

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 378

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 2 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 379

Bodil Valero

Proposal for a regulation

Article 2 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 380

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

Proposal for a regulation

Article 2 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. *The objectives of ensuring*

2. *Those* objectives shall be achieved

interoperability shall be achieved by: by:

Or. en

Amendment 381

Cornelia Ernst

Proposal for a regulation

Article 2 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) *ensuring the correct identification of persons;* *deleted*

Or. en

Amendment 382

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

Proposal for a regulation

Article 2 – paragraph 2 – point a

Text proposed by the Commission

Amendment

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

Or. en

Amendment 383

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 2 – paragraph 2 – point a

Text proposed by the Commission

Amendment

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

Or. en

Amendment 384

Cornelia Ernst

Proposal for a regulation

Article 2 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) contributing to *fighting* identity fraud;

deleted

Or. en

Amendment 385

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

Proposal for a regulation

Article 2 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) contributing to *fighting* identity fraud;

(b) contributing to *combating* identity fraud;

Or. en

Amendment 386

Bodil Valero

Proposal for a regulation

Article 2 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) improving and harmonising data quality requirements of the respective EU information systems;

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

Or. en

Amendment 387

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

Proposal for a regulation

Article 2 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 388

Bodil Valero

Proposal for a regulation

Article 2 – paragraph 2 – point d

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 389

Sophia in 't Veld

Proposal for a regulation

Article 2 – paragraph 2 – point e

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 390

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

Proposal for a regulation

Article 2 – paragraph 2 – point e

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 391

Bodil Valero

Proposal for a regulation

Article 2 – paragraph 2 – point e

Text proposed by the Commission

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

Amendment

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

Amendment 392

Cornelia Ernst

Proposal for a regulation

Article 2 – paragraph 2 – point e

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 393

Cornelia Ernst

Proposal for a regulation

Article 2 – paragraph 2 – point f

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 394

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

Proposal for a regulation

Article 2 – paragraph 2 – point f

Text proposed by the Commission

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

Amendment

(f) *ensuring the necessary and proportionate* conditions for law enforcement access to the EES, the VIS,

[the ETIAS] and Eurodac;

Or. en

Amendment 395

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 2 – paragraph 2 – point f

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 396

Bodil Valero

Proposal for a regulation

Article 2 – paragraph 2 – point f

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 397

Cornelia Ernst

Proposal for a regulation

Article 2 – paragraph 2 – point g

Text proposed by the Commission

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

Amendment

(g) supporting the purposes of the EES, the VIS, [the ETIAS] **and** the SIS.

Amendment 398

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 2 – paragraph 2 – point g a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 399

Cornelia Ernst

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 400

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

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 401
Cornelia Ernst

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 402
Cornelia Ernst

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

Text proposed by the Commission

Amendment

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

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

unknown;

Or. en

Amendment 403

Bodil Valero

Proposal for a regulation

Article 4 – paragraph 1 – point 9

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 404

Cornelia Ernst

Proposal for a regulation

Article 4 – paragraph 1 – point 9

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 405

Bodil Valero

Proposal for a regulation

Article 4 – paragraph 1 – point 11

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 406

Bodil Valero

Proposal for a regulation

Article 4 – paragraph 1 – point 18

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 407

Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation

Article 4 – paragraph 1 – point 18

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 408

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

Proposal for a regulation

Article 4 – paragraph 1 – point 19

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

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

Amendment 409
Cornelia Ernst

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

Text proposed by the Commission

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

Amendment

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

Or. en

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

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 411

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

Proposal for a regulation

Article 4 – paragraph 1 – point 25

Text proposed by the Commission

(25) ‘terrorist offence’ means an offence *under national law which corresponds or is equivalent to one of the offences* referred to in Directive (EU) 2017/541;

Amendment

(25) ‘terrorist offence’ means an offence referred to in Directive (EU) 2017/541;

Or. en

Amendment 412

Bodil Valero

Proposal for a regulation

Article 4 – paragraph 1 – point 25

Text proposed by the Commission

(25) ‘terrorist offence’ means an offence *under national law which corresponds or is equivalent to one of the offences* referred to in Directive (EU) 2017/541;

Amendment

(25) ‘terrorist offence’ means an offence referred to in Directive (EU) 2017/541;

Or. en

Amendment 413

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

Proposal for a regulation

Article 4 – paragraph 1 – point 35

Text proposed by the Commission

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

Amendment

deleted

Justification

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

Amendment 414
Cornelia Ernst

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 415
Bodil Valero

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 416
Cornelia Ernst

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 417
Bodil Valero

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 418
Cornelia Ernst

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

Text proposed by the Commission

Amendment

(37) ‘CRRS’ means the central repository for reporting and statistics as referred to in Article 39. *deleted*

Or. en

Amendment 419
Bodil Valero

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

Text proposed by the Commission

Amendment

(37) ‘CRRS’ means the central repository for reporting and statistics as referred to in Article 39. *deleted*

Amendment 420

Bodil Valero

Proposal for a regulation

Article 5 – title

Text proposed by the Commission

Amendment

Non-discrimination

Fundamental Rights

Amendment 421

Sophia in 't Veld

Proposal for a regulation

Article 5 – title

Text proposed by the Commission

Amendment

Non-discrimination

Fundamental rights

Amendment 422

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

Proposal for a regulation

Article 5 – title

Text proposed by the Commission

Amendment

5 Non-discrimination

5 *Fundamental Rights and* Non-discrimination

Amendment 423

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

Proposal for a regulation
Article 5 – title

Text proposed by the Commission

Amendment

Non-discrimination

Non-discrimination *and fundamental rights*

Or. en

Amendment 424
Bodil Valero

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

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

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

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

Or. en

Amendment 425

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

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 426

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

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

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

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

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

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

Or. en

Justification

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

Amendment 427
Sophia in 't Veld

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

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

Amendment

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

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

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

Or. en

Amendment 428
Cornelia Ernst

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

Processing of personal data for the purposes of this Regulation shall not result in discrimination against persons on any grounds such as sex, racial *or* ethnic origin, religion or belief, disability, age or sexual

Amendment

Processing of personal data for the purposes of this Regulation shall not result in discrimination against persons on any grounds such as sex, *social*, racial or ethnic origin, religion or belief, disability, age or

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

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

Or. en

Amendment 429

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

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

One year after to the date of entry into force of this legislation, the Commission shall conduct an ex-post evaluation which aims at assessing the impact of interoperability on the right to non-discrimination

Or. en

Justification

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

Amendment 430

Cornelia Ernst

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

To this end, no biometric data of children, elderly and persons with disabilities shall be processed.

Amendment 431
Péter Niedermüller

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 432
Bodil Valero

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

Amendment

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

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

ETIAS], Eurodac, the SIS, [the ECRIS-TCN system] and the Europol data.

VIS,[the ETIAS], Eurodac, the SIS, [the ECRIS-TCN system] and the Europol data.

Or. en

Amendment 433

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

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 434

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

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

1. A European search portal (ESP) is

Amendment

1. A European search portal (ESP) is

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

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

Or. en

Amendment 435
Cornelia Ernst

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 436
Bodil Valero

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

Text proposed by the Commission

(c) a secure communication

Amendment

(c) a secure communication

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

infrastructure between the ESP and the EES, the VIS, [the ETIAS], Eurodac, the Central-SIS, [the ECRIS-TCN system], the Europol data and the Interpol databases.

Or. en

Amendment 437

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

Proposal for a regulation

Article 6 – paragraph 2 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 438

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

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

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

Amendment 439

Cornelia Ernst

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 440

Bodil Valero

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. The use of the ESP shall be reserved to the Member State authorities and EU ***bodies*** having access to the EES,

1. The use of the ESP shall be reserved to the Member State authorities and EU ***agencies*** having access to the

[the ETIAS], the VIS, the SIS, Eurodac and [the ECRIS-TCN system], **to the CIR and the multiple-identity detector** as well as the Europol data and the Interpol databases in accordance with Union or national law governing such access.

EES,[the ETIAS], the VIS, the SIS, Eurodac and [the ECRIS-TCN system], as well as the Europol data and the Interpol databases in accordance with Union or national law governing such access.

Or. en

Amendment 441

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

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 442

Bodil Valero

Proposal for a regulation Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Those Member State authorities and Union agencies may make use of the ESP and the data provided by it only for the objectives and purposes laid down in the legal instruments governing those Union information systems and in this Regulation, and only in specific cases

where they have factual indications that a person is registered in one of the systems and the information about this is necessary for solving a specific on-going situation or facilitating a criminal investigation. They shall not use the ESP for systematic checks of large groups of persons.

Or. en

Amendment 443

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

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 444

Cornelia Ernst

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The authorities referred to in paragraph 1 shall use the ESP to search data related to persons or their travel documents in the central systems of the EES, the VIS and [the ETIAS] in accordance with their access rights under Union and national law.

Or. en

Amendment 445
Bodil Valero

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The authorities referred to in paragraph 1 shall use the ESP to search data related to persons or their travel documents in the central systems of the EES, the VIS and [the ETIAS] in accordance with their access rights under Union and national law.

Or. en

Amendment 446
Péter Niedermüller, Miriam Dalli, Cécile Kashetu Kyenge, Tanja Fajon, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 447
Bodil Valero

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 448
Sophia in 't Veld

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 449

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

**Proposal for a regulation
Article 7 – paragraph 5**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 450

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

**Proposal for a regulation
Article 7 – paragraph 5 a (new)**

Text proposed by the Commission

Amendment

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

Or. en

Justification

Data Protection Safeguard

**Amendment 451
Bodil Valero**

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 452
Cornelia Ernst

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 453
Monika Hohlmeier, Heinz K. Becker

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 454

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

Proposal for a regulation

Article 8 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 455

Sophia in 't Veld

Proposal for a regulation

Article 8 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the purpose of the query

Or. en

Amendment 456

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

Proposal for a regulation

Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. eu-LISA shall review regularly – and at least once a year after their creation - the user profiles referred to in paragraph one, and shall update and

delete those profiles where necessary.

Or. en

Justification

In accordance with the recommendations of the European Data Protection Supervisor, eu-LISA should not only create profiles but also review and amend them.

Amendment 457
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 458
Cornelia Ernst

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 459

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

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 460

Bodil Valero

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 461
Sophia in 't Veld

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 462
Bodil Valero

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The fields of data used to launch a query via the ESP shall correspond to the fields of data related to persons or travel documents that may be used to query the various EU information systems, the Europol data and the Interpol databases in accordance with the legal instruments governing them. ***An additional data field shall require the mandatory entering of the specific purpose of the query. For queries in the context of the prevention, detection or investigation of terrorist offences or other serious criminal***

offences, the case reference shall be required.

Or. en

Amendment 463

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

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 464

Cornelia Ernst

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 465

Bodil Valero

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 466

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

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 467

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

Proposal for a regulation

Article 9 – paragraph 5

Text proposed by the Commission

Amendment

5. When querying the Interpol databases, the design of the ESP shall ensure that the data used by the user of the ESP to launch a query is not shared with the owners of Interpol data.

5. When querying the Interpol databases, the design of the ESP shall ensure that the data used by the user of the ESP to launch a query ***or any other data***, is not shared with the owners of Interpol data. ***As regards to data on individuals registered in Eurodac, it must be ensured that the database owner does not receive information on whether their databases have been queried through the ESP.***

Or. en

Justification

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

Amendment 468
Bodil Valero

Proposal for a regulation
Article 9 – paragraph 5

Text proposed by the Commission

Amendment

5. When querying the Interpol databases, the design of the ESP shall ensure that the data used by the user of the ESP to launch a query is not shared with the owners of Interpol data.

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

Or. en